CONCEPT NOTE

United Nations Security Council Arria-formula meeting cosponsored by Albania, Ecuador, Gabon, Ghana, France, Japan, Malta, Mexico, Norway, Switzerland, United Kingdom
20th anniversary of the entry into force of the Rome Statute: reflections on the relationship between the International Criminal Court and the Security Council

Date: 10AM, 24 June 2022
Location: ECOSOC Chamber, UN Headquarters.
Format: The meeting will take place in-person with the possibility for virtual participation by briefers.

Introduction

The Rome Statute, the founding treaty for the International Criminal Court, was adopted on 17 July 1998 by 120 States and entered into force on 1 July 2002, the date on which the Court became operational.

The preamble to the Rome Statute underlined that atrocity crimes constitute a threat to “the peace, security and well-being of the world.” The Security Council, as the principal organ tasked with maintaining international peace and security, was endowed by the Rome Statute with the ability to refer matters to the Court, further extending the Court’s jurisdiction. The mandates of these two bodies – the ICC’s pursuit of individual criminal accountability and the Council’s role in maintaining peace and security – are mutually reinforcing.
It is therefore regrettable that the Council’s powers have never reached their full potential, primarily because the use or threat of the veto power of the permanent members has blocked or prevented the Security Council from referring situations to the Court, even in the face of atrocity crimes. In the twenty years since the Rome Statute entered into force, only two situations have been referred to the Court by the Council, namely Darfur and Libya. Despite ever-greater calls for the Council to ensure there is no impunity for most serious crimes of international concern, the Council has been unable to refer a number of notable country situations.

The upcoming anniversary enables us to reflect on the evolving relationship between these two bodies and consider the obstacles to more meaningful cooperation in the exercise of their respective but complementary mandates.

In 2012, the Security Council held its first Open Debate on the role of the International Criminal Court. A second Open Debate took place in October 2014 on the constructive role the Council can play in support of the exercise of the Office of the Prosecutor’s independent mandate. This meeting is the first Arria-formula meeting on the International Criminal Court since 2018 when the Netherlands organised a meeting on the relationship between the Security Council and the ICC.

In the lead up to the 20th Anniversary of the entry into force of the Rome Statute, this meeting provides an opportunity for States to re-state their commitment to the Rome Statute, consider the way in which the Court can contribute to accountability and the fight against impunity, and call for universality, by highlighting achievements of the Court since 2002, including its contribution to improving compliance with international human rights law and international humanitarian law, and showcasing the impact of accountability for victims.

**Objectives and focus of meeting:**

Participants are encouraged to focus their interventions on the following areas:

- The relationship between the UNSC and the International Criminal Court, including considering how to improve the current relationship for instance by inviting Court representatives to participate in Council meetings discussing relevant country-specific or thematic issues.

- Consideration of existing Security Council referrals to the ICC and how best to support these through, for example, appropriate funding for situations referred to the Court by the Council; follow-up by the Council of instances of non-cooperation and non-enforcement of arrest warrants; tasking of UN peacekeeping or peacebuilding missions operating in ICC situations and the imposition of targeted sanctions.

- Identifying and reflecting on the obstacles to Security Council referrals under Chapter VII of the Charter of the United Nations;

- Considering alternatives to Security Council action, including where referrals to the Court have been blocked by the use of the veto or the threat of the use of the veto;

- How best to promote universal ratification of the Rome Statute.
Meeting Programme:

Chair: **H.E. Ms. Geraldine Byrne Nason**, Permanent Representative of Ireland to the United Nations

Briefers:

- **Karim Khan**, ICC Prosecutor
- **Liz Evenson**, Director of the CICC Secretariat
- Additional briefers to be announced

This Arria is open for participation by all Member States and Permanent Observers. Following opening remarks by the Permanent Representative of Ireland, briefers will be invited to make their statements. This will be followed by interventions and questions by Members of the Security Council. The floor will then be opened to other Member States.

To facilitate participation by as many Member States as possible, interventions should not exceed three minutes. To inscribe on the speakers’ list and deliver a statement, please send the Member State’s name and the name and title of the speaker to pmun.events@dfa.ie by 12PM on 23 June with the subject line: “ICC Security Council Arria meeting.”

TBC: Interpretation will be provided and the meeting will be broadcast on UN Web TV.

Anticipated outcome: A Chair’s summary of the meeting.