



17th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

New Zealand Statement

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Mr President,

New Zealand would like to acknowledge the efforts of all those who are working to end impunity for international crimes, whether in the International Criminal Court, other accountability mechanisms, or at the national level.

New Zealand considers the Court to be a central component in the international rules-based order and international efforts to end impunity. As the only permanent institution with a comprehensive mandate, the Court sits at the apex of the broader system of organisations and mechanisms supporting international criminal justice and accountability.

New Zealand is pleased to announce that our government has recently taken the decision to ratify the War Crimes Amendments that were adopted in Kampala in 2010 and in New York last year. Now that this decision has been taken to we will proceed to present the amendments to our parliament so that it can enact the necessary implementing legislation before we deposit our instrument of ratification. We commend the hard work which took place to develop these war crimes amendments over many years and welcome the greater protection these offer, as well as the harmonisation between situations of international and non-international armed conflict.

20th anniversary

Mr President, over the past year we have celebrated the important milestone of the 20th anniversary of the Rome Statute. The success of a Court such as the ICC cannot be measured simply by the number of convictions it achieves, but rather by the overall contribution the Court makes to ensuring lasting respect for international justice.

Delivering international justice in a complex and ever changing environment is an ambitious and challenging goal. While reality often lags behind the aspirations reflected in the Rome Statute, New Zealand recognises the substantial achievements of the Court thus far, which include investigations into 11 different situations (as well as another 10 situations under preliminary examination; providing assistance to victims and establishing a reparations system; encouraging effective actions at the domestic level; and significant contributions to international criminal law jurisprudence.

At the same time, we have to acknowledge that the Court is experiencing more challenges and has more detractors than we would have hoped when we adopted the Rome Statute 20 years ago.

So what could the Court and States Parties do to respond to these challenges?

New Zealand thinks the Court should be careful not to let the increasingly politicised environment around it distract it from successfully meeting its core mandate. In our view, Mr President, the Court's best response to the challenges it faces is to focus on conducting high quality investigations and prosecutions for the most serious crimes of concern to the international community as a whole, and to be as effective and credible an organisation as possible. In this regard, we commend the Court's efforts in recent years to improve the transparency, efficiency and accountability of the Court.

The principle of complementarity has a key part to play in the Court exercising its core mandate. The Rome Statute recognises that the Court is a court of last resort and that national jurisdictions taking responsibility for the crimes in the Statute is the optimal outcome. Respect for robust domestic legal frameworks that ensure accountability is an essential element of the complementarity principle.

Mr President, turning to what States Parties can do to respond to the challenges faced by the Court, we encourage this Assembly, in addition to making statements of support for the Court, to also focus on practical measures that can assist the Court in the exercise of its role. This includes ensuring that the Court has adequate resources to effectively fulfil its mandate. We also see a need for States Parties to shoulder a greater responsibility for promoting the Court and developing national capacities. We noted President Kwon's comment that only about half of States Parties have the necessary implementing legislation in place.

New Zealand considers that at this point in the Court's history there is a need to consolidate and focus on the existing crimes within the Courts jurisdiction, rather than States Parties seeking to expand the crimes covered by the Statute. None of the challenges facing the Court today are to do with a shortage of crimes to pursue. For this reason, while we welcomed the War Crimes Amendments adopted at the Assembly last year, we share the view of many in this room that at this point the Assembly should be cautious about adding further new crimes to the Rome Statute, particularly those that criminalise new categories of weapons.

Mr President, since 1998 the International Criminal Court has established its central place in the broader international system combatting impunity for international crimes. As we look ahead to the next chapter in the Court's history, New Zealand remains committed the principles of the Rome Statute and to working alongside others to safeguard the Court and ensure it continues to be an effective and credible international judicial institution.