



COALITION FOR THE INTERNATIONAL CRIMINAL COURT

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COALITION FOR THE INTERNATIONAL CRIMINAL COURT
GENERAL DEBATE OF THE FIFTH ASSEMBLY OF STATES PARTIES
TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT
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CHECK AGAINST DELIVERY

Mr. President, Excellencies, Distinguished Delegates and Participants,

On behalf of more than 2000 non-governmental organizations of global civil society who are members of the NGO Coalition for the International Criminal Court (CICC), I am pleased to address the Assembly's general debate at the fifth session.

More than 200 Coalition members from over 50 nations from all regions are attending the Fifth Session. The broad participation of the Coalition at this fifth meeting is the result of eleven years of our current commitment.

Our many issue teams, regional and sectoral caucuses have been preparing for months for the Fifth ASP. Ours is not a negotiating, but a consultative role, sharing our diverse experience and expertise not only on the issues on the agenda, but also on all other issues relevant to the implementation of the system established in Rome in 1998. From twenty-five organisations in February 1995 to 800 at the time of the Rome conference in 1998, the CICC now comprises over 2000 members, with some 200 new members from Africa and Asia in the last two years. The CICC continues to be one of the most successful and strategic human security campaigns and networks ever. We deeply appreciate our consultative role and valuable and efficient arrangements that the ASP, the ASP Secretariat, and the ICC have established with the CICC.

Mr. President, the CICC and members of civil society contribute to almost every aspect of the work of the Court and ASP here in The Hague, at the United Nations in New York, in capitals around the world, and in the countries where the ICC is proceeding with investigations and prosecutions. It is important that in asking NGOs to provide important services, we are not expected to do for the ICC what it should be doing itself, primarily due to lack of resources or the complexity of the challenge. But while resources, security and independence are our key concerns, the commitment of Coalition members to the Rome Statute and to a fair, effective and independent ICC remains strong.

The Rome Statute now has 104 states parties. Many states that have not yet ratified have significant political, legal or constitutional considerations to address in order to move forward. We remind the ASP that the goal of achieving universal ratification of the Rome Statute must not be an empty platitude, but like the Geneva Conventions, a moral imperative, one which could confer enormous benefits to the entire international legal order.

While a significant number of states have adopted national laws implementing their obligations to the ICC to enable them to prosecute international crimes nationally and to cooperate with the Court in its investigations, many, many other States Parties and non-States Parties are moving far too slowly in the drafting and approving of these legislative requirements, including the Agreement on Privileges and Immunities of the ICC (APIC) treaty. We very much support the Report of the Bureau on Ratification, Implementation and Participation and offer our assistance to the ASP, the ASP Secretariat, the ICC, individual governments, the United Nations, other international organizations and regional bodies, in implementing the recommendations of the report, in particular through the assistance of our regional coordinators and member organizations.

The Court has achieved considerable progress in its investigations and judicial proceedings over the past year. While the imminent start of the first trial is a milestone in the Court's history, the Coalition notes that a stocktaking of the Court's success so far cannot be measured mainly by the number of detainees in The Hague. The Court and the Rome Statute system, including the contributions of states, must be assessed in its totality – including institution building, analysis of situations, investigations, ^{and} arrest warrants, outreach and public information, impact, jurisprudence, activities by counsel, external relations, cooperation, implementation of complementarity, and ratification and implementation.

The Coalition also welcomes the recent increased focus on state cooperation and hopes that these discussions will be transformed into improved practice. We continue to believe the ASP should devise appropriate mechanisms to enhance cooperation. Cooperation and complementarity are two areas that will require years and years of work by the Assembly and ICC.

In accordance with the Rome Statute, the Coalition continues to call on states to live up to their primary responsibility for prosecuting the Rome Statute crimes, including those who bear the greatest responsibility; to regard effective implementation legislation and cooperation, both reactive and proactive, as a priority; and to make available sufficient financial, legal and political support at the national level to ensure the effective implementation of the Rome Statute system by all involved bodies and at all levels, including at the national, regional and international levels.

Mr. President, we also welcome the increasing informal focus on the Review Conference and remain hopeful that this ASP will begin with the necessary planning for it, including ensuring that the relevant procedures, structures and an adequate budget are available through the creation of a subsidiary mechanism within the ASP. As with other treaty bodies, we hope the Review Conference and process will provide an opportunity for serious evaluation and stocktaking, and an opportunity for governments to strengthen their commitments to the ICC, to bring many new countries into the Rome Statute system.

The Rome Statute took at least nine years from draft to entry into force. The full establishment of the new system will require decades, and not merely four years. It is a permanent system requiring continued investment, support and involvement of a large number of actors, the Court being one of them. The Court has come far in terms of building a basic institution ready to fulfil its mandate. States and other actors must ensure that they keep up with the ICC regarding their obligations to the Rome Statute system.

In conclusion, Mr. President, the Rome Statute and the ICC truly represent one of the greatest attempts to fulfil the first preambular promises of the UN Charter. We look forward to continuing to working with you and the Assembly.