

Closing statement by the President of the Assembly
at the ninth meeting of the Assembly, on 21 December 2011

We have had a productive tenth session of the Assembly. Despite having to work on a compressed schedule due to the unexpectedly long elections, we have indeed elected six judges to the Court as well as six members to the Committee on Budget and Finance and, of course, we have elected a new Prosecutor. Working late into the nights and evenings, we were able to find agreement on an omnibus resolution and a budget, both of which have just been adopted by consensus. I am aware that the budget we have just adopted is not perfect and does not represent a best-case scenario for any of the stakeholders involved. I therefore thank States Parties for their flexibility in finding a consensus under these difficult conditions, and the Court for making painful cuts. I nevertheless think that the totality of our achievements is justifiable cause for a bit of pride among States Parties.

This Assembly has also given us cause for reflection in a number of areas. Most immediately, the conduct of business at the sessions of the Assembly warrants review. The correct balance must be struck between the time taken up by necessary elements and by substantive discussions, especially in view of constraints posed by the availability of interpretation.

The discussions these past few days have also demonstrated that the entirety of the budget process deserves very close scrutiny. There is no lack of ideas as to how this must be done and I will seek to use the next year to consult widely and transparently with all involved stakeholders, but most especially with States Parties, in order to present concrete proposals for adoption at the next session of the Assembly. I will begin these consultations, which I hope to conduct on both sides of the Atlantic, immediately upon the end of the winter holidays.

I was heartened to hear expressions of support for the Court from all States Parties who took the floor during the general debate. Indeed, even during the tough budget negotiations, both sides underscored their deep commitment to the work of the Court. Our challenge now is to operationalize this political support when the Court most needs it: in preventing non-cooperation and in defending it from those who unfairly criticize it.

The coming year also brings with it the opportunity to take forward work on complementarity. If we have learned anything from these budget discussions, it is that the Court is not in a position to rapidly expand its docket either by expanding prosecutions beyond those most responsible or by opening investigations in many more situations. Therefore, the only way to prevent the emergence of an impunity gap is to do more to enable States to prosecute the most serious crimes under international law within their national jurisdictions. The Assembly and its Secretariat have a role to play in furthering the cause of complementarity, and I hope that, after two successful retreats in Greentree and several informative side events at this Assembly, the next year will bring with it concrete first steps towards the implementation of the Kampala mandate. I have also been informed that the focal points also wish to convene discussions on this topic on both sides of the Atlantic.

I now want to thank the two Vice-Presidents elected at this Assembly, Ambassador Kenneth Kanda of Ghana and Ambassador Markus Börlin of Switzerland, who have provided me with invaluable support and advice. I would also like to thank the other members of the Bureau for all their help.
