

Writing Sample of Rik Panganiban

THE POWER OF GLOBAL ACTIVIST NETWORKS: THE CAMPAIGN FOR AN INTERNATIONAL CRIMINAL COURT By William R. Pace and Rik Panganiban¹

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The NGO Coalition for an International Criminal Court brought together a network of hundreds of NGOs and international law experts to develop strategies and foster awareness. Their efforts paid off when we witnessed the signature of the ICC statute in Rome three weeks ago. Again, a key to their network was e-mail and the World Wide Web.

– UN Secretary General Kofi Annan, UN press release, August 7, 1998

If the claim is true that non-governmental organizations allied with “middle power” countries are the new “superpower,”² then it is the Internet that is their arsenal. On their own, civil society organizations³ usually have scant monetary and physical resources, are often understaffed and over-mandated, have no special access to information, and have no particular political authority beyond moral suasion. Nevertheless, acting together, civil society groups have shown again and again that they have the ability to affect the outcomes of the most high-level and far-reaching intergovernmental negotiations.

The central aim of this chapter is to show how information technology enables networks of non-governmental organizations to operate less hierarchically and more federatively, in short as a multi-polar network. We will use the NGO Coalition for an International Criminal Court as a case study in how these networks can function. We argue that information technology in conjunction with more federative and broad-based organization greatly increases the political influence that civil society can have over inter-governmental policy-making.

The Coalition for an International Criminal Court is a broad-based network of more than 1,000 non-governmental organizations supporting the creation of a just, effective and independent International Criminal Court. The Coalition coordinates its work through a small secretariat office based in New York and two recently-added affiliate offices in Brussels, Belgium and Lima, Peru.

Information technology has been used by the Coalition for many of its activities, including: outreach to the public and media, communication with its members and other NGOs,

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² Speech by Jody Williams, International Campaign to Ban Landmines, accepting the Nobel Peace Prize in Oslo Norway, December 1997

³ For the purposes of this paper, non-governmental organizations and civil society organizations are used interchangeably.

information-gathering about the official ICC negotiations and disseminating that information, and collaboration among its leadership and members. By looking at the history of the Coalition, a number of key aspects of the role of information technology can be shown:

1. to facilitate collaborative decision-making among diverse partners
2. to reach a broad public
3. to create an informed and coordinated activist network
4. to facilitate the development of active regional and national networks

This chapter is divided into three sections that follow the development of the Coalition and serve to elucidate these aspects of the role of information technology. We start by discussing the creation of the Coalition and the beginnings of an international network of groups and individuals supporting the International Criminal Court. Then we discuss the role of information technology during the official treaty conference on the ICC in Rome in 1998. Beyond the Rome Conference, we then discuss the “devolution” of the Coalition into more developed and active regional and national networks. We close with some comments on possible lessons to be learned from the experience of the Coalition.

Part I: Creating the Campaign

Like many initiatives, the Coalition had humble beginnings.

In the Fall of 1994, recently appointed executive director of the World Federalist Movement William Pace had been monitoring closely the Sixth Committee (Legal) of the UN General Assembly. For many years the World Federalist Movement had been following the International Criminal Court issue, holding meetings and conferences on this proposal. Pace sensed that there was the possibility of potential for the Sixth Committee acting to act on a resolution calling for a Preparatory Committee to study the possibility of the creation of an International Criminal Court. However he felt pressure needed to be exerted upon Sixth Committee government delegates to support this resolution or it risked being buried for another year, as it had been for decades.

Pace drew up a list of NGOs that he felt might act quickly on this issue. He drafted a memorandum and sent it out via fax broadcast and email to some 30 groups, mostly in the New York area. On February 25, 1995, a small group of non-governmental organizations met in New York to discuss the status of the International Criminal Court proposal. William Pace was asked to chair the meeting. Among those in attendance were representatives of Amnesty International, Parliamentarians for Global Action, the Quaker UN office, No Peace Without Justice International, and Human Rights Watch, among others.

Pace updated the participants on recent discussions within the UN Sixth Committee on the International Criminal Court. He suggested that there was the possibility of the issue gaining a higher profile than it had received in the several decades it had been discussed within the legal committee. He outlined the possible steps that could be taken by the Sixth Committee to make the International Criminal Court a reality, if enough pressure could be put upon them to act.

No one was particularly confident at that meeting that the discussions would move beyond the theoretical level, but nonetheless, the issue was important enough that it deserved to

be closely monitored by groups that supported the idea of a permanent International Criminal Court.

It was decided to create an informal coalition of supportive non-governmental organizations, for the purpose of strategizing, sharing information, and working together to support the creation of this idealistic new institution. It was agreed that the Coalition for an International Criminal Court (as it was later called) would take no positions on behalf of its member organizations, but that it would serve to help its members to disseminate their own positions and papers. The World Federalist Movement was requested to act as the secretariat for the Coalition, and William Pace was asked to serve as the “convenor” of the Coalition.

At the time, the view of most UN experts was that the International Criminal Court would not be created anytime soon. More optimistic estimates were that if the Court were created as a “permanent ad-hoc tribunal” subordinate to the UN Security Council, it could begin operations in five to ten years. More conservative estimates from many international affairs experts imagined a Law of the Sea-type process that could take from 25 to 50 years to complete!

The Beginnings of a Global Information Network

Prior to the meeting, most of the correspondence between groups was conducted via fax and postal mail. Email was still a relatively new technology for many non-governmental organizations. The web was still in its infancy, but newsgroups, computer conferences, and gopher document servers were becoming quite popular with many NGOs.

At that first meeting, Rik Panganiban of WFM was asked to develop a database of groups and individuals who were interested in being kept informed about the International Criminal Court issue. Many participants at that initial meeting felt that there were many NGOs not present who would support the issue if they knew about it.

Panganiban suggested that a fax broadcast list and an email list be set up quickly, since many of the developments on the ICC were often quite sudden and unexpected. He volunteered to look into setting up a gopher server and a web site for groups that could access information that way. The participants agreed that this seemed to be a good course of action.

Around the same time, the World Federalist Movement was working with a Washington-DC based group called the Coalition for International Justice to support the work of the newly-created International Criminal Tribunal for the Former Yugoslavia. This international court was created by the Security Council to “prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.” One of WFM and CIJ’s first actions was to create a website and gopher server to provide information on the Yugoslav tribunal to anyone on the internet. So WFM was already experienced with the technical and political aspects of setting up an NGO website.

Soon after the February 1995 meeting, Panganiban contacted the Institute for Global Communications (IGC), an internet service provider based in San Francisco that specializes in assisting not-for-profits organizations. IGC at the time had several hundred computer conferences on their own network that enabled members to post information and discuss issues relevant to the topic. Many groups active at the United Nations had accounts with IGC, so they could access the computer conferences there. So it seemed logical to create a computer conference called “UN.ICC.”

In addition, WFM created an email list called “icc-info” to email out information on the ICC. This email list quickly became the primary means of getting out timely information on the issue. An important initial decision of the Coalition was to keep the “icc-info” list and the “un.icc” computer conference open and unmoderated, meaning that any group or individual with an email address could subscribe themselves to the list and any subscriber could freely send out an email to the list that was immediately distributed to all the subscribers. This initial openness and inclusiveness was to characterize all of the Coalition’s use of information technology.

From 1995 to 1997 the email list steadily grew in subscribers, including civil society organizations from around the world, professors of international law, students of law and political science, foundations, and individual activists. Traffic on the email list also steadily increased from short occasional updates from the Coalition secretariat to event notices from other NGOs to lively debates on the various legal issues surrounding the proposed Court. From an initial subscriber base of about 50 addresses, it had grown by 1997 to several hundred email accounts.

WFM also created a fax broadcast to send out fax information to the Coalition’s network. This was an important tool since not every member of the Coalition had email. And prior to the prevalence of scanners and Adobe Acrobat PDF files, most documents were not available in digital form.

The Early Days of the Web

From the beginning, one major consideration of the Coalition in its information dissemination strategy was accommodating the various levels of technical expertise of its audience. Although geared toward a non-governmental organization membership, we were aware that legal experts, students, activists, governmental and United Nations officials would be using our information.

The main challenge that we have faced and continue to face is the often great disparities in access to information technology among our the different constituencies we serve. The levels of access ranged from activists in the developing world who mostly correspond by post to well-financed government ministries who used the World Wide Web on a daily basis. This meant that lots a great deal of information was duplicated over print, fax, email and website.

For our website, this also meant that we always had an eye toward the user who was using a text-only interface, or who only had a relatively slow bandwidth connection to the internet. “Text-only” was our priority, only in special circumstances putting out documents in HTML, Word, spreadsheet, or later PDF formats. This became an incredible challenge when dealing with gigantic documents with hundreds of footnotes. Many organizations at the time were familiar with gopher, so we used a gopher server to deliver many of the documents we gained access to.

Our free print publication *The ICC MONITOR* was becoming a major news source for many people who were interested in the negotiations. We began publishing online version of the *MONITOR*, initially as text-only and later HTML with photos and images. Although our print version was quite popular, the web version was also downloaded with increasing frequency.

Access to UN and Government Documents

Getting United Nations and government documents in a digital format was a challenge in the early days of the Coalition. Often they were unwilling to give out diskettes containing their documents even though the text was available in print form. One UN legal official claimed this was because there were concerns that groups might try and falsify documents if they obtained the original digital versions.

But slowly the Coalition secretariat staff gained a rapport with the UN secretariat services who often gave us documents on diskette the same day they were released in print. We immediately placed these documents online, where they could be downloaded and read by hundreds of our colleagues who otherwise would have to wait for the United Nations to mail the documents to them. In this way, the Coalition made it possible for many groups to stay informed up-to-the-minute of ICC developments.

In early 1997, the Coalition was informed that it could download many of the United Nations documents through the UN's "Optical Disk System," a comprehensive database of UN official documents updated daily and accessible at the UN's law library and many other locations. Using the Optical Disk System, the Coalition greatly increased its output of documents available on its website.

Government documents still had to be obtained by "sneaker net," i.e. walking over to government delegates and asking them for the documents on diskette. More often, the documents had to be re-typed or scanned, a laborious but necessary process that was very much appreciated by NGOs in the field.

The importance of NGOs in the Coalition being about able to obtain these documents online cannot be over-emphasized. As national NGOs were beginning to be seized of the ICC issue, they had the capability to have in front of them the actual text being debated by governments, plus informal drafts and proposals being discussed. By studying the real texts and coming up with their own positions, national NGOs could speak with authority and expertise to government foreign ministries and diplomats.

In other UN negotiations, it has been the practice of some larger organizations with offices in New York or Geneva to not share documents with other NGOs. Sometimes this was because organizations were given confidential documents by sources within government delegations and told not to reveal that they had them. Also it was simply not a part of the culture and operating procedures of some NGOs to even think to share of sharing the document with other groups. And prior to the internet, it was costly to disseminate documents to groups that were not based where your office was.

Regardless of the reasons, the result was that prior to the 1990's it was common for smaller groups based outside of New York and Geneva to come to General Assembly meetings, special sessions, and preparatory committee meetings totally unprepared for what was being discussed. Meanwhile, larger groups that had been following the negotiations closely had no real interest in sharing the documents with smaller groups.

But growing questions of inequity among NGOs and a growing North-South divide among civil society forced many networks and coalitions to deal with these problems.

The positive attitudes of both large and small NGOs to the Coalition for an ICC was due in large part to our willingness to share **all** documents with every single member of the Coalition. Slowly, NGOs began to realize that the Coalition had no interest in hoarding documents. So when they began receiving drafts and working papers being written by governments from their own sources, they began sharing those documents with the Coalition. Soon, NGOs realized

understood that the Coalition was valuable because we were the first to receive most documents, and we were the quickest at getting those documents out to the population of groups monitoring the International Criminal Court negotiations, including government delegates.

The great irony was that because the Coalition had members from around the world sharing documents with us the Coalition often had key information before several government delegations did.

Bringing Like-Minded Groups⁴ Together

Beyond simple information dissemination, information technology facilitated collaboration and coordination among a disparate and diverse body of NGO activists. The website, email list and computer conference increased the exposure of the Coalition and its message to a broad population of civil society organizations. Slowly, civil society organizations concerned with a wide variety of issues were joining the Coalition, including religious groups such as the World Council of Churches, women's organizations such as the Women's Environment and Development Organization and other women's organizations, peace groups such as the Lawyers Committee on Nuclear Policy, victim's rights groups such as – for example, Redress, – and groups concerned with the persecution of ethnic and other minority groups such as the East Timor Action Network.

As more of these groups joined, their level of activity increased. Many subscribed to the email listserv. Some groups sent representatives to Preparatory Commission meetings. Papers and position statements were sent to the Coalition to be uploaded to the website and distributed at PrepComs. Discussions on relevant issues increased in the listserv and groups found each other agreeing on common strategies.

Eventually, caucuses and networks began forming around common themes, such as the Women's Caucus for Gender Justice, bringing together women's organizations concerned with violations of human rights specifically affecting women and the incorporation of gender concerns into the structure of the proposed Court. A Victim's Rights Working Group was formed to bring together groups that worked with victims of human rights violations such as torture and rape. Peace groups began meeting together and engaging in email discussions. Common positions were being worked out and proposals were being generated, often over email, to then be used in lobbying governments participating in the PrepComs.

Also, regional networks began forming among groups interested in the International Criminal Court. As early as 1997, African, Latin American and European NGOs began meeting together and sharing information. The Coalition European Coordinator Pascale Norris in 1997 went on a whirlwind tour of Europe, leading to the creation of ten national networks on the ICC. Similar efforts in Africa and Latin America resulted in dozens of national networks sprouting up in those regions. Asia was more complicated, given the less active civil society movements in many of the countries in the region, but networks were begun in India, the Philippines, Australia, New Zealand and Japan.

The importance of these regional and sectoral caucuses should not be minimized. The ability of different groups of varying capability and expertise to work together was critical to the

⁴ Not to be confused with the "Like-Minded Group" of country delegations to the ICC negotiations. The Like-minded Group of countries was a loose group of government delegations that generally supported more progressive views toward the International Criminal Court.

effectiveness of the Coalition. In particular, the New York and Geneva-based organizations with more expertise on the complex politics and language used in United Nations negotiations were able to combine their voices with groups in the “grassroots” who had more connection to real victims of human rights abuses and actual court cases that were setting precedents for how the International Criminal Court might operate.

The internet facilitates sign-on processes and collaborative position drafting by NGOs, where groups that generally share similar viewpoints can easily exchange positions and come to common agreements on language to push for. Then as these common positions get distributed via email and the Web to other groups, more sign-ons are gained. Then When the resulting common statement is given to government delegations, it carries the weight of a broad consultative process involving many groups from around the world.

Getting out the Information on the Rome Conference

Against expectations, and due in some part to pressure from civil society, government delegates decided at the third PrepCom in February 1997 to convene a “UN Conference of Plenipotentiaries on the Establishment of an International Criminal Court” from June 15 to July 17, 1998. This was great news for the Coalition, but it gave the organizers very little time to plan a major world conference.

Because the Preparatory Committee secretariat was already overburdened with making arrangements for government participation, much of the logistics of non-governmental organization participation at the conference was handled by the Coalition. The principal challenge was getting the news out to as many NGOs around the world as possible to ensure maximum public pressure upon government delegations to negotiate a strong treaty. It was felt that without a substantial presence by a body of NGOs from all regions of the world and all sectors of civil society, it was unlikely that the voice of NGOs would garner much attention or credibility by government negotiators.

The Coalition secretariat mobilized an intensive information dissemination campaign, using every medium of communication, from word-of-mouth, postal mail, and telephone, to fax broadcasts, email broadcasts, and web alerts. The goal was to bring NGOs from as many states participating in the negotiations to Rome as possible, particularly from the developing world. The result was that 235 NGOs were accredited to attend the Rome Conference. And many more groups were able to participate as part of other umbrella groups, such as the Federation International des Ligues de Droits de l’Homme and WFM, bringing the total up to about 500 civil society organizations.

And more importantly, there was a growing global awareness, at least among civil society, of the importance significance of the conference.

Part II. The Rome ICC Conference – Multi-polar Advocacy

In terms of information technology, the Coalition had three main goals at the Rome Treaty Conference. The primary goal was to act as an information network within the conference

for government representatives, NGO participants, and UN staff to be able to exchange information effectively with each other. The second, though no less important, goal was to act as an alternative information source for national media and our networks of activists and NGOs who were interested in monitoring the treaty conference. The third objective was to provide access to communications technology to all the NGO participants so they could report to their own home offices and receive instructions. These were daunting tasks for our small Coalition secretariat, so we needed to enlist some partners to work with us in Rome.

Connecting the Conference to the World

We knew that unless there was world attention upon the conference, there would be little pressure upon delegates to the conference to come out with a strong treaty. A small number of international press sent reporters to the conference, but there would be no sustained public eye upon the proceedings unless civil society acted.

First, the Coalition organized dedicated teams of NGO monitors who followed certain specific issues and parts of the draft text and issued detailed reports on the progress (or lack of progress) in those areas. On each of the teams were legal experts who had followed these issues from their beginnings in the Sixth Committee, through the Preparatory Committee, up to the conference, bringing not only a strong legal background but also an understanding of the debates to date. These exhaustive “Team Reports” were published on the web as soon as they became available, for consumption by activists and legal experts around the world.

Because of this team structure, the Coalition quickly became one of the few “delegations” that were able to monitor the entire conference. During certain hectic periods, there were ten to twelve simultaneous meetings going on, which even the largest government delegations were sometimes not able to cover. So our Team Reports became really the only mechanism for both NGOs and governments to get up-to-date information on the status of all the issues being discussed.

In addition, a group of activists and journalists calling themselves “The Advocacy Project” approached the Coalition and offered their services as reporters at the conference, broadcasting their articles on the internet. We agreed to work with them and charged them with the difficult task of highlighting from the negotiations the key political issues and areas of controversy and serving as an alternative news outlet from the conference.

The Advocacy Project created an email bulletin called “On the Record” that amassed several hundred subscribers from around the world. The Advocacy Project reporters prepared daily reports and interviews on the critical subjects being debated at the Treaty Conference in a more user-friendly format than the “legalese” used in the Team Reports.

The Coalition also approached the *Inter-Press Service (IPS)* to assist with reporting at the conference because of their long record of reporting at various UN summits and conferences. IPS agreed to send a team of journalists to Rome to publish a daily print newspaper at the conference which would also be published on the web. They supplemented this reporting with news from their reporters on various human rights situations around the world.

In addition, the Coalition brought to Rome its own print and web publication, *The ICC MONITOR*, to continue reporting from a strictly NGO perspective. The *MONITOR* served as a space for NGOs to publish their own position statements and announce meetings with government delegations and with each other.

And of course, individual NGOs were communicating with their home offices via email and fax and receiving further instructions, position statements, and background documents, which they then shared with government delegates in Rome.

The World Responds

From the hundreds of individuals who were receiving the email broadcasts from the Coalition and the Advocacy Project and the articles appearing in the press around the world, it was clear that news from the conference was getting out to thousands and thousands of people around the globe. NGOs were getting much of the press coverage because they were not as shy as government delegates about “naming names” and pointing fingers at specific delegations they felt were being obstructionist or held positions they opposed.

The Coalition decided to publish some of the emails it had been receiving from individuals expressing their concern about the status of the negotiations. As one individual wrote from Saint-Sixt, France:

Je tiens à dire de manière solennelle que j’espère la création d’une Cour Internationale aux pouvoirs réels. De nombreuse personnes de mon entourage familial et professionnel ont le même espoir. Je comprends mal la position de mon pays qui, après avoir initié cette démarche, s’est montrée ensuite très négative et a tout tenté pour que cette création n’ait pas lieu ou pour que la Cour n’ait pas de pouvoir.

Or as one South Korean woman wrote:

I sincerely urge in the strongest of terms for the governments of both sides of Korea – and all governments likewise – to support a strong International Criminal Court, independent, autonomous, effective, with access to resources, protecting the rights of both the accused and victims of crimes. Governments must not forget the victims of crimes both of the past and those that could come in the future if we fail.

It is difficult to measure what effect all this reporting and information dissemination had on the official proceedings. It is clear that government delegates knew that their decisions and actions were being widely reported by NGOs, often NGOs who were from their own home countries and who were reporting directly to their counterparts in their capital.

In more than one instance, a government appears to have changed its position after NGOs at the conference coordinated actions with NGOs in that government’s capital. The Latin American Caucus of NGOs was a very active presence at the conference, working directly with several Latin American government delegations who were more progressive on many issues, and dialoguing frequently with those Latin American delegations who were not as ready to move forward. The government of Mexico posed some problems for NGOs because of the Mexican government’s opposition to the inclusion of crimes committed during internal armed conflicts.

The Latin American Caucus alerted Mexican NGOs in Mexico City to the position the Mexican government was taking. Many emails were sent back and forth between Rome and

Mexico City, reporting on developments and suggesting strategies. The Mexican NGOs were successful in getting several news reports into several major newspapers in Mexico which criticized the government's position. Within days the Mexican delegation had shifted its position to not oppose the inclusion of crimes committed during intra-state conflicts.

Similarly, the delegation from the United Kingdom was influenced by the coordinated lobbying activities of the NGO network in the UK and the NGOs at the Rome Conference. The United Kingdom had come into the Rome Conference as a new member of the more progressive "Like-Minded" group of countries. The UK Foreign Minister Robin Cook had recently come out with his "Foreign Policy with a Human Face" policy statement, including among other things greater support for human rights and in particular the International Criminal Court.

However, early information suggested that the UK delegation in Rome was divided in its support for a strong and independent Court. Some within the delegation appeared to be attempting to re-establish closer ties to with the more conservative positions of France and the United States. In particular, the United Kingdom delegation in negotiations on what constituted a war crime signaled its opposition to the inclusion of the use of landmines as a war crime under the ICC statute.

The Coalition in Rome informed the UK NGO network of these developments. The UK network in turn leaked this information to several newspapers in London, which published stories on how the UK delegation in Rome was going back on commitments that the UK foreign minister had just recently stated.⁵ This was particularly embarrassing for the UK foreign minister, since he had been praising Britain's role in pushing for a global ban on the use of landmines. The following day, Robin Cooke reportedly called the UK delegation, re-iterated his position, and sent over two of his staff from London to ensure that his instructions were implemented.

Less dramatic shifts in the positions of other government delegations were reported by other national and regional caucuses. One might never know exactly why certain governments changed their positions. But several progressive governments noted at the end of the conference that the pressure from civil society groups, both within the conference and back in their capitals, was essential to the success of the negotiations. As Sylvia Fernandez of the Argentinean delegation noted

I am convinced that the successful adoption of the Rome statute is largely due to the work of the Coalition and the partnership that you managed to develop between NGO's and governments during the four years of your work. The fluid dialogue between delegations and representatives of civil society was indeed essential to identify goals and preoccupation's and to design the best strategies to achieve them.⁶

The Numbers and The Virtual Vote

In the final days of the Rome conference, there were indications that the a small number of powerful governments, in particular China and the United States, would be able to face down the

⁵ See "Britain opposes war crime status for landmines," *The Times of London* July 6, 1998 and "Self-interest brings court into contempt," *The Guardian* July 15, 1998.

⁶ Personal correspondence to Coalition, 1998

rest of the conference and water down the treaty. The Coalition decided to report on the large disparity between the positions of the most conservative minority and the large majority of countries that were ready to move forward with a strong treaty. William Pace suggested that the Coalition publish the actual positions of all the countries, showing the percentage of support for key issues, based on statements they had made in the Committee of the Whole. The result was two reports called *The Numbers*⁷ and *The Virtual Vote*⁸.

The Numbers and *The Virtual Vote* showed for example that 75% of states supported the inclusion of internal armed conflicts within the definition of war crimes, 83% supported a *proprio motu* more independent prosecutor for the court, and 75% supported automatic jurisdiction for all three core crimes of genocide, war crimes and crimes against humanity. This was accompanied by detailed breakdowns of each country's positions on several key issues in a large table. This data showed in stark detail that there was very little support for the United State's positions calling for the exclusion of internal armed conflicts from war crimes, a less powerful prosecutor, and "opt-in" clauses for war crimes and crimes against humanity.

Diplomats had remarked to Coalition members that *The Numbers* and *The Virtual Vote* were faxed back to national capitals by several government delegations to show where the key issues stood. It was also made clear to delegations that this data was being shared with NGO networks and media sources from around the world. From this perspective, it became clear to many delegations that the majority position was the most progressive one.

Then, on July 17, 1998, the last day of the conference, at about 10pm, Chairman Philippe Kirsch lowered the gavel, indicating that the Rome Statute on the International Criminal Court was adopted in a recorded vote of 120 in favor, seven opposed and 21 abstentions.⁹

Part III. Post-Rome: The Coalition Goes Global and Local

The Coalition had achieved a major success at the Rome Treaty Conference, concentrating and coordinating the massive force of hundreds of civil society organizations supporting the ICC. But After the Conference, the challenges had not diminished but multiplied. Now the task had become garnering the necessary sixty ratifications of the ICC Treaty for it to enter into force and for the Court to come into being. In addition, the Coalition sought to ensure that the strongest possible domestic implementing legislation was developed after ratification to allow for full compliance with the Court. To accomplish these goals would require the expansion and deepening of the Coalition's activity at the regional and national levels on all five continents. Again, information technology was essential to the achievement of these objectives.

Prior to the Rome Conference, the general strategy of the Coalition was to maintain a fairly low profile. There was fear that if the ICC gained too much media attention too early, reactionary, nationalistic, and pro-military factions would arise to try and undermine the process.

⁷ "THE NUMBERS: NGO Coalition Special Report on Country Positions," NGO Coalition for an International Criminal Court, July 10, 1998.

⁸ "THE VIRTUAL VOTE: NGO Coalition Special Report on Country Positions on L. 59," NGO Coalition for an International Criminal Court, July 15, 1998.

⁹ For a good description of the last hours of the conference, see Roy Lee's account in *The International Criminal Court: The Making of the Rome Statute*, p 23-26, Kluwer Law International, 1999 and Lawrence Weschler's account in *The United States and the International Criminal Court*, p. 85-110, Rowman & Littlefield, 2000.

Information technology enabled the Coalition to get out its information strategically to those groups who were likely to support the Court, without broadcasting the news to groups who were likely to try and destroy it.

In this post-treaty phase, the strategy had changed. Now broadened constituencies among several sectors of civil society, parliamentarians, and the media were needed. Education and awareness became the primary goal of the Coalition.

Again, this feat would have been astoundingly difficult without the access to information technology. Even with information technology, supporting national ratification campaigns in sixty to eighty countries around the world would be an awesome task.

To facilitate a global ratification campaign, the CICC website was greatly enhanced. The expansions to the website in 1999-2000 included:

- making the site more interactive, with enhanced searching capabilities;
- expanding the country-by-country information and updating it on a weekly basis;
- adding a new section on the process and status of implementation in each country;
- adding a calendar of ICC-related events around the world;
- and making available the contact information for the Coalition's national and regional networks.

New information and documents are being added to the site weekly, including UN Preparatory Commission and other UN documents in the six official languages of the UN; ratification bills; documents on implementation of the Statute; government and NGO papers on substantive issues; and government and NGO press releases. Original photographs of key events including signatures and ratifications are also uploaded to the site.

New links have been established to sites with ICC-related information in Portuguese, German, Russian, Arabic, Polish, Spanish and French. This was in addition to the links to the sites of other NGOs working on the ICC and to a University of Chicago site with an extensive bibliography of on-line and off-line resources and publications on the ICC.

Meanwhile, the Coalition email listserv expanded greatly after the high-profile Rome Conference. The list grew from approximately 800 subscribers in 1998 to 1250 in 2000. As a result, the list is now moderated by the Coalition to ensure the relevance of postings and the maximum interest of the list for its readers. Daily postings to the English listserv include summaries of all relevant media coverage, updates on progress towards ratification and implementation, and announcements of key events.

The Coalition also added separate listservs for various regions, caucuses and languages. A listserv in Spanish was developed in 1999 and a French listserv was created in 2000. Postings are made on a daily basis to the Spanish and French lists; some are translations of the key documents posted to the English list, while others are news articles and other information originally in Spanish and French. Members of the Coalition were assisted in developing specific email listservs for issues of relevance in Europe, Poland, South Africa and Asia. Separate listservs are maintained for the Victims' Rights Working Group, the Steering Committee on Children and Justice, and the Faith-Based Caucus. The existence of these specialized lists allows the Coalition Secretariat and individual subscribers to send more detailed information of particular interest to a region or caucus, without overloading other members of the list with emails outside of their areas of interest.

An important service was also been added at the request of members of the Coalition: a relational country information database system that is password-protected. This allows Coalition

members to share sensitive country-specific information on the progress of ratification and implementation of the Statute. In this way, NGOs seeking to work with existing national networks can obtain online current information on the status of the ratification campaign and who the relevant contacts are, both within the government and among NGOs.

The Coalition also began producing a bulletin, *The ICC Update*, to provide up-to-date information between issues of the *ICC MONITOR*. Each issue was mailed, faxed, and e-mailed to government delegates, UN officials, NGOs, media representatives and the more than one thousand subscribers to the ICC information listserv. These were also distributed at intergovernmental and civil society meetings and events worldwide. A separate update newsletter was produced monthly by the European office, with additional events and information specific to Europe. These were distributed to hundreds of subscribers by email, fax and mail, including government representatives, international organizations and NGOs based in Europe, as well as at European events and meetings.

Finally, the Coalition began conducting daily searches of Lexis-Nexis in English, French and Spanish and posting summaries of news coverage to the ICC listservs in the three languages. A bi-weekly summary of the key media coverage was then provided in *The ICC Update*.

There are to date 29 ratifications to the ICC Treaty, with 31 more necessary for the treaty to enter into force. The Coalition has set a target date of July 2002 for the completion of the ratification process.

Conclusion

As this brief recounting of the development of the NGO Coalition has shown, information technology is becoming increasingly integral to the functioning and effectiveness of civil society as a voice in international decision-making. For a small network of NGOs with a small secretariat in New York to grow into an international global campaign with more than 1,000 members and 25 active national campaigns in every region, fast and reliable communications technology was essential.

The International Criminal Court, once it is in operation, will be a test case for the limits of global transparency. The Coalition plans to continue to be involved in the initial process of setting up the Court in The Hague, Netherlands. And once it is in operation, the Coalition will be expected to follow the cases the way it has followed the UN negotiations. Human rights groups involved in cases that the ICC is trying will want to know in real-time how the investigations and court proceedings are going. The internet makes this possible, but the bureaucracy needs to make it available.

We should not overstate the case of the importance of information technology. Effective global civil society campaigns have been organized prior to the existence and availability of much of the information technology that global networks like the Coalition for an International Criminal Court utilize. Examples include the global anti-apartheid movement, the anti-slavery movement, and international campaigns against nuclear weapons.

However the availability of information technologies has made the speed and scope of civil society activity so much greater. It simply was not possible a decade ago for far-flung activists to receive up-to-the-second reports on the status of international negotiations and then

communicate instantly with local media and government officials their responses. Now this is a common occurrence.

In addition, traditional means of communication will still be a necessary component of global civil society campaigning. In the sometimes competitive and demanding world of civil society organizations, trust and common understandings has often only been built through face-to-face meetings among members of the Coalition. The Coalition was begun largely through goodwill among a small set of NGO actors within the UN system. It continues largely because of continued goodwill among the larger set of NGO actors who come to New York periodically for the ICC Preparatory Commission meetings.

Also, paper continues to be a useful medium. The *ICC MONITOR* as a print publication continues to be much in demand, at conferences, universities, libraries, and government missions. A newsprint newsletter is still much more accessible to interested individuals than a web page. The actual paper versions of UN documents are still requested by NGOs, often even if the digital equivalent is available. This is particularly important for a truly global movement, since access to information technology is still limited in some countries and regions.

The Coalition is a case study of what we view as a larger socio-political trend toward multi-polar, less-hierarchical networks of civil society groups facilitated by information technology. Whether these federative local-global networks succeed or fail will have to be observed and measured over a long period of time. The experience of global non-governmental networks concerned with for example sustainable development, racism, and child soldiers should be studied and compared to see what lessons can be learned for future campaigns and networks. The organizational structures are driven often more by necessity than design, as larger numbers of civil society organizations seek to work together in larger and larger groupings.

In addition, as the technology improves, becomes less expensive, and becomes more available to civil society, the nature of these international networks will change. Teleconferencing will be replaced by live video over the Internet. There will be more pressure on the United Nations and other inter-governmental bodies to broadcast public meetings on the Web or make transcripts available online. Activists will be able to receive instant messages on their personal data assistants and mobile phones and instantaneously send emails and place phone calls directly to the decision-makers at UN conferences.

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