



STATEMENT

BY

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GEORGIA

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CHECK AGAINST DELIVERY

THE HAGUE

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Madam President,

Distinguished delegates,

Ladies and gentlemen,

At the outset of my statement, I would like to indicate that Georgia fully supports and cosponsors the joint statement referred by the Netherlands on the initiative to open negotiations with all states on a new multilateral treaty on mutual legal assistance and extradition concerning the crime of genocide, war crimes and crimes against humanity.

Madam President,

As a responsible member of international community Georgia stands firmly for the protection of human rights, prevention of atrocities and bringing to justice those responsible for them. Let me briefly dwell upon the efforts that we take to these ends domestically and our vision on achieving them globally.

This year marks the tenth anniversary of Georgia's ratification of the Rome Statute and adoption of its implementing legislation. To signify this date a number of public outreach and awareness raising activities are about to take place through the joint efforts of the Ministry of Justice and a number of higher academic institutions.

Domestic procedures on the ratification of Kampala amendments are underway and we hope to accomplish the process within the next year.

Aiming at making periodic revision and enhancement of our national capacity on full implementation of the Statute a usual practice, we work actively into that direction. An important national capacity strengthening project with the Case Matrix Network is planned to begin early next year.

Just as much as we fully take the responsibility for a proper, good faith performance of our obligations under the Statute, we may have to acknowledge that there are precluding circumstances beyond our impact.

Madam President,

In discussing our common objective of furthering material effects of accountability for core international crimes much has been said on its various technical and organizational aspects in the statements preceding mine. Allow me therefore to bring in to this discussion some conceptual observations.

Reconciling the notions of fight against impunity and state sovereignty was recurring theme in the opening statements of yesterday's distinguished panel speakers. Indeed, international law, originally conceived as based on the axiomatic premise of state sovereignty, and international law developed in the recent decades as an instrument for

advancing protection of human rights irrespective of a setting in which their violations might occur, are not as compatible as some suggest. Against our efforts of universalization of international criminal justice through the permanent institutional mechanism of the Rome Statute, the notion of state sovereignty continues to be interpreted in many parts of the world as a shield from any external interference notwithstanding the gravity of committed human rights violations.

A search for the way forward in this regard leaves us with no better option than strengthening a discourse on *sovereignty as responsibility*.¹ As suggested by the former UN Secretary-General Boutros-Ghali “[a] major intellectual requirement of our time is to rethink the question of sovereignty – not to weaken its essence, which is crucial to international security and co-operation, but to recognize that it may take more than one form and perform more than one function.”²

This process of rethinking, still to be undertaken, is in our view essential to preserve the trust in instrumental value of international law in safeguarding substantive values of international community.

Sovereignty as responsibility entails, as we know, “managing diversity, ensuring equitable distribution of wealth and services, providing development opportunities, and participating effectively in regional and international arrangements for peace, security, and stability.”³ These are criteria that ensure atrocity prevention at the earliest stage by eliminating its slightest possibility. And therefore our joint call upon all states to abide by this criteria is the message that our powerful forum should send.

And if one day we achieve a consensus on viewing sovereignty primarily from this angle, the world would be a different, much better place.

Thank you!

¹ F. Deng, *Sovereignty as Responsibility* (Brookings Institution Press, 1996).

² B. Boutros-Ghali, 'Empowering the United Nations', 71 *Foreign Affairs* (1992-1993) 89-102, at 99.

³ F. Deng, 'From 'Sovereignty as Responsibility' to the 'Responsibility to Protect'', 2 *Global Responsibility to Protect* (2010) 353-370, at 367.