

ICC Election Offers Thrills and Spills

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Election of judges to the international criminal court is improbable show-stopper.

Here is a story with thrills, spills, tears and laughter, plus a happy ending.

On the face of it, the election last week in New York of judges for the International Criminal Court, ICC, would seem like a fairly dull affair. But nothing could be further from the truth.

Shock number one came with the first round of voting. The big four nations – Britain, France, Germany and Italy – had expected their candidates to win comfortably. But none did.

And just as surprisingly six of the seven candidates were women – a remarkable development because, traditionally, while international tribunals are fond of proclaiming the importance of equality – they don't really practice what they preach.

For instance, the war crimes tribunal has only a handful of female judges and the International Court of Justice has just one.

The ICC had decided to beat this by imposing a minimum quota for women.

And it worked well - almost too well. The chairman, Zeid Ra'ad Al Hussein caused laughter by saying there was a minimum quota for men in the second round of voting. He was not joking.

"Historic," exclaimed Vahida Nainar of the Women's Caucus for Gender Justice. "It's the first time for international courts."

The top two places went to Ireland's Maureen Clark and Mali's Fatoumata Diarra, both already judges at The Hague tribunal.

Not everyone was happy. The delegations from the big powers, shocked to be excluded, muttered that some of the women were unsuitable, "Its all very well to have women in place, but you also need good judges," complained one official – who was female.

Next, the developing world representatives decided that Western Europe had been too arrogant. It would have to be punished.

Round three saw the candidate for Trinidad and Tobago elected. This was considered appropriate – it was Trinidad and Tobago that had begun the process of forming the ICC, when in 1989 they asked for a world court to deal with drug trafficking.

The irony is, of course, that now, 14 years later, they have the court – but it does not have the power to rule on drug trafficking.

Round four saw victory for Canada, Cyprus and Finland, but there was still no luck for the major players.

Only in round nine, with voting deadlocked and the timetable shattered, did Britain and Germany finally get their people in place, along with Latvia and its highly rated candidate Anita Usacka.

The spotlight now fell on France, which was sponsoring none other than Claude Jorda, the current president of The Hague tribunal.

For the French judge not to be elected was unthinkable. But he was suffering for the image of his country - and that of Western Europe - in the minds of the other delegates.

The French delegation, it was agreed, had been too confident at the start.

There were other squabbles. The Africans tried to agree to pool resources, but neither Nigeria nor Senegal would give way. Meanwhile, eastern Europeans suggested rallying to support Croatia, but the Poles were unhappy with this.

To rub salt in the wound, the media ignored the event: about 500 journalists were in the building, but all were upstairs, watching US Secretary of State Colin Powell talking about Iraq.

The New York Times was one of the few papers to bother covering the ICC event - but then made the mistake of saying it was a United Nations court.

Although the gathering was being held at the organisation's headquarters, the ICC is a completely separate body.

The only happy faces were those of the human rights groups, whose mostly young activists sat eagerly watching the event from the gallery above the conference hall.

For them, the politics of the election did not matter. They were just happy that after so many years of waiting, the international court was at last a reality.

"You have a sense of being part of history," said Adele Waugaman of the Coalition for the ICC.

The election dragged on into Friday. One by one the last places were filled.

By now the building was empty. The coffee bar was closed, the translators had gone home and the main doors were locked. I half expected a security guard to turn up with a bunch of keys, asking if we could remember to turn the lights off on our way out.

By now, there were now three candidates fighting for a single remaining place.

Jorda was up against two other judges with outstanding reputations, although there were problems with each of their candidatures.

Nigerian Adolphus Karibi-Whyte, another Hague tribunal judge, was famous for being caught on TV apparently taking a snooze while presiding over a trial.

And Croatian Ivo Josipovic's government is currently defying orders from The Hague to hand over two former generals indicted for war crimes.

Zagreb had a hard time promising it will support the rules of one war crimes court while it is busy ignoring the rules of another.

Finally, in round 33, the Croatians threw in the towel, withdrawing their candidate. Jorda picked up most of the spare votes, and was elected to a huge sigh of relief from the delegates of the 87 member nations.

And so to the happy ending. As candidates and delegates made their way home, it became clear that all the arguing and chaos had produced a very good panel of judges.

These 18 names include representatives from different parts of the world, different legal systems, and of course different sexes.

And, in the end, even the Big Four got places. Because while it was fun to watch the big European states suffer a little humiliation, it was also important that the ICC included experienced hands such as Jorda.

Britain and France are vital for other reasons too. They pay most of the bills. They are permanent members of the Security Council. And they are the only nations likely to send commandos to arrest ICC suspects.

The last word goes to Sam Muller, the ICC's deputy director of common services, who left with a smile on his face. "The train has left the station," he told me. "We've got a court. We've got a good budget. And now we've got a bench."

Judges List.

Rene Blattmann, Bolivia

Maureen Clark, Ireland

Fatoumata Diarra, Mali

Adrian Fulford, United Kingdom

Karl Hudson-Phillips, Trinidad and Tobago

Claude Jorda, France

Hans-Peter Kaul, Germany

Philippe Kirsch, Canada

Erkki Kourula, Finland

Akua Kuenyehia, Ghana

Elizabeth Odio Benito, Costa Rica

Gheorghios Pikis, Cyprus

Navanethem Pillay, South Africa

Mauro Politi, Italy

Tuiloma Slade, Samoa

Sang-hyun Song, Republic of Korea

Sylvia Steiner, Brazil

Anita Usacka, Latvia

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