



**CHECK AGAINST DELIVERY**  
**VÉRIFIER AU PRONONCÉ**

**STATEMENT BY**

**THE HONOURABLE STÉPHANE DION**  
**MINISTER OF FOREIGN AFFAIRS**  
**GLOBAL AFFAIRS CANADA**

**FIFTEENTH ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE**  
**INTERNATIONAL CRIMINAL COURT**

**THE HAGUE, 16TH NOVEMBER 2016**

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**DÉCLARATION DE**

**L'HONORABLE STÉPHANE DION**  
**MINISTRE DES AFFAIRES ÉTRANGÈRES**  
**AFFAIRES MONDIALES CANADA**

**QUINZIÈME SESSION DE L'ASSEMBLÉE DES ÉTATS PARTIES AU STATUT DE ROME**  
**COUR PÉNALE INTERNATIONALE**

**LA HAYE, LE 16 NOVEMBRE 2016**

Mr. President, colleagues, and friends,

I am here to speak in support of the ICC.

The world needs a strong International Criminal Court to ensure accountability for those who commit the most serious crimes.

We created the Court together. We must keep it together.

I know there are concerns, and we must work to address them.

But we must also keep in mind the Court's successes. In a relatively short period of time, the Court has achieved landmark judgments condemning:

- recruitment of child soldiers;
- sexual and gender-based crimes; and
- destruction of cultural property.

We achieved all this together.

It is also important to remember that the Court's role in seeking justice has never been just about punishment. It is also about shining a light on grave wrongs, and recognizing the terrible suffering of those affected. It is about truth-telling, and making amends for the past, so that societies can move forward.

The world needs the Court, but we must also be honest about the challenges it is facing. We must talk about them and find solutions together.

Canada was deeply saddened by the news that South Africa, Burundi, and The Gambia have taken steps to withdraw from the court. Their reasons differ but the outcome affects us all.

At the same time, we are encouraged by African voices that have spoken out in support of the court, including Botswana, Sierra Leone, Nigeria, Tanzania, Ghana, Malawi and Senegal. Canada is here today to join these voices, and to work respectfully with all countries to find a way to strengthen the Court for all.

Canada is actively reaching out to those countries, here and throughout the world. Just last week, I travelled to Nigeria, Kenya and Ethiopia to listen attentively to my counterparts.

Let me address some arguments that have been advanced for withdrawal.

First, it is said that the fact that three permanent members of the UN Security Council have not ratified the Rome Statute detracts from the court's legitimacy.

There is weight to this criticism.

Canada would like to see the Rome Statute eventually become universal, in the same way that the Geneva Conventions on the laws of war have become universal in the decades since their adoption. We must redouble our efforts to broaden support for the Court by adding new members, especially in regions of the world where the court continues to be under-represented, such as in Asia and the Middle East.

But we must have universality as a goal toward which we strive—not a barrier against which we stumble.

Second, it is also said that the court's current caseload reflects a bias against Africa.

It is true that of the 10 situations that are being investigated by the court, nine are from Africa. However, five of these situations were referred to the court by the affected African countries themselves. Two of the other situations, Darfur and Libya, were referred to the court by the Security Council—with support from African states represented on the Council.

Now, the fact that there are more cases in Africa does not reflect a bias. The court is responding to real needs.

The preoccupation in the 1990s with events in the Balkans that lead to the creation of the International Criminal Tribunal for the Former Yugoslavia—a precursor of the International Criminal Court—certainly did not reflect a bias against the Balkans. The international community was answering a real need.

And even assuming that the Court covers Africa better than other parts of the world, this would be an asset for Africans, and they should not be deprived of it. We must work harder to enable the court to better protect the inhabitants of other continents against those who trample their most fundamental rights with impunity.

We need more of the International Criminal Court, not less.

Third, it is said that more could be done to strengthen domestic and regional institutions.

Canada agrees. The Court should be a Court of last resort. Some of our African partners have told us of the need to strengthen their capacity to respond to and address such crimes themselves, as foreseen in the Rome Statute's provisions on complementarity. Canada stands ready to assist in such efforts.

Canada also welcomes regional initiatives to hold perpetrators of serious international crimes to account. Canada has had a long history in Africa of supporting some of these initiatives, including in particular the work of the Special Court for Sierra Leone. We have done the same outside of Africa as well, including through support for the Special Tribunal for Lebanon and for the Extraordinary Chambers in the Courts of Cambodia.

Fourth and finally, it is said that heads of state should have immunity.

Here, Canada has some difficulty. Equality before and under the law is a bedrock principle of the Court. The Rome Statute applies to "all persons without any distinction based on official capacity."

Canada recognizes legitimate concerns that arresting sitting heads of state could have a detrimental impact on peace negotiations. Yet Canada also worries that heads of state who are guilty of serious crimes will have a strong incentive to stay in office for longer than they should, and perhaps with more brutality, to maintain this immunity.

It is also difficult to achieve a durable peace with impunity at the highest level. The indictment of Slobodan Milosevic, a sitting head of state responsible for genocide, is widely viewed as having assisted the peace process in the Balkans.

So, where do we go from here?

We should continue a dialogue with those States Parties expressing concerns. This Assembly of States Parties is the best forum to continue these discussions.

There are some practical steps that can be taken to build confidence and reduce misunderstandings, such as acting on the court's long-standing request to open an office to the African Union in Addis Ababa. And our discussion on issues such as the application of Article 97 should continue, in the spirit of finding common procedural ground, and in a manner respectful of the independence of court proceedings.

I began my statement by saying that the world needs the ICC. It does. But the ICC also needs us, its State Parties. We must protect it by working together to improve and strengthen it. I have offered some ideas to that end and look forward to our discussions.

The Court has achieved a great deal, but the challenges facing the court today are real. We must face them with determination, conviction, a deep sense of responsibility—and even optimism – because we all believe in the need for justice, the rule of law and the dignity of victims.