

WILLIAM PACE: Thank you.

Taking the floor again, this time actually more in a personal capacity than my first intervention.

On the issue of preventive impact and prevention, I wanted to respectfully disagree with framing the issue that the absence of trials would equal success. I think that there are real problems with saying that, in trying to frame it this way with not only the public and the media but with the Assembly of States Parties and with reality. I don't think that there will be an absence of trials, and I don't think the fact that there are trials, we should see that as not success. I note some of the leadership in the judges' chambers also frame it this way, and I just think that it should be reconsidered.

I think the CC's -- the preparedness can contribute to broader areas of conflict prevention and protection of civilians and even the containment of conflicts. Conflict convention, including the threats of judicial interventions, however, will on occasions lead to more serious conflicts and to both non-military and military interventions. And I think the international community needs to be aware that as we increase our capacities for preventing conflict, it doesn't mean that we're therefore going to have less. Indeed, I think that early interventions will, in fact, increase some of the dangers instead of having citizens remain imprisoned and suffering their governments for many, many years as has been the case for most of the last hundred years or so.

The relationship between peace and justice and the arguments that you can't have justice until you -- or implement justice until you have peace, and arguments the other way, but this relationship I think between peace and justice will be examined and tested now as never before in these next 10 or 20 years.

For all these reasons, I would like to take what I think may not

be a conventional view and that is that you should take time and patience in setting up the Office of the Prosecutor and implementing a global strategy; that it's more important to get it right than it is to get it quick. We know that there's pressures for you to begin the show immediately, that you're out there prosecuting and delivering, but my own, again personal, belief is that that is not the wisest advice; that you should resist that pressure and make certain that you have as complete an infrastructure and system in place as possible that will allow you actually then to deliver justice.

In this censure, something like the ad hoc tribunals, it's going to take many, many months to build up the Office and the capacities of the International Criminal Court to be able to fully respond to situations. In this regard, I think it's extremely important, too, that you have also issued for comment some draft Regulations which the Yugoslav tribunal apparently has never had, and I think these Regulations are critical to be able to get started properly and to deal justice consistently within large and ever-increasing larger offices.

I would suggest on Article 18 that you add victims' issues to the induction course that you're proposing.

The last point I want to make again is there's an important commission that was funded after the Kosovo and Rwanda disasters and tragedies and actions, a commission on intervention and state sovereignty. It proposed a new model of enhanced definition of sovereignty which included the responsibility to protect; that sovereignty not only meant you had traditional rights over territory and to enter into contracts, but you also had responsibilities to protect your citizens. And I think this enhanced definition of sovereignty will impact over time complementarity and its definitions.

Also, I think the discussions about criteria for applying

non-military and military interventions will be debated and a heated controversy for many years to come, but will have an indirect and important implication to this new system of international criminal justice. Of course the criteria for military interventions, for addressing or preventing mass human rights violations, will definitely, I think, have this type of overlapping impact as time - but again for me I echo those who suggest that you shouldn't be trying to measure too much internally the preventive impact; I think the media, the civil society, the governments and others will be doing this - but to have a strong functioning office of prosecution and international criminal court, that there will be a tremendous, in my belief, deterrent and preventive impact.

Thank you.