



**NEW ZEALAND**  
FOREIGN AFFAIRS & TRADE

**14<sup>th</sup> Session of the Assembly of States Parties to the Rome  
Statute of the International Criminal Court**

**18–26 November 2015, The Hague**

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**New Zealand Statement**

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**Statement by Janet Lowe  
Ambassador to the Netherlands**

**19 November 2015**

**Check against delivery**

Mr President –

New Zealand welcomes this opportunity to reflect on the work of the International Criminal Court, the challenges it faces, and its contribution to international justice.

We congratulate Judge Silvia Fernández de Gurmendi on her election as President of the Court, and support her observation that the success of the Court depends on both the cooperation of the international community and the performance of the Court. We look forward to continued engagement with her to ensure that the Court is effective in fulfilling its mandate.

In relation to the performance of the Court, President Fernández has shown a particular commitment to improve its efficiency and effectiveness. We applaud these efforts, in particular her practical and proactive approach. In this regard we welcomed the publication by the Pre-Trial Division Judges of the manual of best practices in pre-trial proceedings. We look forward to further work by the Judges in the area of efficiency and effectiveness over the coming year.

Mr President –

We thank you for your recent efforts to strengthen the relationship between the Court and States Parties, including through in-country visits. We welcome your commitment to working with all States Parties to create the conditions necessary for constructive dialogue – dialogue that is focused on our common goal of ending impunity for crimes of concern to the international community through national and international measures, and through cooperation. Looking ahead, we see value in providing regular opportunities for constructive dialogue, whether in this Assembly or in other more informal fora. In addition to dialogue on relationship issues, we acknowledge your important work to promote complementarity and universality of the Rome Statute.

Mr President –

The workload of the Court continues to increase. Delivering justice in a complex and ever-changing environment presents real legal and practical challenges. We

commend the Court's efforts over the past year in identifying and implementing improvements. In this regard, we welcome the Office of the Prosecutor's 2016–2018 Strategic Plan. The nine strategic goals set out in the Plan (under the themes of high performance, creating the conditions to fulfil the Office's mandate, and a coordinated investigative and prosecutorial strategy) are a useful basis for future work. We look forward to the Office of the Prosecutor's reports on implementation of the Strategic Plan in 2016 and beyond. The Registry's ReVision project team has also added value, through careful restructuring and streamlining the Registry's organisational structure.

Ensuring that the Court is able to fulfil its mandate is a shared concern. Resourcing questions are, however, complex and challenging. We also recognise that there are resource constraints and differences of view regarding the Budget. While commendable efforts are being made to enhance the efficiency and effectiveness of the Court's work, resourcing issues will not go away. New Zealand would therefore welcome a discussion among States Parties in the Assembly about the Court's expected workload over the medium to long term. While it may not be easy, the Assembly should consider how to achieve a shared long-term vision on these issues which we can then move towards incrementally.

Mr President –

As we said at last year's Assembly, New Zealand recognises the importance of the Assembly as a forum for frank and open dialogue. It is essential that such dialogue is constructive and directed towards appropriate and lasting solutions. When we commit to this approach, meaningful international criminal justice, for both present and future generations, is within reach. In addition to working with each other, and with the Court, a further critical success factor is cooperation between the Court and the United Nations, at all levels, consistent with the Relationship Agreement. Important relationships have been forged, including with the Department of Peacekeeping Operations. Looking ahead, we believe that more can, and should, be done to ensure the Relationship Agreement's full implementation.

As a member of the UN Security Council, New Zealand is cognisant of the relationship between conflict prevention, peacebuilding, and accountability for international crimes. These are crucially important, and difficult, issues. Non-cooperation with binding Council resolutions referring situations to the Court is not

only a critical issue for the Court, but also goes to the heart of the Council's own credibility. As previously mentioned in other fora, referrals need to be carefully considered and the Council needs to have a genuine commitment to support the implementation of the referrals it makes.

Built on the principle of complementarity, the Court is a Court of last resort – New Zealand believes that accountability must be pursued at a range of levels and in a manner which is responsive to the particular context. New Zealand shares the view of many in this room that countries need to be empowered and equipped with the tools to investigate and prosecute crimes at the domestic level in a timely and effective manner.

Finally Mr President –

For decades the international community grappled with the question of whether the establishment of a court, with permanent standing and jurisdiction over the most serious international crimes, was possible. That question was answered in 1998. Since then, the ICC has developed its place in the international legal landscape. Next month the Court will move to its permanent premises near the North Sea coast, not far from where we are gathered today. The symbolism of the Court's relocation is a timely reminder that, notwithstanding the challenges the Court faces, its future is one for which we, the States Parties, are individually and collectively responsible. For our part, New Zealand remains committed to working constructively with others to ensure the Court continues to be, and is seen to be, a meaningful and effective judicial institution.

Thank you, Mr President.