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GENERAL DEBATE STATEMENT ON THE OCCASION OF THE 11TH SESSION OF ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF THE ICC: THE HAGUE, THE NETHERLANDS.

NOVEMBER 15 2012.

Your excellency Madam President of the Assembly of States Parties, President of the ICC, Madam Prosecutor, Registrar and Judges of the ICC, your excellences, ladies and gentlemen, it is a pleasure to have an opportunity to speak to you today. I would like to address one issue that has received a lot of attention in recent years, and that is Complementarity, an issue that will be the subject of a plenary session on Monday November 19 2012.

The Open Society Justice Initiative welcomes Monday's plenary session on complementarity. Supporting domestic justice for international crimes multiplies the potential venues in which the fight against impunity at the core of the Rome Statute can be waged and won, while also strengthening the rule of law at the national level. States have provided important diplomatic and financial assistance for national proceedings, and the plenary session is a welcome opportunity to review and recommit to complementarity support.

We note, however, that in the process of developing this year's ASP complementarity resolution in the Hague Working Group and in discussions that have taken place among states at several forums, some states expressed concerns about the financial implications of complementarity support. Especially in difficult economic times, costs associated with any initiative cannot be ignored. But as these are considered, we hope that states take account of three factors:

1. **Not investing in justice likely will cost more.** By joining the Rome Statute, States parties presumably agree with the sentiment in the preamble that "[...] grave crimes threaten the peace, security and well-being of the world," and have determined that ending impunity for such crimes contributes to their prevention. The World Bank's 2011 World Development Report also made a persuasive case for greater investments in justice, including international justice, in order to break cycles of violence.
2. **More efficient use of existing resources, not new ones, is required.** Donors and supporters concerned about international justice should be fully aware of existing rule-of-law priorities and seek to identify areas of overlap. Similarly, those already undertaking rule-of-law assistance should consider how they can adjust their programming to incorporate building domestic justice capacity for international crimes. To realize greater efficiency, more emphasis must be placed on designing integrated strategies for national justice development, fostering coordination among officials within the justice sector, improving donor coordination, and involving affected communities in the process.



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3. **Political will is often as important as (if not more important than) funding.** The challenges associated with promoting complementarity are not primarily about gaps in capacity. In many countries where victims clamor for justice for serious crimes, political obstacles prevent genuine investigations and prosecutions. International actors seeking to support domestic proceedings for serious crimes can deploy various diplomatic tools in response to these and other political hurdles. Yet many states are not prioritizing complementarity where more diplomatic engagement is sorely needed – for example in Guinea. So as the debate on complementarity gets underway on Monday, it is our hope that discussion of the costs of capacity building does not overshadow the more urgent issue of rallying diplomatic resources to tackling questions of political will.

Thank you.