

**Security Council**

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Letter dated 17 June 2022 from the Permanent Representative of Ireland to the United Nations addressed to the President of the Security Council

I have the pleasure to inform you that Ireland will organize an Arria-formula meeting, to be held on 24 June 2022, on the theme “Twentieth anniversary of the entry into force of the Rome Statute: reflections on the relationship between the International Criminal Court and the Security Council”. The meeting will be held in the Economic and Social Council Chamber from 10 a.m.

In order to guide the discussions on this topic, Ireland has prepared a concept note, which is contained in the annex to the present letter.

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Geraldine **Byrne Nason**
Permanent Representative of Ireland to the United Nations



Annex to the letter dated 17 June 2022 from the Permanent Representative of Ireland to the United Nations addressed to the President of the Security Council

Concept note for the Arria-formula meeting on the theme “Twentieth anniversary of the entry into force of the Rome Statute: reflections on the relationship between the International Criminal Court and the Security Council”, to be held on 24 June 2022

Also sponsored by Albania, Ecuador, Gabon, Ghana, France, Japan, Malta, Mexico, Norway, Switzerland and the United Kingdom

Date: 24 June 2022, at 10 a.m.

Location: Economic and Social Council Chamber, United Nations Headquarters

Format: the meeting will take place in person with the possibility of virtual participation by briefers

I. Introduction

The Rome Statute of the International Criminal Court, the founding treaty for the 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 underlines 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 under 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 Court’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 Security 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 Council from referring situations to the Court, even in the face of atrocity crimes. In the 20 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 upon the Council to ensure that 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. The second open debate took place in October 2014 on the constructive role that the Council could play in support of the exercise of the independent mandate of the Office of the Prosecutor. This meeting is the first Arria-formula meeting on the Court since 2018, when the Netherlands organized a meeting on the relationship between the Council and the Court.

Taking place in the lead-up to the twentieth anniversary of the entry into force of the Rome Statute, this meeting provides an opportunity for States to restate their commitment to the 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.

II. Objectives and focuses of the meeting

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

- The relationship between the Security Council and the International Criminal Court, including considering how to improve the current relationship, for instance by inviting Court representatives to participate in Council meetings at which relevant country-specific or thematic issues are discussed
- Consideration of existing Security Council referrals to the Court 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 in instances of non-cooperation and non-enforcement of arrest warrants, the tasking of United Nations peacekeeping or peacebuilding missions operating in situations within the purview of the Court, and the imposition of targeted sanctions
- Identification of and reflection on the obstacles to Security Council referrals under Chapter VII of the Charter of the United Nations
- Consideration of 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 the universal ratification of the Rome Statute

III. Briefers and format

Chair:

- Geraldine Byrne Nason, Permanent Representative of Ireland to the United Nations

Briefers:

- Karim Khan, Prosecutor of the International Criminal Court
- Liz Evenson, Director of the Coalition for the International Criminal Court
- Zeid Ra'ad Al Hussein, President and Chief Executive of the International Peace Institute

This Arria-formula meeting is open for the participation of 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 by and questions from members of the Security Council. The floor will then be opened to other Member States.

To facilitate the participation of as many Member States as possible, interventions should not exceed three minutes. To be inscribed on the list of speakers in order to deliver a statement, please send the name of the Member State and the name and title of the speaker to pmun.events@dfa.ie by noon on 23 June 2022 with the subject line "ICC Security Council Arria meeting".

Interpretation will be provided, and the meeting will be broadcast on United Nations Web TV.

Anticipated outcome: a Chair's summary of the meeting.