



## BRINGING THE AFRICAN PERSPECTIVE TO THE ICC REFORM DISCUSSION

Wednesday, 6 December 2023, 13:15 – 15:15 EST  
United Nations Headquarters, Room B, New York

### INVITATION

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The **Center for International Law and Policy in Africa (CILPA)**, in collaboration with the **Permanent Mission of the Republic of Sierra Leone to the United Nations**, has the honor to invite you to a side event to the twenty-second session of the Assembly of States Parties to the International Criminal Court (ICC) on “Bringing the African Perspective to the ICC Reform Discussion” on **Wednesday, December 6, 2023, 13:15**, at the **United Nations Headquarters, Room B, in New York**. A light lunch will also be served.

### CONCEPT

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The International Criminal Court (“ICC”) has faced mounting criticism over the past few years as it struggles to fulfil its ambitious mandate in the Rome Statute. Poor quality investigations and prosecutions, controversial judicial decisions, institutional infighting, and a seeming lack of accountability for poor performance appear to have compounded mounting internal and external problems, including low budgets, limited state cooperation, and political backlash from powerful States.

In response and based on a proposal of the ICC principals in a May 2019 letter, the Bureau of the ICC Assembly of State Parties (“ASP”) adopted a resolution on 6 December 2019 in which the States Parties recognized the multifaceted challenges currently facing the ICC and established an Independent Expert Review (“IER”) process. The IER was billed as an “inclusive State-Party driven process for identifying and implementing measures to strengthen the Court and improve its performance.”

Given the various criticisms of the ICC, the review process seems like a welcome opportunity to strengthen the efficiency, credibility, and legitimacy of the ICC system. But for the review process to succeed, it will need to take into account the views of all States from all regions of the world as well legal academia and victims in ICC situation countries. The concerns of key stakeholders, such as the 33 State Parties from the African region which have been among the strongest supporters and also strongest critics of the ICC, are crucial. In fact, African States submitted numerous proposals for reform of the ICC system years before the reform process was put in place. Yet, once the ASP established a formal review process, the extent to which the previous African State proposals were addressed by the IER remains unclear. While African States Parties to the Rome Statute submitted a formal group proposal to the review process, in line with the mandate for the IER process, their concerns were not addressed by the IER report.

The failure to take into account the African State views on how to improve the ICC system constitute a significant missing piece in the ongoing reform discussions. CILPA, with the funding of the Open Society Foundations' Africa Regional Office, launched a project to bring the African perspective to the ICC reform discussion. CILPA commissioned three consultants in June 2022 to conduct research into the experience of African States with the aim of identifying key concerns about the distinct phases of the ICC reform process and proposing strategic recommendations to feed into the ongoing ICC reform discourse. A successful two-day workshop was hosted by CILPA in October 2022, in Freetown, Sierra Leone. The research and analysis carried out by the consultants during the first part of the project formed the basis of a comprehensive analysis of the African government concerns about the ICC reform. The workshop brought together the consultants with invited African legal experts, including from academia, civil society, government, and legal practice to examine how the reforms could be carried out to ensure more transparency and inclusivity of African concerns. Based on these contributions the consultants improved their respective papers before their various reform recommendations were published by CILPA in September 2023 as [open-source papers](#) and in special editions of the *African Journal of International Criminal Justice* (forthcoming).

CILPA, in collaboration with the Permanent Mission of the Republic of Sierra Leone to the United Nations, has organized a side event to the twenty-second session of the Assembly of States Parties to provide an opportunity for the consultants to present their research and analysis in a discussion with a State representative member of the Review Mechanism, with the aim of bringing African perspectives to the ongoing ICC reform discourse, and determining the extent to which previous African State proposals were addressed by the IER.

## **AGENDA**

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### **United Nations Headquarters, Room B, New York**

**Wednesday, 6 December 2023, 13:15-15:15**

**13:15 | 13:25 WELCOME AND OPENING REMARKS**

**Prof. Charles C. Jalloh, Founding President and Executive Director, CILPA and Distinguished University Professor, Florida International University**

**13:25 | 13:55 OVERVIEW OF KEY AFRICAN STATE CONCERNS REGARDING ICC REFORM**

**Background Paper on the Relationship Between African States and the ICC**

- Consultant: Mr. Sètonджи Roland Adjovi, Etudes Vihodé

**Examining the Domestic Legal Framework in the African States that Today Form Part of the Situational Docket of the ICC**

- Consultant: Dr. Geoffrey Kevins Lugano, Kenyatta University

**Examining the Role of African States in Supporting ICC Investigations, and Issues of Cooperation and Complementarity under the Rome Statute**

- Consultant: Ms. Lorraine Smith van Lin, Smith van Lin Consultancy

**13:55 | 14:40 INTERACTIVE DIALOGUE**

**Moderator**

**Prof. Charles C. Jalloh, CILPA and Florida International University**

**State representative members of the Review Mechanism**

**H.E. Ambassador Michael Imran Kanu, member of the ICC Review Mechanism, Permanent Representative, Permanent Mission of the Republic of Sierra Leone to the United Nations**

**Consultants**

**Mr. Sètonджи Roland Adjovi, Etudes Vihodé**

**Dr. Geoffrey Kevins Lugano, Kenyatta University**

**Ms. Lorraine Smith van Lin, Smith van Lin Consultancy**

**14:40 | 15:10 Q&A**

**15:10 | 15:15 CLOSING REMARKS**

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