

First of all I wish to thank our Maltese friends at the Foundation for International Studies for having organized, together with us, this conference. I particularly wish to thank the Prime Minister, Alfred Sant, the Minister of Foreign Affairs, who is with us today, George Vella, who, together with the Rector of the University, Roger Ellul Micallef and the European Commissioner Emma Bonino, have kindly accepted to open our meeting. Lastly, naturally, I thank all of you for having participated and particularly for the high quality of your contributions.

At the conclusion of this meeting, however, it seems important to me to stress a message common in all the papers given at this conference. This is the need to be reasonable as well as to proceed with the greatest urgency. It seems to be a contradiction, a paradox. But I do not think so. Today it seems possible to us that a certain reasonableness be achieved in the language of the preparatory drafts of the statute. It seems possible to reach compromise solutions regarding inherent jurisdiction of the complementary integral mechanism. Reasonable compromise solutions which however cannot hide the precedence of limited, although exact, international jurisdiction. As well as a reasonable conditional renunciation of national jurisdiction, limited here as well to the exceptional crimes under consideration. Moreover it seems possible to reach a considerable number of acceptances: thirty, fifty countries make up almost a third of the members of the United Nations. If you recall the situation of certain treaties, for example those about torture or human rights, you will find that after a quarter of a century there still is, on the whole, a very limited number of countries which have signed these treaties. A good start will be one with a reasonable number, even though this will not be a large number, of countries which will sign these treaties.

Today all this appears possible. The impossible has become a number of reasonable things taken as a whole. The problem is not really to have a perfect Court, but having a Court which will start to operate with urgency and effectively on crimes which, at this point in time, can be considered the least common denominator of a great

number of states, as the last meeting of the Preparatory Committee has in some way demonstrated.

Before us we have a United Nations' agenda which is very demanding, which includes a debate of the sixth Committee of the 52nd Assembly of the UN, the Third Session of the Preparatory Committee planned for December, and finally the resolution of the General Assembly which should confirm the calling of and the rules which would govern the Diplomatic Conference planned for June in Rome. On this, Professor Bassiouni is right, and he was right yesterday when he insisted that the work of the preparatory committee is today marked by, on the whole, a state of constructive confusion, and that this confusion could hold back substantially the work of the committee. In this way it becomes realistic to think of how to gain time by using the experts of the Preparatory Committee, perhaps with the contribution and support of non-governmental organizations. All in all, if it will not be possible to move from a consolidated compilation of documents to a consolidated text, it will be difficult to get to Rome next June.

Here I wish to make a digression to stress the enormous amount of work that has been done in the last ten years by some non-governmental organizations and by some forerunners belonging to the academic environment. There are some of them here today, others we shall be meeting in the other conferences. Particular credit is due to Bill Pace, the convenor of the NGO coalition for the International Court. The work that has been done, the continuous lobbying, the continuous pressure in all the places where work has been going on to create this important machinery for international justice - the NGO Coalition for an International Criminal Court has been a very important element in all this. So much so that today we are thinking in an absolutely exceptional manner of allowing non-governmental organizations to participate, in a rather limited way, in the sessions of the Diplomatic Conference of Plenipotentiaries, with observer status. It is an absolute novelty, but which is probably a credit to the energetic collaboration which the NGOs have given.

The same goes for the academic community, starting with the first ones, in this case Professor Bassiouni, and Benjamin Ferenz, who for fifty years, on their own, have been striving to promote this debate within the framework of the United Nations and in a wider sense in the Academic world. To these people must go our heartfelt thanks, as Secretary of the "There's no Peace without Justice"; special thanks must go to the Open Society Institute of New York and to the European Union for the funds which they have invested in this

Campaign for the Institution of the 1997/98 Court of "There's no Peace without Justice".

To go back to the topic, one must say that there is a particular reason for the urgency with which it is necessary to overcome all the obstacles and create the Permanent International Court. It is urgent because it can be an effective deterrent to the massacres and crimes that are now being perpetrated, as well as those of the future. The dilemma is always the same one: it is either urgent or it is not! In this regard it must be stressed that among the circumstances, the exceptional concurrent events which in the last four or five years have helped the process of the constitution of the Court to move impressively faster, there are also small concrete elements which are intelligently pragmatic on the preparatory committees, on the fixing of dates, on the willingness to host the conference and to obtain the necessary funds for it. If one compares the importance of the topics with the "technical and scientific" debate they do not seem much, but it was these elements which made all the difference.

The same concreteness can be seen in today's request to keep the planned date: June 1998 in Rome, above all the request to be given five or six weeks' time to conclude the proceedings. The impression is that if the time-wasting tactics and the opposition of many countries will not be overcome, the Diplomatic Conference for the Institution of the Court will not be in a position to conclude its work in four or six weeks, with the approval of the Statute, and that the discussion could reopen and start all over again wasting the efforts of fifty years.

It also seems to us that the remaining obstacles cannot be overcome unless a strong political leadership is established, which is at present lacking, and which would lead the process of the institution of the International Court in the next six or eight months.

Only a great mobilization of public opinion world-wide and of the civil society which could bear strong pressure on governments and parliaments in the majority of the member-states of the United Nations can be, in our opinion, an effective instrument to overcome the last strong resistance. For the first time we are facing the possibility of a form of justice which does not only belong to the victors, as in the case of the *ad hoc* court on Yugoslavia. This opportunity must not be missed. It is necessary to conquer for the next millennium an important segment of international law, of international jurisdiction and of international justice.