



Press Inquiries:

Sally Eberhardt, Media Liaison
tel: (+) 1.212.687.2863 ext. 17
email: eberhardt@iccnw.org

Questions & Answers:

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RELATIONSHIP AGREEMENT BETWEEN THE ICC AND THE UNITED NATIONS

What is the Relationship Agreement?

The Relationship Agreement between the International Criminal Court (ICC) and the United Nations (UN) regulates the working relationship between these two organizations, and establishes the legal foundation for cooperation within their respective mandates. The ICC is an *independent* international institution with a mandate – in support of the UN Charter – to address crimes that threaten international peace and security. The Relationship Agreement therefore reflects a delicate balance between *independence* and *cooperation*, respecting the autonomy and confidentiality of both institutions.

What Does the Relationship Agreement Address?

Under the Relationship Agreement, the ICC and the UN recognize each other's mandates and status, and agree to cooperate and consult with each other on matters of mutual interest. The Relationship Agreement covers two key categories of procedures.

First, it addresses procedures that are relatively standard and include the exchange of representatives, the exchange of information and documentation, administrative cooperation, the provision of conference services and facilities and the use of the UN *laissez passer* as a valid travel document by some ICC officials.

Second, the Relationship Agreement covers procedures unique to the Court as an independent judicial institution focusing on international criminal law. These reflect the special nature of the cooperation that will take place between elements of the UN system and the ICC. In particular, the Relationship Agreement provides information on the manner in which Security Council referrals and requests for deferral are transmitted to the Court and the manner in which the ICC may inform the Security Council of a failure to cooperate with its requests. It also provides a framework for cooperation between the UN and the ICC Prosecutor and the necessary agreements to facilitate such cooperation. In addition, it also addresses issues of privileges and immunities and protection of confidentiality.

708 Third Avenue
24th Floor
New York, NY 10017
P. (212) 687-2176
F. (212) 599-1332

Anna Paulownastraat 103
The Hague, The Netherlands
P. 31-70-363-4484
F. 31-70-364-0259

www.iccnw.org

About the NGO Coalition for the International Criminal Court (CICC)

The CICC is a global network of over 2,000 civil society organizations supporting a fair, effective and independent International Criminal Court. For more information, visit us online at: www.iccnw.org

The Relationship Agreement will only cover certain aspects of the overall relationship between the ICC and the UN. Other aspects of that relationship, such as the role of the Security Council vis-à-vis the ICC, are explicitly dealt with in other articles of the Rome Statute.

When Did the Relationship Agreement Enter Into Force?

The Relationship Agreement entered into force on 4 October 2004, following its signing by ICC President Judge Philippe Kirsch and the UN Secretary-General Kofi Annan. The draft Relationship Agreement was adopted by the Assembly of States Parties to the Rome Statute of the ICC during its first session in September 2002. The draft served as a basis for negotiations between the UN Secretariat and the ICC, after the General Assembly had adopted a resolution on the ICC in December 2003 inviting the UN Secretary-General to “take steps to conclude a relationship agreement between the United Nations and the International Criminal Court and to present the negotiated draft agreement to the General Assembly for approval.”² The UN and the ICC agreed upon and initialed a final draft of the Relationship Agreement on 7 June 2004. The Agreement was then approved by the ICC Assembly of States Parties in The Hague, The Netherlands on 7 September 2004 and by the UN General Assembly at the close of its 58th session, on 13 September 2004.

Why is the Relationship Agreement so Important?

The global presence and infrastructure of the UN make it potentially the most important partner of the ICC on various levels. Even the administrative issues covered by the Relationship Agreement have implications for the substance of the work of the ICC. One of the most important aspects of the Agreement is the cooperation between the UN and its programs, funds and offices, and the ICC. In particular, representatives of agencies, ranging from the UN High Commissioner for Refugees and the High Commissioner for Human Rights to the UN International Children’s Fund and the UN Development Program, conduct extensive field operations, which may lead them to possess information which would make them valuable as experts or witnesses at the ICC. The same holds true for representatives of peacekeeping operations, as well as the peacekeepers themselves. The Relationship Agreement establishes some principles governing these interactions.

¹ See the Preamble of the Rome Statute of the International Criminal Court, which recognizes that “such grave crimes threaten the peace, security and well-being of the world,” and the Preamble of the Charter of the United Nations, which pledges to “unite our strength to maintain international peace and security.”

² A/Res/58/79 adopted 9 December 2003.