



The Netherlands - Speech General Debate 7th ASP

Ambassador P.W.J. Wilke

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Mr President, Your Excellencies, ladies and gentlemen,

Let me start by thanking the President and the Prosecutor for the clear messages they sent to the Assembly this afternoon. The Netherlands also fully aligns itself with the statement made on behalf of the European Union by France. Please allow me to make some additional remarks on behalf of the Netherlands, both as a committed state party to the Rome Statute and as host state of the ICC. In the latter capacity, we are very pleased to have the Assembly here at the World Forum Convention Centre in The Hague, and we look forward to a productive 7th Session.

In this General Debate I would like to draw your attention to three issues of particular importance to us. Our first point concerns our firm conviction that there can be no lasting peace without justice, and that in order to play its important role in this respect, the International Criminal Court depends very much on cooperation extended by states and international organisations. Second, I would like to say a few words relating to the universality of the Rome Statute, which is essential if the Court is to function effectively. Lastly, I would like to address a number of issues directly related to the position of the Netherlands as host state of the ICC, most notably the permanent premises.

Mr President,

The ICC is now at a crucial stage of its existence and is being scrutinised by the international community. The decisions to be made in respect of the Court in the coming months may well determine for years whether war crimes and other serious crimes of international concern go unpunished or not.

In these circumstances, the professionalism and experience of the judges is of crucial importance. Given the growing number of suspects in the custody of the Court awaiting trial, the judges' craftsmanship will help strengthen the Court as an institution. At the same time, the international community should shoulder its own responsibilities, in particular where the several arrest warrants that are still outstanding are concerned.

Let me recall at this point the address made by the Dutch Prime Minister to the UN General Assembly in September of this year. He noted that in a safe world, right is stronger than might and that crimes that outrage world opinion must always be punished. The ICC is there to support us in that task, he said. And we must support the Court. All of us. Unconditionally.

The Netherlands is convinced that in the end, stability and security in the world – and consequently people living in the most unsafe countries – benefit from the work of the ICC.

The Court therefore must be able to count on cooperation from its States Parties, but also from international organisations and non-States Parties when there is a legal mandate or obligation to that effect. Without this cooperation the Court cannot fulfil its principal mandate to hold accountable perpetrators of the most serious crimes of international concern who are not being prosecuted through national systems. Cooperation, in particular relating to the execution of arrest warrants, is vital to serving justice as a foundation for lasting peace.

At this moment, the ICC has outstanding arrest warrants in the DRC, Uganda and Sudan. Of particular concern are the movements and increased activities of the Lord's Resistance Army. On 21 October the European Parliament called, quite rightly, on the Government of Uganda and the governments of neighbouring countries, like the DRC, to cooperate fully in arresting and surrendering Joseph Kony and other persons to the ICC without delay. As for the situation in Darfur, it is obvious that the Government of Sudan has not met its obligations under Security Council Resolution 1593, which was adopted under Chapter VII of the UN Charter. This is a concern we continually raise with the Government of Sudan in our bilateral contacts. In the light of the request by the Prosecutor for an arrest warrant for President Bashir, we would like to reiterate the need to reconcile peace efforts with justice. Particularly in these crucial times for the Court, States Parties should stress their commitment to the institution that was built in Rome in 1998, and all it stands for. The independence of its judges should be respected, and it is for them to decide on the admissibility of cases on the basis of complementarity. States Parties to the Statute have a responsibility to ensure that no political pressure is put on the Court that might jeopardise its autonomy and hence its credibility. Confidence and support must be essential elements underpinning the system of international justice.

Mr President,

Please allow me now to say a few words on universality, relating both to the ICC's field of activity and to its member states.

The Netherlands is proud that it is home to the legal capital of the world, The Hague. For this reason we feel a special responsibility to make every endeavour to ensure that the ICC is supported by as many states as possible. The Rome Statute envisages a criminal law system with universal jurisdiction. In order to be able to function effectively, in prosecuting

and deterring the heinous crimes that prompted its creation, the Court needs a broad membership. Efforts to promote universal ratification and implementation of the Rome Statute should in our view not be limited to states that have expressed their appreciation of the work of the Court or their willingness to join the ICC family. We should invite other states, the permanent members of the Security Council included, to come on board as well, while at the same time welcoming the more pragmatic and supportive approach some of these states have already adopted.

The universal character of the Court should in our view also be reflected in the more specific and practical choices at hand, such as the encouragement of broad participation in the Assembly. This is also why the Netherlands has facilitated the presence of LDC's by means of a contribution to the LDC Trust Fund earmarked for providing these delegations with hotel accommodation free of charge. Another item I would like to mention in this regard is the decision on the venue of the Review Conference. I hope that at this ASP we will be able to arrive at a fair conclusion, recognising the efforts made by the various states.

Mr President,

This brings me to my last point, which is connected with the position of the Netherlands as host nation to the ICC. This is the issue of the premises of the Court.

As you all know, the Court will be housed at the current location, the Arc, until the end of 2014. This very month new facilities will become available in the Haagse Veste, in the vicinity of the main building.

In the meantime, we hope that the construction of permanent premises for the Court can start without undue delay. As a first step in this process an architectural design competition was launched in February this year. On 18 November we will unveil the three winning designs, selected by an international jury, at a festive event in the city hall of The Hague. I hope you will be able to attend.

For the construction of the permanent premises, which should start in 2011, the Netherlands is offering a flexible, low-interest loan of €200 million. The adoption of the resolution on the offer, duly prepared by the chair of the Oversight Committee, Ambassador Jorge Lomonaco, is a priority for the Netherlands at this ASP. Once the offer has been accepted, nothing will stand in the way of a successful start to construction.

Thank you, Mr President.