



**16<sup>th</sup> Session of the ASP to the Rome Statue of the  
International Criminal Court**

**New Zealand Statement**

**Delivered by Victoria Hallum, International Legal Adviser,  
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**7 December 2017**

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Thank you, Mr Vice-President

New Zealand would like to pay tribute to His Excellency Sidiki Kaba for his service and tireless work to support the International Criminal Court. In particular, we acknowledge his efforts to strengthen the relationship between the Court and States Parties and the Court's relationship with Africa.

We wish to also pay tribute to outgoing President Fernandez for her contribution and service to the Court. We commend President Fernandez for her excellent work in improving the transparency, efficiency and accountability of the Court.

We wish to congratulate Judge Kwon on his election as President of the Assembly of States Parties and to express New Zealand's support for the priorities outlined for his term as President.

We acknowledge and welcome the new Judges who have been elected and the dedication and experience they will bring to the Court.

New Zealand is a strong supporter of the Court and its mandate to hold those who commit the most serious crimes of concern to the international community to account. The principles of universality, cooperation, and complementarity lie at the heart of the Rome Statute system.

Challenges to the universality of the Court go to its credibility, and must be taken seriously. New Zealand has consistently emphasised that we must listen to each other's views and constructively discuss concerns raised by *all* Members, and to address them to the extent possible while preserving the integrity of the Court.

We are heartened by The Gambia's decision to remain a State Party to the Court. We listened carefully to South Africa's statement in this debate including their commitment to the principles enshrined in the Rome Statute. We stand ready to work with South Africa, one of the founding members of this Court, and with any other States Parties with similar concerns. New Zealand remains committed to continuing dialogue that is open, honest,

respectful, and focused on our common goal of ending impunity. We hope that with continued engagement a path can be found to retain South Africa's membership of the Court. We further encourage Burundi to reconsider its withdrawal from Court.

Mr Vice-President

This Assembly faces an important milestone with respect to the Crime of Aggression.

The significance of enabling the Court to hold political and military leaders accountable for initiating and engaging in an act of aggression cannot be understated. As the Court approaches the 20<sup>th</sup> anniversary of the Rome Statute, we recognise the importance of the Assembly being united on an issue of such importance and sending a clear message to the international community regarding the Court's ability to fulfil its mandate.

As the Assembly prepares to bring the crime of aggression amendments into force, New Zealand would like to emphasise the importance of activation by a consensus decision that supports the wider credibility of the Court. We look forward to working with States Parties to achieve a successful outcome.

Mr Vice-President

We acknowledge the progress the Court has made during the past year. Rigorous investigations, strong evidence, and consistent judicial determinations are all hallmarks of a sound judicial system. Six defendants were convicted and sentenced; two cases are under appeal and four cases have now reached the reparations phase. Investigations are continuing in 11 situations. We are conscious that at all levels, the Court is getting busier.

We also recognise the importance of the Court having adequate resources to effectively fulfil its mandate. In particular, we reiterate that costs incurred by the Court as a result of decisions by United Nations bodies should be attributed to, and accounted from, the UN budget as envisaged by the Rome Statute. We look forward to seeing progress on this issue.

We welcome the continued progress of the Court in implementing a wide range of reforms to improve the efficiency, accountability and effectiveness of the Court. We welcome the progress made in developing objectively measurable performance indicators and we encourage all organs of the Court to continue to build on this work.

Under the Rome Statute system, the International Criminal Court is a court of last resort, with national courts having primary responsibility for prosecuting international crimes within the ICC's jurisdiction. Accountability must be pursued at a range of levels, including at the domestic level, and in a way that is responsive to the particular country context. Both the international community, and the Court, have a role to play in helping build national and regional capacities.

Mr Vice-President

The establishment of the International Criminal Court in 1998 was a moment in which the international community expressed a collective will to respond swiftly, impartially, and thoroughly to crimes that shock the global conscience. On the eve of the Rome Statute's 20<sup>th</sup> anniversary, we acknowledge the Court's important achievements. If we are to achieve lasting respect for international criminal justice, we should take time to reflect on the challenges we have faced. We must also move beyond reflection and invest in practical, credible solutions to shape a Court that will stand the test of time. As we look ahead to next chapter in the Court's history, New Zealand remains committed to working alongside others to ensure the Court continues to be, and is seen to be, an effective and sustainable judicial institution.

Thank you, Mr Vice-President