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ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE

Ninth session Fifth plenary meeting

Closing remarks of the President of the Assembly Ambassador Christian Wenaweser

Excellencies, colleagues,

Allow me a few closing remarks at the end of this session which has produced the positive results that I had hoped for. As always, this has been a joint effort that involved many different actors from The Hague, from capitals and from New York. I am grateful to all of you. But in particular, I want to thank the coordinators, chairpersons and facilitators for all the hard work they have done and to congratulate them on the important results they have achieved. My special thanks go to Vice-President Lomónaco who has continued to steer The Hague Working Group in a very able and diligent manner. As always, I am also deeply grateful for the work of the Secretariat of the Assembly and in particular its Director, Renan Villacis, who have again provided us with wonderful support.

The successful outcome of the Kampala conference has enabled us to move forward and open a new chapter in the work of the Assembly. I am happy that the Assembly has reaffirmed the results of Kampala and the understanding with which we have adopted the amendments to the Rome Statute. I am pleased that we will have a diligent process in considering possible future amendments to the Statute. For this as well, the Assembly has created a solid basis.

This next chapter in the lifespan of the Assembly will have a focus on establishing a strong and dynamic relationship between the Court and the States Parties, with full respect for the provisions of the Rome Statute. In particular, we must strike the right balance between the oversight function of the Assembly and the judicial independence of the Court – which must be safeguarded under all circumstances. I am therefore particularly happy that the Assembly did agree on a decision on an independent oversight mechanism. This illustrates again that we are able to find genuinely consensual solutions on difficult and sensitive issues if we approach them in a positive and constructive manner. I am also grateful for all the assistance the Office of Internal Oversight Services has provided, both through seconding a very able Temporary Head and through agreeing to conduct the Assurance Mapping Study for the Assembly. This decision is therefore of double importance: it provides the Court with a tool that can help enhance its credibility and effectiveness. And it also sets the right tone for the wider discussions on governance

that we will start engaging in, in the framework of the study group established by this Assembly. We must never forget that the Court and we as States Parties and the Court are partners in this great effort to end impunity for the most serious crimes under international law. This institution has the potential to bring about the most significant change in international relations. We have created that opportunity in Rome and must make a sustained effort, every day, to achieve this historic change.

It is important that we have found again a consensus on the Court's budget. I hope that the parameters of the future are clear: Fiscal responsibility, budgetary discipline, an ongoing effort to be cost-efficient and to expedite judicial proceedings with full respect for due process, combined with our continued commitment to provide the Court with all the necessary resources to carry out its functions assigned to it under the Rome Statute. We should also study the possibility of moving to a two-year budget cycle; the Court, for its part, should do all it can to produce a higher-quality budget document.

Money alone, however, will not make the Court effective. It is the cooperation of States that allows the Court to carry out its investigations and its judicial work. It must be clear that the Court receives overall very strong cooperation from States – and that this cooperation has also been instrumental in the arrests that have been carried out and in enabling the Court to reach the current stage of its judicial proceedings. But we must be prepared for situations of obvious non-cooperation that can be damaging to the Court. I am therefore pleased that the Bureau has been given a mandate to discuss mechanism to allow us to react in such situations.

As the Bureau is entering the last year of its term, enhancing cooperation is one of the big challenges we have ahead of us. In addition, we are facing the task of electing the persons that will shape the future of this institution in a lasting manner: the Chief Prosecutor and six new judges. If we have learned one thing from the past eight years it is that leadership is of decisive importance. And I can therefore not emphasize enough how important these decisions will be. The Bureau has established a Search Committee in order to assist the Assembly to identify the best possible person to serve as the Prosecutor. This is a very important step, and I look forward to having the Committee in place before the end of the year.

Just as important is the election of the six new judges. I support the ongoing efforts, from civil society and others, to ensure the highest possible quality of the persons we will elect. The most important step in this process, however, is the stage of nominations. So I appeal to you, as States Parties, to nominate the best possible persons to serve as judges starting March 2012. And in particular to see to it that the Court will have highly qualified people who have the ability to manage and handle trials in an efficient and effective manner.

Two final words of thanks: First, to the United Nations Organization. Starting with the Secretary-General, the UN has given us as the Assembly and me personally – but also the Court - steadfast and strong support, in every respect – from logistics to the political I am very grateful for that.

Finally, I want to thank you all for the trust you have placed in me and the manner in which you have supported me throughout the year. I very much look forward to an intensive and productive final year in my tenure as President of the Assembly and to hand over to my successor pretty much a year from now, here in New York.

Thank you.
