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STATEMENT OF THE UNITED KINGDOM

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ASSEMBLY OF STATES PARTIES OF THE INTERNATIONAL
CRIMINAL COURT

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Mr President,

I welcome this opportunity to make a short statement on behalf of the United Kingdom, to set out my government's position on the discussions that will take place at this Assembly. I also align myself with the statement made yesterday by the distinguished representative of Belgium, on behalf of the European Union.

I would first like to thank you, Mr President, for the personal role you have played over the last three years as President of this Assembly. Your leadership during this time has been crucial to the development of the International Criminal Court, which is now established as a cornerstone of the international justice system. In particular, your handling of the delicate negotiations that took place in Kampala on the Crime of Aggression was vital to ensuring the overall success of the Review Conference. As was made clear in our statement on the final day of the Conference, the United Kingdom welcomed the positive outcome that was reached on aggression in Kampala, which helped preserve the primary role of the United Nations Security Council. We now have a period to reflect on this issue before any amendment enters into force, following further discussion by the ASP in 2017. In this regard, we note that all the amendments were adopted under Article 121 paragraph 5 of the Rome Statute and accordingly they will only enter into force for a State Party once it has ratified that amendment. It is not, therefore, necessary for a State that has not ratified the amendment on the crime of aggression, and which does not wish to be bound by it, to make a declaration under article 15 bis paragraph 4.

I would also like to thank all of the elected officials and staff of the ICC for their continued hard work in 2010. Many of those who attended the Review Conference in Kampala this year were able to see at close hand during the field visit to Bunia the very difficult and challenging conditions which ICC staff often face on the ground. Their commitment to the Court and perseverance in pushing forward its investigations and trials are fundamental in allowing the Court to operate so successfully as an independent judicial institution. In order to ensure the Court operates successfully, however, we States Parties must play our part as well. In that regard cooperation is critical to the Court's work. We must continue to highlight the importance of cooperation and should consider how the

ASP can respond effectively to the failure of States to comply with their obligations under the Rome Statute and international law.

I am delighted that this year we are able to hold this meeting of the Assembly here at the headquarters of the United Nations. The importance of the relationship between the UN and ICC is set out in Article 2 of the Rome Statute, and I welcome the participation of the Secretary-General at this year's Review Conference and at this year's Assembly. The UN, and in particular the Security Council, will continue to have an important role in providing the political framework in which the Court can operate.

I would also like to acknowledge the continued role that NGOs and civil society continue to play in supporting and promoting the work of the ICC. I would in particular like to thank the Coalition for the ICC for their announcement yesterday on the establishment of an experts' panel to assess candidates nominated by States Parties for election as ICC judges. The United Kingdom welcomes this initiative as a positive step towards strengthening the election process.

2010 has been a notable year for the continued expansion of the mandate of the Court's jurisdiction, with four new countries ratifying the Rome Statute over the last 12 months. I commend the delegations from Bangladesh, St Lucia, the Seychelles and the Republic of Moldova for the steps their governments have taken towards ratification, and welcome them to this Assembly. The United Kingdom made a pledge at the Review Conference to promote ratification of the Statute, and in support of that pledge we are closely involved with the Expert Working Group set up to revise the Commonwealth ICC Model Law. We have also taken steps this year to extend the UK's ratification of the Rome Statute and the Agreement on Privileges and Immunities to the following territories for whose international relations the United Kingdom is responsible: Anguilla; Bermuda; the British Virgin Islands; the Cayman Islands; the Falkland Islands; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; St Helena and its Dependencies; the Sovereign Base Areas of Akrotiri and Dhekelia; and the Turks and Caicos Islands. We continue to call on all States to take steps towards ratification of the Statute and implementation of the Statute in to their domestic legal system.

Mr President,

2010 has witnessed a significant expansion in the judicial and investigative activities of the Court, with the beginning of proceedings against Jean-Pierre Bemba and the opening of a whole new investigation in Kenya. Later this week, there will be an important development in the cases involving Abdallah Banda and Saleh Mohammed Jerbo. As the Court expands its operations, it is right that the Assembly will be discussing this week a number of measures aimed at both reaffirming the importance of judicial independence and increasing the efficiency and effectiveness of the Court. In particular, we will discuss a draft resolution on governance issues and move forward on operationalising the Independent Oversight Mechanism. On Governance, I would like to thank the Hague Working Group and the Bureau for their work in preparing this item for discussion by the Assembly, and we recommend that all States support the draft resolution which will set up a study group to take forward a structured dialogue on this issue between the Court and States Parties. In particular we hope that the Study Group, in conjunction with relevant stakeholders, will be able to consider a review of the current procedural rules applicable to judicial procedures. We also strongly encourage States Parties to agree consensus over the future direction of the Independent Oversight Mechanism. It is important that at this ASP we agree on the mandate of the IOM with the aim of having a fully functioning mechanism at our next ASP in 2011.

As with all other ASP meetings, one of the key topics we are required to discuss will be the Court's budget for the coming year. I would like to thank the Court and the Committee on Budget and Finance for their extensive work in preparing the draft budget and recommendations on it. In our statement at last year's ASP and at the Review Conference in Kampala, the United Kingdom flagged up the critical impact that the global economic crisis is having on national budgets and on the financing of international institutions. The impact of this crisis continues to present unique challenges - in the United Kingdom, we have had to implement a range of tough cuts across government, aimed at significantly reducing the UK's budget deficit. None of the international institutions can be exempt from the very severe implications of the

current economic situation. The United Kingdom is committed to ensuring value for money from the international organisations to which it contributes. We will continue to call on the ICC to increase efforts to use its resources more efficiently and effectively and in doing so prioritise its activities to focus on its core mandate. With this in mind, we will be seeking cuts in the budget beyond that which have been recommended by the CBF, to achieve Zero Nominal Growth in the Court's budget.

Mr President, the United Kingdom holds a unique position within the international justice system, as the only country that is actively engaged with all six existing criminal tribunals – through our Security Council membership we support the work of the tribunals on the former Yugoslavia and Rwanda; we support the voluntary tribunals for Sierra Leone, Cambodia and Lebanon both financially and through our involvement in the management committees of those tribunals; and, of course, as an ICC State Party, we are committed to supporting the work of this Court. Despite the harsh financial realities, the United Kingdom will continue to provide voluntary financial support whenever possible – this year, we have continued to support the work of the Trust Fund for Victims with a contribution of £40,000. In November, as was highlighted in the statement delivered yesterday by the Prosecutor, we made a contribution of £200,000 to the Special Fund of the Court on relocations, earmarked to support the Court's investigations in Kenya. These donations underline the United Kingdom's commitment to the ICC, and to its mandate of combating impunity for the most serious crimes of international concern.

Thank you, Mr President.