



Assembly of States Parties

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Informal summary by the President on the “Relationship between Africa and the International Criminal Court”

I. Introduction

1. The President of the Assembly of States Parties (“the Assembly”), Mr. Sidiki Kaba (Senegal), proposed to include a segment in the fifteenth session of the Assembly to provide an opportunity to engage in a constructive dialogue on the relationship between Africa and the International Criminal Court. President Kaba emphasized that the Assembly was the proper forum to address the challenges in this relationship and to seek dynamic solutions.
2. The Bureau of the Assembly of States Parties of the International Criminal Court concurred with the President’s initiative and agreed to hold an open Bureau meeting on 18 November 2016.
3. The open Bureau meeting, which was moderated by President Kaba, was held from 15:00 to 19:30 on 18 November 2016. His Excellency J. Tony Aidoo, Ambassador of Ghana to the Netherlands, and Mr. Njonjo Mué, an expert on transitional justice and member of Kenyans for Peace with Truth and Justice, were the two panellists who delivered introductory interventions while Mr. Adewale Iyande of the African Union Commission, presented some perspectives on behalf of the Open-Ended Ministerial Committee on the ICC of the African Union.
4. Furthermore, 40 States Parties from all regional groups and two members of civil society took the floor during the session.

II. Discussion

5. The discussion confirmed the importance of the African States Parties to the success of the International Criminal Court. It stressed the commitment of States Parties and the international community as a whole to the fight against impunity. Some States Parties, while recognizing that withdrawal from a treaty is a sovereign decision of a State, nevertheless expressed their deep concern about the withdrawals of Burundi, The Gambia and South Africa and the message such actions could send. A number of States voiced their hope that the three States would reconsider their decision.
6. Many States highlighted the importance of such a discussion to better understand the concerns of African States Parties and welcomed the opportunity that the President’s initiative had given the Assembly for an open exchange. Some States indicated that while the work is difficult, it should not cease. Thus, the collaborative nature of the efforts, for example the Bureau working group on the implementation of article 97 of the Rome Statute, should continue.
7. On the other hand, some States Parties took a view that this situation presented an opportunity for the Court to continue its efforts to further improve the transparency of its

activities and encouraged such initiatives. At the same time, they stressed that any progress on the matter depended on the active participation of all States Parties.

8. There was broad agreement that the Assembly was the best place to discuss the concerns expressed by some States Parties and to carry out the important work of fostering and strengthening the universality of the Rome Statute. It was stressed that peace and justice are complementary to each other.

9. There was ample satisfaction that an open process of dialogue had been started in order to address the concerns of African States. It was agreed that this dialogue should continue and develop further, focusing also on possible practical measures for the future of the Rome Statute system and the International Criminal Court.
