

Statement at the 13th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

Michael Y. Liu, Secretary-General

New York, 8--17 December 2014

Mr President, Your Excellencies, Distinguished Ladies and Gentlemen,

It is my great honor and pleasure to address this Assembly of States Parties (ASP) to the Statute of the International Criminal Court (ICC) in the name of the Chinese Initiative on International Criminal Justice. The organization I represent mostly works in non-member states. This illustrates the fact that although the Court itself is not yet universal, the values and principles the Court stands for have no boundaries.

Ladies and Gentlemen, as the Nuremburg prosecutor Ben Ferencz pointed out in his remarks in the closing statement of the Court's first case, "[t]he International Criminal Court represents the awakening of the human conscience." Ensuring the Court as such is on the moral high ground functioning with full integrity is key to its success, especially to the prospective member states. This is a firm belief that I can share with you throughout my past years' experience of advocating for the Court around the world.

Recent process in Kenya Situation amplifies the challenges the Court is facing, notably in the field of states cooperation. We urge all parties involved to learn from this experience. Cooperation is not only the obligation and responsibility of member states under the Rome Statute and other international treaties. It also impacts the integrity of the Court as an independent and functional judicial institution.

I wish to use this occasion to offer some thoughts for further consideration. As Judge Song, the President of the Court wisely observed in one of his remarks at the 10th ASP in 2011, the biggest obstacle to the universal ratification and implementation of the Rome Statute system is the sheer lack of knowledge, in

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particular about the principle of complementarity. He further remarked on Human Rights Day this year that the principle of complementarity allows the Rome Statute system to advance the struggle against impunity on two levels simultaneously: strengthening the global structures for the protection of fundamental human values; and respecting and reaffirming state sovereignty by encouraging the capacity-building of national mechanisms to uphold the rule of law. We therefore urge that sufficient resources be allocated to ensure effective complementarity. By doing this, we can spread global awareness about the need for accountability; we can progressively entrench legal and social norms prohibiting mass violence.

Ladies and Gentlemen. We welcome the election of a new batch of judges. Like many have said this week, ensuring the election of jurists of the highest quality is essential for the success of the Court. We are particularly glad to see Judge Chung from South Korea join this new plenary of judges. It is unfortunate that to this day, the Asia-Pacific region remains the least represented before the Court and inside the Court. Regional representation is not only a matter of public diplomacy; it is a matter of principle.

I want to reiterate the message I began this intervention with: the Court is not only for its member states and their citizens. The Court is for all of humanity. As President of the ASP Maître Sidiki Kaba has suggested, “[i]t is difficult to accept that an overwhelming majority of the world population cannot benefit from the competence of this important international jurisdiction.” I would use the motto of our organization, “any international justice without Chinese participation would not be a true global effort” to echo his words.

I am particularly glad to see non-member states including my own country sending their delegates to the ASP. That in itself shows the international community’s confidence in the Court’s future. Let me assure you, there is sufficient interest in and commitment to the Court from people around the world, no matter where we are, or what language we speak. Ensuring the Court is on the moral high ground with full integrity is key to achieving universality. In this process, we need to further our dialogue and our engagement and continue to build strategic partnerships and solidarity with each other in achieving our goals of peace and justice in the region and in the world.

Lastly, I want to express my deep appreciation to all of you who have put this together, in particular to the Coalition of the International Criminal Court for their enormous efforts.

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I thank you for your attention.

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