

CLOSING SESSION

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In 1936, an unknown British adventurer, and former pilot from the First World War - a man by the name of Cecil Lewis - published what was to be a classic book entitled **Sagittarius Rising**: essentially a thoughtful recollection of the author's wartime experiences. In one passage, Lewis makes reference to the inevitability of violence, war, and its attendant miseries: an inevitability brought on by what he called "the invincibility of man's stupidity". It is of course a rather grim and cynical perspective of the human political condition: one which may well be considered extreme by many of us - at least as a general assertion - but few would disagree that countless, shameful, stretches of human history are fettered with human stupidity.

The creation of an international criminal court, perhaps the most sane international undertaking since the establishment of the United Nations itself, is a profound challenge to Lewis's assertion. Here we have a great opportunity to prove Lewis wrong: that our stupidity is not invincible but permeable; that we can forge a credible juridical deterrent to those who contemplate genocide, or other grave breaches of international humanitarian law or, if deterrence fails, that we can, in bringing a case against those believed to be culpable before an international criminal court, reveal the truth - as Professor Schabas rightly asserted - and afford some measure of justice to the victims. In doing so, we also succeed ourselves in overcoming, once and for all, those narrower, political, interests that have hitherto beset our efforts to advance the cause of justice.

Our efforts are therefore crucial and perhaps now we can allow ourselves to be cautiously optimistic that a court will, in one form or another, be established in due course, one which we hope will be credible and will enjoy broad official support.

Using the court - in the first instance - and using good faith - in the second - will be the next challenge to confront the international community, as Professor Dinstein made clear.

Unless we are careful, and mature in our thinking, and responsible, Lewis's belief in the "invincibility of our stupidity" may still come back to haunt us and, like some face mask from a carnival, laugh mockingly at our noble effort, and insult us for having been so naive, so moral. Let us all pray this does not happen.

Finally, while accepting the force and realistic character of the arguments presented by Professors Clark and Dinstein, as well as by Mr Ruxton, we should not overlook Professor Bassiouni's underscoring of the simple educational or psychological impact the creation of a court will have on people. It could unlock, or initiate, subtle, psychological - almost hidden - processes, that accumulate and, over time, culminate in an eventual modification of circumstances. Or, to quote Hammarskjold: "Never measure the height of a mountain until you have reached the top. Then you will see how low it was". Not only is the climbing, in and by itself, a crucial experience but also it is unwise - and here I speak as a historian - to dismiss out of hand the role of the unforeseen, perhaps the greatest protagonist of history. Certainly, the capture of Karadzic is no impossibility - should it occur, it may well release a momentum that will demolish what initially had appeared to be a daunting series of obstacles.