

**SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES
TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

**Tenth session
12 – 21 December 2011, New York**

**Closing remarks by
Christian Wenaweser as ASP President (2009-2011)**

I declare open the tenth session of the Assembly of States Parties of the International Criminal Court.

At the outset, I wish to extend a special welcome to two special guests today: President Ian Khama of the Republic of Botswana who is the second Head of State in the history of the Assembly to honor us with his presence. He is one of the champions of international criminal justice and I am deeply honored that he has accepted the invitation I had an opportunity to extend to him personally on an official visit as ASP President earlier this year. Mr. President, a warm welcome and heartfelt thanks to you. Also, I welcome the High Commissioner for Human Rights, Mrs Navi Pillay. She has been an outstanding advocate of the ICC for many years now and I have had the great privilege of working very closely with her throughout my term as President of the Assembly.

I am grateful for this opportunity to offer some final thoughts as President of the Assembly of States Parties before handing over to Ambassador Intelmann. After three years in this function, I am looking back with satisfaction at our common achievements: It has been a period of both consolidation and growth: Most notably, of course, we have expanded our membership to 120 States – precisely the number I had considered a landmark when taking over three years ago, because it is identical with the number of States that voted in favor of the Rome Statute in 1998. I hope that we will soon be able to celebrate the next milestone, once we reach 129 States Parties – and thus two thirds of the membership of the United Nations. This increase in membership is but the most visible expression of the steady growth of political support for the Court that we have witnessed over the last years, even in the face of concerted political attacks on the Court, and polemic around some of its activities and decisions. These were difficult times, but as a result the Court has emerged as a stronger institution. Today, the International Criminal Court is a reality whose existence everybody acknowledges, even those who remain for the time being outside of the Rome Statute. The effects of its work are felt around the world and, most importantly, the core message of the Rome Statute system is picked up, echoed and reinforced by people in all parts of the world: There can be no impunity for the most serious crimes under international law. And there is thus no effective global governance without accountability.

The Review Conference in Kampala last year was a crucial moment in the consolidation of the Court as an institution. There are two key messages coming out of Kampala: The treaty as designed in 1998 has stood the test of time. And we as States Parties are prepared to face the challenge to make the system work, in concert with the Court itself.

As a key part of this consolidation process, we also completed the treaty: We took by consensus a decision of historic importance by defining the crime of aggression and agreeing on the conditions under which the Court can exercise jurisdiction over it: More than sixty years after

the creation of the United Nations, we therefore made it possible to penalize the worst forms of the illegal use of force. It is now up to each one of us States Parties to do what is necessary to have this system become operational in 2017. I hope that as many of you as possible will soon choose to ratify the Kampala amendments on the crime of aggression. I also believe that we have done something very important by establishing a Search Committee to identify the best possible candidates for the position of Prosecutor. This office is of the highest importance for the success of this institution. Making our decision in this respect on the basis of a merit-driven process instead of politicized campaigning is hopefully an approach that can serve as a model in the future and perhaps also elsewhere. I am thankful to the Search Committee for its work. And I am happy to see that States, as a result, have decided to nominate Fatou Bensouda for this position, who has so ably served as the Deputy Prosecutor. I ask all the States to extend their full support to her in carrying out her difficult tasks – as I will do myself.

After all these significant steps and advances, we are still facing big challenges during this next phase, the biggest of which may well be: making best use of the Rome Statute system. Rome was one of those rare moments in time when States take decisions that are truly visionary. We must now match this with the vision of implementing this system – a system which constitutes such a significant leap that we are still catching up with all its consequences and still struggling to use all the opportunities it offers.

In so doing, we must work on the basis of the international consensus to fight impunity – a goal shared also by those who have yet to join the Rome Statute system. On this basis, we can promote the capacity of States to enable their national judiciaries to conduct genuine investigations and prosecutions. Indeed, national judiciaries must be most effective tool in the fight against impunity.

We as States Parties will have to think about the relationship between the Security Council and the Court – especially those of us who serve on the Council, but not only. We have had two referrals of situations by the Council, one of them by consensus. This was essential in giving the Court the place it currently has. In the future, we thus no longer have to look at referrals from the point of view of acceptance of the Court – we have achieved that acceptance – but rather from the best interest of international criminal justice. This means in concrete terms a genuine commitment to ensure that justice is done, by providing the necessary diplomatic and financial support.

This Court is not an expensive institution. It is not expensive compared to other international tribunals, and it is certainly not expensive compared to some of the other activities we are asked to finance, especially here at the United Nations. This is not to say that we must not insist on the most efficient use of our resources – the coming years will be financially difficult, and savings will be more necessary than ever, and I know that they are possible. But the responsibility we have extends both to our taxpayers and to our common vision reflected in the Rome Statute system.

We will not always agree – not among States and not between the States and the Court. We will find ourselves in difficult situations and face new challenges. But let us just always remember that we are all part of something bigger and commit to making our small contribution to it. We will succeed if we keep the best interest of the Court and of justice in mind. This way we should be able to avoid any rift between the Court and the States that support it – neither can achieve anything on their own – and we should be able to avoid any rift among States Parties on questions that are of the essence to the Court's success.

Finally, I wish to thank you all for the opportunity to serve in this position during these exciting years, for the support you have given me and most importantly for your trust. It has been a gratifying challenge that has covered more or less all the aspects on the emotional scale. It has been a humbling and uplifting experience for me. If you think that we have done well together, that is my biggest satisfaction.
