



**Review Conference Working Group  
Opening Remarks to NGO Roundtable  
2 March 2010**

Good afternoon. The Review Conference is now less than three months away and it is obviously a matter of intense interest to everyone around the table. States are organizing the Review Conference but there are many stakeholders and coordination is important. For this reason, the Court has formed an inter-organ working group on the Review Conference. The working group includes participation of the Trust Fund for Victims and the SASP. We are aware that there will be many NGO activities in Kampala, and we view this session as a tremendous opportunity to coordinate with you.

Before opening things up for general discussion, I would like to say a few words about how the Court views its role, what outcomes the Court would like to see from the Review Conference, what opportunities Kampala provides, and what challenges the Court sees in the pursuit of a successful Review Conference. To be clear, these remarks reflect the views of the Presidency, the Office of the Prosecutor and the Registry. We are pleased that Renan Villacis and Kristin Kalla could join the panel to provide perspectives from the SASP and Trust Fund.

### Role of the Court

With regard to the role of the Court, we realize that the Review Conference is foremost a matter for States. The Court will have no role whatsoever in the discussions on substantive legal amendments to the Statute. However, the Court is providing assistance in the stock-taking exercises, and we have been pleased that the facilitators for each topic have actively sought input from the Court. The bulk of the substantive work of the stock-taking is being carried out now, prior to the Review Conference. It follows that this is the stage at which we will engage most energetically in the stock-taking exercise.

### Desired Outcomes

Turning to outcomes, the Review Conference should enhance the Court's image and that of the entire Rome Statute system. States should send representatives to the opening and the stocktaking panels of the Review Conference at the highest level possible.

The Court would like to see the stock-taking exercise result in States setting goals for the further development of the Rome Statute system.

In the area of complementarity, it is important that States differentiate between admissibility, which is the judicial aspect of complementarity, and positive complementarity. The Court will adjudicate admissibility and must be left to do so without interference.

With regard to positive complementarity, the ICC can act as a catalyst. States already have a prominent role, and they can do more. For example, States can make relatively minor adjustments to existing rule of law

programmes, to include modules on international criminal law. Positive complementarity is not only about capacity building, however. States should also commit to addressing other real issues in domestic jurisdictions, including political interference with the judiciary or a lack of protection for witnesses.

With regard to cooperation, States should set targets in a number of areas, including the enforcement of arrest warrants and other Court decisions. They should also set targets for the reaching of enforcement and relocation agreements with the Court. They should not shrink from positive engagement in those areas that have proved most difficult. Here again we highlight the importance of arrests. Cooperation also means ensuring consistent public and diplomatic support for the ICC. To this end, States should commit themselves to mainstreaming Court issues within national administrations. All government departments, including the political and development domains, should be familiar with ICC issues and cooperation obligations.

### Opportunities and challenges

The Court sees many opportunities associated with holding the Review Conference in Kampala. Having the Review Conference in a situation country opens up many possibilities for highlighting the ICC's work. Delegates who to date may only have had theoretical or abstract knowledge of the Court will have a chance to interact with people directly affected by its work. Side events will be very important in making the most of this opportunity, and the Court is eager to work with States and NGOs to ensure that the potential of each side event is fully realized. Court officials will be available to participate in non-Court side events.

Apart from opportunities, there are also challenges to the holding of a successful Review Conference. We have three main concerns:

1. There is potential for the stock-taking exercise to focus too narrowly on the work of the Court rather than more appropriately on the Rome Statute system as a whole. Scrutiny of the Court is expected and welcome, but it would be a missed opportunity if the stock-taking failed to take into full consideration the performance of States themselves.
2. Over the course of the stock-taking, States should keep in mind the Court's judicial character, which differentiates it from most other international organizations.
3. Because there will be limited time for the stock-taking exercise in Kampala, the bulk of the work must be done in advance. As noted earlier, the Court stands ready to assist in any appropriate way to ensure that the stock-taking facilitations stay on track and result in meaningful outcomes at the Review Conference.

I will end there. We are eager to hear your views and take your questions.