

**INTERVENTION BY AMB. LOURDES ARANDA BEZAURY, UNDERSECRETARY FOR FOREIGN AFFAIRS OF MEXICO, DURING THE GENERAL DEBATE OF THE REVIEW CONFERENCE OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

*Kampala, Uganda, Monday, May 31, 2010*

Mr. Chairman:

It is an honor for me to participate today, in representation of the Government of Mexico, in the Review Conference of the Rome Statute of the International Criminal Court. I wish to express Mexico's appreciation to the people and the government of Uganda for the hospitality with which they have received us in Kampala.

Almost 8 years have passed since the entry into force of the Statute and 12 years since the Rome Conference. During this decade, we have witnessed the rising and consolidation of an international criminal system in order to put an end to the impunity of perpetrators of the most serious crimes. But, more importantly, today we have a Court that can contribute significantly to prevent the commission of atrocious crimes.

The aspiration of having a permanent International Criminal Court, foreseen since 1948 in the Genocide Convention, is a reality. The collective security system set forth in the United Nations Charter would be insufficient if we did not have an effective mechanism that allows justice to be made when grave and systematic violations of human rights are committed. Peace and justice are interdependent in any effort to solve a conflict in a durable manner.

Mr. Chairman:

Allow me to reiterate today, to the international community, my country's firm commitment towards the work of the International Criminal Court. In the United Nations' framework, both in the General Assembly and in the Security Council, we defend and promote the International Criminal Court's work by highlighting its role in promoting national reconciliation, combating impunity and discouraging the commission of humanity's most atrocious crimes. At the regional level, through the Organization of American States, we promote universality of the Statute, its implementation and the cooperation of the countries of the region with the Court. At the internal level, we have fully assumed our obligation to cooperate with the Court, responding in a timely and concise manner to all of its cooperation requests.

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In this sense, it is my pleasure to announce that, last December, the Mexican Senate approved the draft *Law for Cooperation with the International Criminal Court*. Once approved by the Chamber of Deputies, such law will grant the national authorities the necessary faculties to attend all types of cooperation requests foreseen in the Rome Statute.

With the approval of such law, Mexico will reach the intermediate phase in its internal legal harmonization process. We are now reviewing our legislation in order to ensure that the crimes faithfully reflect the conducts criminalized by the Rome Statute. With this, we will achieve full implementation of the principle of complementarity and we, Mexicans, will send a strong message of rejection of the commission of such infamous crimes such as genocide, war crimes or crimes against humanity, avoiding any space for impunity.

Conscious of what we have done and what needs to be done, Mexico has responded to the invitation of the Assembly of States Parties by presenting six promises of cooperation with the Court. I underline the commitment we have assumed of presenting to the Mexican Congress draft amendments to our criminal legislation in order to harmonize the crimes contained therein with the standards set forth in the Rome Statute and in the Geneva Conventions.

Mr. Chairman:

The Review Conference is an ideal occasion to recognize that the adoption of the Statute reaffirmed universal consciousness of the intolerability of abhorring crimes, and of the importance that those who commit them are brought to justice, regardless of when and of where their perpetrators are. It is also the opportunity to commend the unprecedented legislative efforts carried out in a number of countries to avoid that their territories may be transformed into impunity paradises for criminals. We observe with appreciation the existence of a whole civil society movement that has contributed substantively to the strengthening of that collective consciousness day by day.

Nevertheless, international justice is still expensive, lacks accessibility, is easily politicized and slow, in such a way that weakens the message against impunity. It is enough to see that, notwithstanding the enormous efforts carried out by the dedicated officers of the Court, arrest warrants remain without compliance and the challenges to operate in the field are innumerable.

The International Criminal Court can only comply with its mandate if it has the full cooperation of the international community. For such reason, we call to intensify States'

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cooperation with the Court and we express our concern for the lack of compliance of various arrest warrants issued by the Court.

The stocktaking of international criminal justice that we will carry out should be mainly focused to identifying the strengths and weaknesses of the Court.

The Conference will be the opportunity to amend the Statute and fill the possible *lacunae* in order to fully comply with its mandate. All States Parties have showed a great sense of responsibility in bringing to Kampala the amendment proposals that may enjoy consensus. But we are convinced that the Rome Statute will not be complete until the use of nuclear weapons is included as a war crime. We will continue promoting this cause in the working group established by the Assembly.

The negotiations to reach a definition of the crime of aggression should be faced in a responsible, inclusive and exhaustive manner. A high degree of political will is required in order to achieve an amendment that strengthens the Statute and contributes to its universality. In the 21<sup>st</sup> century, there is no space for impunity for an act of aggression in any region of the world. The counterbalance of political and military asymmetries is given by Law. That is the most powerful weapon of the Court and of the international system.

Therefore, the Mexican Government, committed to achieve the success of the Conference, will participate active and constructively in the upcoming negotiations, with the purpose of achieving the incorporation of the crime of aggression in the Statute in the way that best strengthens the Court.

Mr Chairman:

Let us see the Review Conference, not as an end in itself, but as the beginning of a continuous and permanent process for the evaluation and improvement of the international criminal justice system created by the Rome Statute.

The consolidation of the Court is the responsibility of all of us. Each of us, governmental and non-governmental actors, has a role to play in ensuring that this tribunal fulfills its mandate.