

Excellencies, Distinguished Participants, Ladies and Gentlemen,

For these last two days the maxim 'peace through justice' has been echoed throughout this Conference by each and every speaker. Indeed, in a tranquil and relaxed atmosphere, all those that have participated in this important dialogue, have been able to discuss and deliberate as well as exchange views and experiences that will contribute, in a structured and clear manner, towards the process started nearly fifty years ago when the United Nations General Assembly asked the International Law Commission to establish a permanent international criminal court.

I have been told that the discussions that have been held, the presentations, and the various interventions, have all been of a very high level, and that one could sense that there was a lot of preparation judging by the quality and high level of the presented material and of the debate. Above all I understand that the debate was frank, open and spontaneous, containing many new and fresh ideas on the subject of this conference.

For nearly five decades, the international community seemed to be ambivalent to the sufferings of millions of people around the world, victims of repression, genocide, war crimes and crimes against humanity. Perpetrators of atrocious crimes have gone unpunished. Those who have committed atrocities against innocent people and against vulnerable groups of our societies, could not be brought to justice.

The participation of politicians, diplomats, students, non-governmental bodies as well as independent experts in this ongoing debate has enriched the discussion and helped bring out the salient points, in favour and against the setting up of this International Criminal Court. Besides, all along, this discussion has continued to reveal how much we all depend on one another, particularly on issues that touch the lives of millions of the earth's inhabitants.

The arguments brought in favour and against the establishment of an International Criminal Court are intriguing since this involves the creation of a new world body. The discussion at the United Nations has shown that there still exist marked divergencies of views,

that if not resolved, will block any move forwards. Commissioner Emma Bonino, in her address at the opening of this Conference stated that the countdown to the Diplomatic Conference next year, starts here in Malta. Indeed, with the conclusion of our deliberations today, we can safely say that the countdown has started. All of you, distinguished participants, have a crucial role to play in pushing forward this initiative. We have to convince our Governments to give their full support and to urge their representatives at the United Nations to ensure that a final decision be taken to bring the discussions and negotiations on the Draft Statute of the Court to a positive conclusion.

I feel the forthcoming United Nations General Assembly should lift the conditionality it posed in its resolution of December 1996, so that the Diplomatic Conference to set up the Court should be convened in June 1998.

Many participants here have, in their well-researched papers and learned interventions, referred to the tragic situations which have beset countries like the former Yugoslavia, Rwanda, Somalia, Cambodia and other countries.

Many have hailed the setting up by the United Nations Security Council of the two ad hoc International Tribunals for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia and in the Territory of Rwanda, as a concrete development in this respect. We have also heard that although these tribunals are only a stop-gap measure aimed at solving specific contemporary problems, they are neither permanent nor global in scope. At the same time their establishment is tantamount to an expression of the collective international will to assert the rule of law and to uphold the principle that certain minimum standards of behaviour should be observed even under the most acute, tense and difficult political situations.

The recurrence of war crimes and crimes against humanity over the last five to ten years has added a new sense of urgency for the creation of an international criminal court. The establishment of a permanent international court would not by itself solve all problems, but it could and can provide a framework for deterrence. It could prove to be an essential tool in preventing gross violations of international humanitarian law. Bringing perpetrators to justice sends a clear message that crimes against humanity and similar serious crimes will not be tolerated and that persons committing such acts will be held accountable and will be brought to justice. The Court will be a vehicle for justice and, as such, would serve as

an indispensable tool to effect reconciliation after the commission of barbaric atrocities. Otherwise wounds will remain, open and unhealed, a stark reminder of a past which keeps encroaching on the present and possibly also the future.

It is rather sad to realise that today, on the threshold of the new millennium, war crimes, genocide and crimes against humanity are still being perpetrated in various parts around the world, and as we do not have the necessary legal judicial structures, some perpetrators remain unpunished. However, in today's global village, criminal acts are instantaneously transmitted throughout the four corners of the world and flashed on the silverscreens in our drawing rooms and offices. Public opinion is being increasingly mobilised and is becoming more vociferous in its calls that the perpetrators of these crimes be brought to justice. The international community faced with such awareness and such reaction has to respond immediately to these calls. Such a response has to be efficient and convincing, to be psychologically satisfying.

There are limits to what the law can achieve. The law needs the clear will of all States to investigate, prosecute and punish war crimes for the effective workings of this Court. The setting up of this Court would be a landmark development towards the creation of a balanced and effective system aimed at ensuring that international crimes, especially massive violations of the basic fundamental human rights, do not remain unpunished. The creation of an effectively operating International Criminal Court will not only serve to ensure punishment, but will also remove that sense of impunity which has unfortunately characterised these types of international crimes in the past, and will serve as a powerful deterrent against the commission of such violations in the future.

Malta subscribes and agrees to the establishment of such an International Criminal Court. As a small country, the establishment of this Court is a reassurance that countries like Malta can benefit from and have recourse to an international system that asserts the rule of law and upholds minimum standards of human behaviour. This position converges with the foreign policy of the Government of Malta which is based on the upholding and protection of fundamental human rights, on the promotion of peaceful means for the settlement of disputes and on a policy which opposes military aggression.

Malta has consistently promoted these principles by advancing initiatives which have as their principal objective the well-being of humankind. The hosting of this Conference in Malta is in itself a



clear indication and commitment of Malta's active interest in the process leading to the forthcoming Diplomatic Conference in Italy next year, where hopefully a landmark political decision will be taken to set up an International Criminal Court.

During these last years, Malta has been closely following the work of the Preparatory Committee set up by the General Assembly, where it has constantly supported positions that would contribute to the creation of a fair and effective International Criminal Court, a Court which would be a reflection of the need to achieve an effective balance between on the one hand the respect for the sovereignty of States, and on the other hand, the need to ensure that International Criminal Law is respected.

Malta, together with all like-minded States, including the European Union, will therefore continue to work assiduously, to ensure that the target date for the Conference in June 1998 is honoured and to ensure that the discussions in the Preparatory Committee on the establishment of the Court, come to a successful end. Malta will also be ready to work closely with all delegations concerned so that the Sixth Committee of the 52nd Session of the General Assembly will adopt an appropriate resolution that will garner the necessary consensus on this issue.

The Government of Malta earnestly hopes that consensus is achieved on this particularly important topic in time for the Diplomatic Conference next June in Italy, and that such a consensus would lead to the establishment of a fair and effective system of international criminal justice.

I would not like to bring this successful and fruitful Conference to a close without first thanking the mentor of this initiative, EU Commissioner Emma Bonino, for her drive and her role in advancing the establishment of a permanent international criminal court as a concrete manifestation of her maxim "no peace without justice". Her participation here in Malta fills us with encouragement to proceed with Malta's vocation as a Euro-Mediterranean rendezvous, where issues of transnational importance could be debated and moulded in this small country of ours.

The choice of Malta as the venue for the first in a series of conferences at regional level, to mobilise public opinion and decision making classes, is in itself a vote of confidence in our country. The holding of this conference here in Malta reaffirms our belief in Malta's natural vocation as a harbinger of peace and stability in the Mediterranean region.

My government strongly believes in maximising the potential of

Malta's geopolitical status, and grabs every opportunity to prove its readiness to take concrete steps such as today's conference, to help contribute towards the greater stability of the Mediterranean itself.

I would also like to thank the Organisers, the 'No peace without justice' Forum and the University of Malta for providing us - Parliamentarians, independent experts, diplomats, the judiciary, and all interested persons - with the unique opportunity to contribute in a valid and open manner to the on-going discussion in favour of the setting up of the International Criminal Court. A special thank you should go to the media for the excellent coverage they have given to this event.

To you ladies and gentlemen, I wish you all a safe journey back to your homes and your families, whilst congratulating you on your commitment to the establishment of the rule of law around the globe.

The fifty-year dream of an International Court of Justice is becoming a reality. Together with all of you Malta is proud to be contributing to the realisation of this dream.