

Intervention on Cooperation – ASP11 South Africa

* I wish to express my gratitude to Ambassador Anniken Krutnes (Norway) for her excellent work as facilitator on the topic of cooperation.

* We also wish to thank the panelists as well as the keynote speaker for their informative presentations, **sharing both practical problems to effective cooperation and solutions to these problems.**

* **A theme running through the presentations was the relationship between complementarity and cooperation.**

* During the Rome Conference many delegations expressed the view, **which was reiterated this morning by Ambassador Krutnes and Mr Mochochoko**, that cooperation would be the bedrock of the Rome Statute and that the success of the Rome Statute would depend on state cooperation.

* These delegations stressed the importance of ensuring as broad and strong a legal obligation on states to cooperate as possible.

* The experiences and discussions we have had on cooperation in the last decade, and especially since the Kampala Stocktaking exercise, have proven that the insistence on a strong cooperation regime was appropriate.

* **the point made by Professor Bambi about political will being essential for cooperation cannot be overstated**

* South Africa takes its obligation to cooperate with the Court very seriously and to this end we have enacted domestic legislation to provide for cooperation with the ICC.

* nonetheless, execution of requests for cooperation and assistance, including freezing and tracing of assets, is a cumbersome undertaking often involving different role players, both public and private. **Some of these difficulties were illustrated by Professor Bambi with respect to the relationship between the state and banks.**

* we are continuously looking at ways to improve this process and the presentations today by the panelists have been informative in this regard. **We have noted in particular the very detailed presentation on the Belgian experience to enhance cooperation**

* the execution of arrest warrants is equally important **but as recognized by Richard Dicker, particularly sensitive. We are encouraged by the experience of the ICTY which suggests that with time and continued effort, cooperation becomes more effective and, as Mr Brammertz noted, "business as usual".**

* there are of course some important differences between the ICTY experience and the ICC including, for example, the use of military forces to effect arrests. With respect to the ICC, the possibility of peacekeeping forces being used to ensure arrests is less of an option because of the limited mandate of peacekeeping missions.

* The activation of the Bureau Procedures on Non-cooperation, **highlighted by Richard Dicker**, is a good start and we encourage the Assembly to continue considering ways to assist and support States in fulfilling their obligations under the Statute **including by considering experiences of other the ad hoc tribunals**.
