Mr. Mandela

During these last four years, we have received a record number of heads of states and heads of government. They have come from all continents and practically from every country. They have come from the industrial nations. They have come from the developing world. Some have come from the developing world, which is tax-free, which has the highest standards of living in the world.

And one of the best ways of doing so is to call upon its leaders to say, "Let's sit down and talk peace." I have no doubt that the role of the United States as the world leader will be tremendously enhanced.
Non Governmental Organizations (NGOs) are the vigorous, effective groups in any society that values human rights, the environment, wildlife, the very existence of our planet. NGOs played a major role in defeating apartheid and its supporters in this and many other countries. The Campaign to Ban Landmines scored a signal victory despite resistance from among other countries, the USA. NGOs act as the active conscience in nations worldwide on issues like East Timor in Indonesia, Burma, Nigeria, throughout Latin America - and not least in the USA.
Detainee issue tackled

ZOE TITUS

THE Council of Churches in Namibia (CCN) and its member churches have been called upon to confess and repent for their failure to fully address the detainee question in their efforts to bring about reconciliation in the country.

Delegates at the CCN-sponsored conference on reconciliation further urged the CCN to resume its role as the "voice of the voiceless" and to address issues at the grassroots level.

The church in Namibia has been accused of keeping silent on the mistreatment of Namibians in exile and prevaricating on addressing the issue after independence.

However, because this conference was organised by the CCN, it is believed that the ecumenical body will now take up the call to repent over its handling of the detainee issue.

"God is the Truth and the Truth shall set us free. We cannot endorse or identify with attempts at obscuring the truth of what happened during our struggles for independence to specific individuals in specific circumstances," stated Reverend Roger Key of the St George's Diocese.

"God is the Truth and the Truth shall set us free. We cannot endorse or identify with attempts at obscuring the truth of what happened during our struggles for independence to specific individuals in specific circumstances," stated Reverend Roger Key of the St George's Diocese.

Key told participants: "The expectations of many people out there has not kept pace with changes inside the CCN, the down-sizing, re-alignments, the whole transformation of the organisation itself."

The CCN Annual General Meeting is expected to discuss the conference proposals this week.

Swapo detained and tortured hundreds of its own members in the 1980s claiming they had been sent into exile to spy on the movement. The release of the official memorial book, 'Their Blood Water Our Freedom' which lists the names of nearly 8,000 people who died during the liberation struggle while in Swapo's care, has been criticised by local human rights organisations as an unconvincing cover-up full of inaccuracies and omissions.

The liberation movement has to date not accounted for this period in its history or apologised to its former detainees.
Is Child Labour a Problem in SA?

At present very little is known about child labour in South Africa. Latest survey figures indicate that more than 200,000 children between the ages of 10-14 and another 200,000 between the ages of 15-18 are engaged in paid labour. A majority of these children work in commercial agriculture. Cases of child labour have resulted in some being used in domestic work and in family business. Many children are employed as domestic workers and in family business. The increase in the number of street children has resulted in some being used in criminal activities, and many children are exposed to commercial sexual exploitation through child prostitution. Many children are also employed in the entertainment industry.

What is the NACL?
The NACL came into being in 1990 as a result of the concern of several organisations. It has grown steadily and is now the main centre of energy investigating the concerns around child labour in South Africa. It is a dynamic network made up of nearly 50 organisations and individuals from a diverse range of sectors including health, welfare, development, environment, law, labour, human rights, education and religious groups.

Mission
The NACL exists to work toward the abolition of child labour wherever it is found. The NACL understands that child labour in South Africa evolved as part of the exploitation in the colonial and apartheid economies. We believe that children must be free to develop to their full potential through education and recreational opportunities.

Organisations and Individuals involved in the Network

- ANC Social Welfare Department
- Black Lawyers Association (BLA)
- Black Sash
- Catholic Commission for Peace and Justice
- Catholic Institute of Education
- Centre for Rural Legal Studies
- Children’s Rights and Advocacy Project (UWC)
- Co-operative for Research & Education (CORE)
- Community Law Centre (CLC)
- Congress of South African Trade Unions (COSATU)
- Department of Education and Training
- English Language Teaching Information Centre (ELTIC)
- Farmworkers Research and Resource Project (FRRP)
- Food and Allied Workers Union (FAWU)
- Gauteng Provincial Administration
- Dr. Magriet Herman
- Johannesburg Child Welfare Society (JOWS)
- Johannesburg Institute for Social Services (JISS)
- Lawyers for Human Rights (LHR)
- Legal Resource Centre (LRC)
- Peter Magubane
- Prince Maluleke
- National Children’s Rights Committee (NCRC)
- National Association of Child Care Workers (NACWW)
- National Council of Trade Unions (NACTU)
- National Labour, Economic and Development Institute (NALEDI)
- National Institute for Crime and Rehabilitation of Offenders (NICRO)
- Operation Hunger
- Performing Arts Workers Equity (PAWE)
- Progressive Primary Health Care Network (PPHCN)
- Rural Education Forum (REF)
- SA Black Social Workers Association (SABSWA)
- South African Council of Churches (SACC)
- SA National Council for Child & Family Welfare
- South African Agricultural, Plantation and Allied Workers Union (SAAPAWU)
- Sagewood Education Centre
- Trauma Clinic Braamfontein
- Twilight Children
- United Nations Children’s Fund (UNICEF)
- Witwatersrand Mental Health Society
- World Vision

Photographer: Adelin Jordan
ANC bridges at public Church challenge on its record

President Nelson Mandela and the leader of the Anglican Church in Southern Africa were set to meet on Thursday in a bid to resolve a simmering Church-State row in South Africa which is threatening to impact on next year's elections.

Cape Town's Anglican Archbishop Winston Ndungane requested the meeting after the president reportedly lashed out at his criticism of the government.

In the wake of a groundswell of diocesan support for the clergyman, the president's office denied a Church-State stand-off. A spokesman said those who criticised others should expect criticism in return.

ANC and government leaders have grown markedly more defensive in recent months, accusing a wide range of critics of "disloyalty" to the country. Singled out for criticism since Mandela's dramatic speech at the ANC's national conference in December have been white business leaders, opposition parties, the NGO sector, churches and the media (SouthScan v12/47-8 p365).

While admitting that some of the targets for censure have been less than enthusiastic about the government's transformation efforts, most analysts have been surprised by the decision to also attack progressive non governmental organisations and churches.

The aim, they surmise, is to severely narrow the circle of "permissible" debate and criticism. The same tactic seemed to underpin Deputy President Thabo Mbeki's overtures to conservative Afrikaners last week - those sections that reject the ANC's advances are likely to find themselves locked out in the cold, or "demonised", as one analyst put it.

Although the trajectory of these shifts remain uncertain, there are concerns that the ANC is trying to establish a situation whereby criticisms become sealed and hidden within the organisation itself - a move akin to the mass party models current elsewhere on the continent (and surviving particularly in countries like Kenya, Namibia and Zimbabwe).

Top ANC leaders have urged supporters to help the party achieve a two thirds majority vote in the 1999 elections. While the ANC sees such a win as giving it the chance for firmer government liberal critics say it would enable the organisation to change aspects of the country's new liberal constitution. Fears have been voiced in media circles about the development of freedom of the press.

In this view they see the Church as presenting a centre of opposition which the other opposition political parties are patently unable to give. In this, in an ironic way, the Church may regain the role it had during the '80s when it became the public voice for the banned liberation movements.

But this time the ANC may feel it is too close to the election for Ndungane to raise protests about its governance.

Mandela reportedly made his critical comments at a lunch he hosted for Anglican clergy last week. He attacked the Anglican leader "very forcibly without any chance for discussion or reply," according to one of two bishops present, Bishop Duncan Buchanan of Johannesburg. Ndungane had said in an article in a Cape Town newspaper that the president had failed to deliver on his promises, and that his government was neglecting the poor. "Madiba magic won't be solving our problems," he said, using Mandela's nickname.

A spokesman for the archbishop said Ndungane is not objecting to the criticism, but to the fact that the president went behind his back to try to undermine him with his bishops.

He also attacked the inhumane treatment of pensioners in the Eastern Cape who were left without funds when the pension system in the province broke down, slow delivery of low-cost housing, and the financial crisis at universities. He has been a major critic of SA arms sales (SouthScan v12/37).

SouthScan Vol.13 No.5 6 March 1998

Media fears for independence

As the pace increases towards the general election next year fears are increasing among journalists that pressure will be put on them as they ply their trade. Most recently the Freedom of Expression Institute slammed plans by Telecommunications Minister Jay Naidoo to transform the SA Broadcasting Corporation into a public company, with the minister as the single shareholder.

It also complained at his plans to merge the Independent Broadcasting Authority with SATRA, the SA Telecommunications Regulatory Authority, preempting discussions in his Green Paper. Naidoo was quick to deny any intention of restricting the independence of the IBA, now locked in deliberations about a new commercial television channel. However, not all are sanguine. A joint SABC/British Broadcasting Corporation radio current affairs programme is due to go on air in the next few months - ahead of the election and in the midst of political campaigning. It is bound to draw fire from all sides, and the BBC has shown itself sensitive to the possible minefields ahead.

The contract signed ensures that the broadcasters can part company if they find any change of control is contrary to their "reputation of impartiality and editorial independence". The SABC will have to announce on air the discontinuance of involvement of the BBC and ensure that there is "no confusion in the minds of the public" about this.

SABC television news, now under the control of veteran journalist Allister Sparks, has been accused of "fair weather" reporting recently, with newscasts in the view of some watchers seeming to shy away from stories critical of the ANC government. On Tuesday this week, for example, it provided no coverage of the Virodene debacle - which was headlined most radio and newspaper reports. SABC spokesperson Enoch Sithole said the story had been covered the previous night and claimed no new developments had occurred warranting coverage the next day.
Mercenary law may not deter security business

The bill presented to parliament on February 26 by SA Defence Minister Joe Modise prohibits mercenary activities. However, it still contains provisions which could allow domestic security corporations to do business abroad.

The presentation of the bill received world-wide press coverage. The statement by the chairman of the National Conventional Arms Control Committee, Kader Asmal, that it would be counter-productive to maintain peaceful relations with foreign states and at the same time to allow freelance 'dogs of war' to plan subversive actions against these governments, was also given large publicity.

Indeed, the bill stipulates that "no person may within the Republic or elsewhere recruit, use or train persons for or finance or engage in mercenary activity". The definition of "mercenary activity" makes "direct participation as a combatant in armed conflict for private gain" such as the kind of operation led by Executive Outcomes (EO) in Angola or Sierra Leone until January 1997.

But a closer scrutiny of the text shows that foreign military assistance as such is not prohibited. That includes, according to the bill's definition, advice or training, personnel, financial, logistical, intelligence or operational support, personnel recruitment, medical or para-medical services or procurement of equipment.

The bill "regulates" the rendering of this kind of assistance by South African legal entities, citizens and persons resident within the Republic. It submits such activity to an authorisation to the above-mentioned Committee and the minister of defence in consultation with this body, may refuse or accept an application.

Authorisation may be refused if they are "in conflict with the Republic's obligations in terms of international law". They also can be refused if they result in the "infringement of human rights and fundamental freedoms" where the assistance is to be rendered or if they endanger peace by introducing destabilising military capacities in a region. Other negative criteria are the support of terrorism, the contribution to the escalation of regional conflicts, the prejudice to SA's interests.

Security workers continue strike

The strike by workers in the SA security industry is in its second week, costing employers up to $5 million, while workers have lost about $4m in revenue. An interdict lodged in the Labour Court by the SA National Security Employers Association to declare the strike illegal was dismissed with costs last week.

Last week, tens of thousands of security guards clashed with police in Johannesburg. Their dispute centres round pay and the view that pay discrepancies are racially based.

Private security guards receive slightly better wages than the police, but the pay is still very low. Some guards start work at salaries under R1,000 per month.

Private security has become one of the fastest-growing and most profitable sectors with a total value of R6 billion (c.$1bn). The Security Officers Board, which registers all private guards and monitors standards, says there are some 130,000 active registered private security officers in SA. A further 175,000 registered officers are currently not active, and there are some 70,000 who registered in the hope of getting work in the sector. The total figure is close to the staffing levels of the SA police service.

Fidelity Guards is rated among the top 12 biggest security companies in the world with almost 2,500 employ-...
Last year the National Land Committee fought tooth and nail to deepen the rights of rural dwellers enshrined in the Extension of Security of Tenure Act. This year it is poised to become a key implementer of the compromise legislation which came into effect on November 28.

The committee, an umbrella of 10 NGOs advocating rural land rights, was vilified as an "insignificant NGO" when it fought farmer organisations over the contents of the draft Bill aimed at preventing arbitrary evictions of farm workers, labour tenants and other rural dwellers. When Parliament adopted the Bill, committee organisers called it "a formula for legalised evictions".

But last week the committee, together with the Centre for Applied Legal Studies and the Legal Resources Centre, won a one-year R2.5-million grant from the European Union Foundation for Human Rights for a farm-evictions project which places the committee at the forefront of the implementation of the Act.

The project will run parallel to a string of projects which the Department of Agriculture and Land Affairs's provincial offices are putting out to tender because government does not have the capacity to implement this massive new law on its own.

The committee's director, Dave Husy, said committee affiliates are expected to bid for some of these contracts as part of larger consortiums. If these organisations win government contracts, their role in implementing the Act will be even larger.

Explaining the apparent contradictions in the committee's positions on the Act, Husy said their relationship with government was "dubious edged... For land reform to succeed, the government and land NGOs have to draw on each other's resources. But that doesn't mean there is a consensus over policy or approaches."

In recent years the committee has taken a hard line on the market orientation of government's growth, employment and redistribution strategy (Gers) and criticised the private-property protections of the Constitution.

Last year committee affiliates began actively to work towards the formation of a new rural social movement which could raise the political pressure on government from rural people who form a large section of the country's poorest inhabitants.

Some early indications of how effective the "pockets" of this movement already established will be may emerge in the upcoming "Speak Out on Poverty" hearings. The committee is one of several land rights organisations facilitating the testimony of rural poverty victims at hearings on land and rural development due to be held in the Northern Province between March 31 and April 3.

But Husy says this critical approach does not obscure the committee's co-operation with government land-reform programmes. "We come at the same issue from different perspectives. The government's approach is supply side, needing to deliver on land reform. Ours is a demand-side approach of working with communities who need land."

For Husy, the committee's criticism of the Act is a separate issue from delivery, because even though the Act enshrined new security of tenure rights for millions of South Africans and outlawed arbitrary evictions three months ago, many rural South Africans have no idea what the Act means for them. Says Husy: "The Act affects millions of people who need education and access. It's such an intensive project that as much capacity as you can throw down will get sucked up."

And that's where the farm-evictions project comes in. Land affairs minister Derek Hanekom lauded the project as "a creative and constructive attempt by NGOs to insist in giving vulnerable people long-term security on land."

The project aims to monitor evictions; promote lobbying efforts for the effective application of the Act; educate rural dwellers about their rights; provide legal assistance through network of attorneys; and bring rural magistrates on board by teaching them what the Act requires them to do.

Ann Eveloeh

NGOs fight for survival as funding dries up

Nicole Turner

As the African National Congress gears up for electioneering, NGOs are sitting up the government's delivery of socio-economic rights in the form of the poverty hearings beginning on March 17.

As ordinary people speak out about their experience of poverty before and after apartheid, NGOs are assessing their capacity to help close the gap in areas where the government cannot provide.

In the current climate, NGOs must present themselves as efficient, professional and above all, constructive in order to survive. Since 1990, hundreds of NGOs have closed down as anti-apartheid funding dried up, and the closures continue. Many donors committed to a five-year period after the 1994 elections and, with that period coming to an end, 1999 represents the end of the line for organisations which have not found alternative sources of income.

Jenny Irish, co-ordinator of the Network of Independent Monitors, says that capacity varies from sector to sector with land and women's issues going strong, while security is a weak area. Larger, well-funded or self-sufficient NGOs are beginning to dominate the diverse organisations which make up the NGO community. "This is one of the biggest problems facing NGOs now. A lot of smaller NGOs have closed and the big ones dominate," said Irish.

According to Rams Ramashia, president of the South African NGO Coalition (Sango), financial sustainability is the buzzword of the day. "Commercially, NGOs are worse off than during apartheid, and a lot of NGOs are having to look at alternative sources of funding to survive."

Some NGOs, particularly the bigger ones like Kagiso Trust are investing in seed funds, stocks, and establishing endowments to keep afloat.
Winning tenders to run government contracts is becoming an increasingly important source. There are widespread fears that this may contribute to a decline in criticism of the government. Mark Heywood, head of the Aids Law Project, which may close at the end of this month after government funding was cut back, says foreign funders are being warned, using the example of the USAID report, of funding "critical NGOs," particularly those working on policy.

President Nelson Mandela mounted a severe attack at the Mafikeng conference last December on what he called "illegitimate NGOs" trying to subvert government. In this atmosphere, Heywood said: "If you are an NGO who works in an area where criticism is needed, do you shut up for fear of being branded illegitimate or subversive? Do you shut up for fear of losing funding? If you are dependent on government funding you are bound to think twice."

An increasing amount of funding for NGOs comes from government contracts, or is funnelled through government-linked organisations — like the National Development Agency, expected to be up and running by July, or its predecessor, the Transitional National Development Trust — by foreign donors.

The Aids Law Project lost its bid for government funding because it allegedly did not meet the criteria for an NGO.

"In many ways our relationship with government is positive," Heywood said. "In a project like ours, 90% of what we do has nothing to do with criticism. But when you get an issue like Virodene or Sarafina, what can we do? We are a human rights body and as such we have to take a stand.

"I don't think it is the business of NGOs to form an opposition to government, but if they have expertise in an area where government falls short they should feel free to criticise," Heywood said.

In the shift from a hostile policy environment to a democratically elected government, many organisations now see their role as part of a constructive partnership with the state.

"We no longer submit reports without recommendations," says Irish. "People are learning to be clearer in their criticisms."

Jabu Dada, defence and development project manager, says tension with the government can be managed creatively to build effective partnerships. "Some NGOs are paranoid about their independence and don't want to work with the government, but NGOs have a very important role to play and can help, for instance, in establishing creative communications strategies."

Dada's project, which falls under the auspices of the Group for Environmental Monitoring, is working with the Department of Defence on a variety of defence-related issues.

"We are redefining security, asking 'where is the real threat coming from?' and we have a good relationship with government, but it is a joint collaboration."

NGOs certainly have an edge on government when it comes to creativity, flexibility and a lack of red tape. And the fact that the government has absorbed an estimated 60% of the NGO workforce since 1994 means that NGO workers can often find a sympathetic ear in government departments.

But, says Irish, the volunteer core of NGOs has given way to a new generation that wants to be well paid, and this, together with a shift from human rights-oriented to development-based funding has left a gap — and given rise to the danger that organisations will become less critical when they enter partnerships with the government.

"If you are doing research for the government in one area, will your challenge in other areas be as strong as it should be?" asks Irish.

Speak out on poverty
Hearing dates

Education March 17 to 21, Bloemfontein
Land and rural development March 31 to April 3, Pietersburg/Elm
Open April 24 to 25, Mafikeng
Open April 27 to 28, Nelspruit
Open May 1 to 2, Kimberley
Economic May 7 to 9, Johannesburg
Health May 11 to 17, KwaZulu-Natal
Social security May 18 to 23, East London
Environment May 25 to 29, Port Elizabeth
Housing and urban development June 1 to 4, Langa, Cape Town
The nation's poor will speak out

The NGO sector moves poverty back to centre stage with a daring pre-election roadshow, reports Ferial Haffajee

In Bloemfontein, the heart of South Africa, on March 17, the nation’s poor will begin to speak out. They will continue to do so for more than two months, speaking about overcrowded schools, cardboard homes and dwindling social security, as the most daring roadshow by the country’s NGO sector gets under way in every major city in the country.

The “Speak Out on Poverty” hearings come at a crossroads for NGO/government relations. Broad-sided by acidic comments by President Nelson Mandela at the African National Congress’s Mafikeng conference, the non-governmental sector must now prove that it can be both watchdog and government partner while moving poverty back to the centre stage it occupied in the run-up to the 1994 elections.

That’s when promises of “food, housing and jobs” helped put the ANC in power. The slogan had its genesis in the Reconstruction and Development Programme — a base programme which the South African NGO Coalition (Sangoco) would like to see revisited.

Sangoco national programme director Jacqui Boulle says: “It’s saying ‘let’s take the poor seriously’ and it’s about setting new election priorities.” She says that the poverty hearings are similar to the ANC’s people’s platforms held before the 1994 election.

In the absence of a mass-based political opposition, could this be the first signs of an NGO-led movement against poverty? “No” is the resounding answer, and not only because Mandela asked pointed questions about the constituencies on whose behalf NGOs speak. “It’s not an antagonistic process. It will be solutions-oriented and look at what’s working.” That’s why the coalition’s pamphlets inviting people to make presentations about their problems ask “What are you doing to eradicate poverty?”

The poverty hearings have been designed to be as inclusive as possible. The hearings were launched last week by Minister of Welfare and Population Development Geraldine Fraser-Moleketi, and both the gender and human rights commissions have been drawn in for political clout. After the last person speaks early in June, a report will be written and the commissions will deliver it to Parliament.

For Boulle, the poverty hearings are an extension of a presentation to the Truth and Reconciliation Commission last year which linked present poverty to apartheid economic policies. The hearings will also attempt to look at why delivery has not been as rapid as many had hoped since 1994. This will mean some critique of present policies, though it is likely to be muted as sensitivities abound especially after Mandela accused some NGOs of pursuing “militant opposition to the government”. Ironically, the hearings are likely to see the government and NGOs reach a high degree of convergence.

The government will this month also release its Poverty and Inequality report — an attempt at the first comprehensive poverty report in contemporary South Africa. Dr Pandy Pillay, the head of the co-ordination and implementation unit in Deputy President Thabo Mbeki’s office, says it will combine the data of the 1993 World Bank/South African Labour Development and Research Unit report into poverty, the October household surveys and the income and expenditure surveys by the finance and fiscal commissions.

If its recommendations are implemented, delivery could be sped up. One of the reasons Mbeki’s unit has been established is to implement greater pro-poor benefits ahead of the next election. “They’re two sides of the same coin,” says Pillay of the hearings and the government’s poverty assessment.

The report will also assess the impact of the state’s anti-poverty projects, such as its public works programmes, water provision, rural infrastructure and small farmer programmes. “Government just doesn’t know enough about poverty,” says Pillay. “That sort of information is critical for policy-making. You need some element to target the poorest of the poor.”

Poverty alleviation strategies are built into macro-economic plans like the government’s growth, employment and redistribution plan (Gear). But poverty also needs political responsibility. “Poverty is a cross-cutting issue. No department is able to grasp poverty as a single netile,” he says.

This suggests that anti-poverty programmes could get a financial fillip and gain some political muscle from the deputy president’s office; the acceleration of delivery also means NGOs could begin to play a greater role in the implementation of anti-poverty programmes.

While it is the public account of the lives of the poor which is likely to grab headlines in the next two months, a quieter process is under way which presents NGOs with a much finer balancing act. An economic commission is drafting alternatives to Gear which will be presented at June’s economic summit by a coalition of churches and civil society and this is likely to be a far pricklier thorn in the government’s side.

The plan is the NGO plan to unveil a poverty budget ahead of the national budget next year.
Judicial powerhouse that will safeguard the new world order

Moves are under way to establish an international criminal court. Rupert Cornwell examines the options.

CLOSE your eyes, and dream the dream of an armchair Rambo. The British and the Americans are bombing Iraq back to the age of Nebuchadnezzar. But that’s just the start of it. Delta and SAS commandos slip into the country, capture Saddam Hussein, and whisk him, alive, out of the country. Only, there’s one problem. What on earth do you do with him next?

Real life of course would not be quite like that. A Saddam thus cornered would undoubtedly be shot or strung from the nearest lamp-post (most probably both), either by foreign invaders or some of his less adoring subjects. But just suppose he was captured. One thing you couldn’t do, despite his proven record of torture, murder, pillage and partial genocide, would be to treat him as you would a common criminal charged with offences a fraction as serious.

You cannot put him on trial for the simple reason no court for that purpose exists. What is needed is a fully-fledged international criminal court (ICC). And, mirabile dictu, it looks as if we’re going to get one.

In many respects, miracle is the right word. Not even the unavoidable but flawed process of Nuremberg could prod the world into creating a supranational criminal tribunal. Yet again and again and again, the court could help.

There are, after all, the five-year process of creating a permanent international criminal tribunal, on the former Yugoslavia and Rwanda. The first has been at best modestly successful. Of the second, the less said the better. The failings of the present system – the delays, the disputed powers – have only underlined the need for a permanent international institution to try suspected war criminals in cases where national judicial systems have been unable or unwilling to do the job. And the five-year process of creating one has reached a surprisingly advanced stage.

In just 10 days time in London, European Union officials will review the latest ICC treaty draft. In mid-March a final preparatory conference will be held in New York, attended by 140 or more countries. Then in Rome this summer the foreign ministers will settle a draft treaty. Upon ratification, an International Criminal Court will become reality.

The question is, how powerful – in other words, how independent – will it be? Will it be able to instigate investigations and hand down indictments on its own, or will it have first to gain the approval of the government of the accused individual, or of the UN Security Council (thus giving the five permanent members the right to veto a trial that might prove embarrassing)? The answer, as ever, lies largely in the hands of America.

It is America, with the voice-ciferous support of France, that wants a “weak” court, firmly subordinated to the Security Council. One of its objections is reasonable enough – that the US unique role as a global military power could see its soldiers and policymakers at the wrong end of frivolous, politically-motivated charges of human rights abuse. The others mainly reflect its visceral prejudices against the UN and all its works. On any rational assessment, the case for a strong and independent court is unanswerable.

First and foremost, it deals with the principal objection to Nuremberg, of a “Victors’ Justice” based upon dubious concepts of law. An ICC trial would reflect the considered judgment of an international panel of permanent prosecutors, expert in the field of atrocities and human rights abuses, and drawing on a growing corpus of relevant international jurisprudence.

Nor would the ICC be just another manifestation of Western cultural imperialism, arrogantly imposing our standards on a world that neither shares nor wants them. The most heartening aspect of the current debate is the support for a “strong” court from Third World countries, several of whom have suffered human rights abuses which would have landed their perpetrators in its dock.

Indeed a permanent international court could help new democracies in that most difficult of tasks – dealing with their own state criminals of the recent past in a manner that is something more than naked vengeance. And for once Britain, instinctively suspicious of anything that smacks of idealism, is on the side of the angels.

We may slavishly adhere to the US-patented Rambo school when it comes to Iraq. But on the matter of the ICC we have broken with the Americans. For that, thank the “ethical” foreign policy – founded on principle, cleansed of moral squalor – which is meant to define this Government’s dealings with the world. Unlike Saudi Arabia and pending arms deals, the court is 24-carat ethics with no practical disadvantages.

Of course there is no guarantee the ICC will work. The US and France may yet manage to emasculate it. A host of other questions remain: to what arm of the UN the court will be accountable; whether trials in absentia will be permitted, and how to prevent a prosecution if it endangered peace and security. Absolute idealism can be too expensive a luxury. But if it causes even one wicked leader or his henchmen to think again, over even one intended brutality, the court will already have proved its worth.