

**ASSEMBLY OF STATES PARTIES
TO THE
ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

Fifth SESSION

The Hague, November 23 – December 1, 2006

**Statement by Mr Edmond H. Wellenstein,
Director-general
Head of the Task Force ICC
Ministry of Foreign Affairs**

Representative of The Netherlands

The Hague, November 23, 2006

Mr President, distinguished delegates,

First of all, let me say that the Netherlands fully endorses the statement made by the Finnish presidency this morning on behalf of the EU.

Mr President,

In 1948 the world community adopted the Universal Declaration of Human Rights. Since then, sadly, the same world community has witnessed countless breaches of these fundamental principles. Millions of innocent people have been the victims of the most heinous crimes. Solemn declarations on basic human values, and on human rights, are meaningless if mankind does not act in accordance with them.

Very late in the day, but not too late, that same world community faced up to its responsibilities and created a permanent and universal criminal court, the International Criminal Court. This Court is an instrument of last resort to end impunity, to establish the rule of law, and to promote and encourage respect for basic human values, in instances where sovereign states fail to uphold these principles.

By founding this permanent institution, we have expressed our firm conviction that there can be no lasting peace without justice, and that justice and peace are thus complementary goals. And we have made it clear that the core of our common efforts to fight impunity is our solidarity with the victims.

The tangible results of the Court's first four years, and its operations so far, have been impressive. The organisation quickly – and relatively smoothly – passed beyond its formative stage, and is now fully operational in terms of investigations and judicial proceedings, infrastructure and staffing. The Office of the Prosecutor has received and analysed information from many sources and all parts of the world. During its short life, situations have been referred by States Parties, non-States Parties and even the UN Security Council. In two cases arrest warrants have been issued. Recently, we witnessed the start of the ICC's first trial.

Mr President, in this general debate I would like to take this opportunity, on behalf of the Kingdom of the Netherlands, to restate our continuing commitment to and support for the ICC.

Since the fourth session of our Assembly, representatives of the ICC and States Parties have entered into an important dialogue on the strategic plan for the Court. Three years after the Court became operational, and three years before the first Review Conference of the Rome Statute, the Netherlands sees three major challenges for States Parties and non-States Parties alike:

First:

The International Criminal Court is a universal body, and one of the two main pillars of the international legal system. Universal support for the Court's mandate is essential. All regions of the world must be well represented. States Parties should join forces to provide support to non-States Parties in ratifying the Rome Statute, for example by offering these states the benefit of their expertise and best practices. The Netherlands will continue its efforts to raise the political profile of the Court, both bilaterally and multilaterally, and with EU partners, for example by highlighting the Court during ministerial visits whenever appropriate.

Second:

Many States are falling behind in enacting legislation to implement the Rome Statute. This makes it difficult, if not impossible, to cooperate effectively with the Court, and to put the crucial concept of complementarity into practice. Here too, States whose legislation fully complies with the Rome Statute should join forces and be prepared to share their expertise and best practices with other States. The report on ratification and implementation that will hopefully be adopted by this Assembly contains useful recommendations to that effect. The Netherlands will continue its bilateral programme of assistance which was put into place for this purpose a few years ago, and we welcome cooperation with other States in this area.

Third:

The Netherlands has carefully noted the appeal made both by the Prosecutor, and by the President of the ICC in his latest report to the UN General Assembly, that in order to be able to act, and to succeed, the Court needs more support and cooperation from States Parties, non-States Parties and relevant international and regional organisations: support and cooperation on access to relevant information, logistical support, witness relocation, arrest teams, and the enforcement of sentences. We believe it is time for creative thinking about the best practical response to this appeal. At the same time, the Netherlands will continue lending operational assistance to the Court in its day-to-day work.

Mr President, on behalf of the host State, I would like to express great satisfaction with the progress made on permanent premises for the Court. The host State considers the draft

Resolution on permanent premises, which will be discussed by this Assembly, to be an excellent road map for the difficult, but promising way ahead. We are counting on the ASP to shoulder its responsibility here.

The draft Headquarters Agreement, which is also on the agenda of this ASP, is the result of intense and constructive negotiations between the host State and the ICC. The Agreement is an excellent basis for day-to-day cooperation between the host State and the Court, which is why we recommend that this Assembly grant its approval.

Mr President,

The torch that lights our way burns, and will always burn, with the memory of the innocent victims of barbarous acts. In the first few years of its existence, the Court has made an impressive start. But there is still much work ahead of us, to prevent the recurrence of heinous acts, to fight impunity and to bring the perpetrators of the most serious crimes to justice. In this difficult task, the Court and its States Parties must be able to rely on each other.

Thank you.