

Rome Statute of the
International Criminal Court

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Statement on behalf of

Germany

by

Dr Guido Hildner
Director for Public International Law
Federal Foreign Office, Berlin

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– Check against delivery –

Mr President,

Germany fully aligns itself with the statement made by the Austrian Presidency on behalf of the European Union and its Member States.

At the outset, allow me to wholeheartedly congratulate you on your first year in office as President of the Assembly of States Parties and to pledge my Government's full support for your important work.

Mr President,

2018 was an important year for the Court. We celebrated the 20th anniversary of the Rome Statute and activated the Court's jurisdiction over the crime of aggression. The activation decision completed the building phase with respect to the Court's jurisdiction and thus wrote history. The edifice designed in 1998 in Rome is erected. The Court has jurisdiction over the most serious crimes of concern to the international community as a whole. This is an encouraging success.

Throughout 2018 we saw an impressive display of events marking the 20th anniversary of the Rome Statute, expressing support for the International Criminal Court, and taking stock of achievements. Germany's main anniversary function took place in Nuremberg in the frame of the Annual Forum of the International Nuremberg Principles Academy. On this occasion, the German Minister for Foreign Affairs Heiko Maas explained "Justice is a necessary condition for lasting peace. For me, this is one, if not the greatest, lesson of the past century. It finds its expression in the Rome Statute, whose 20th anniversary we celebrate today. It is embodied by the International Criminal Court, which stands for the rule of law over injustice like hardly any other international organization."

Although still a young institution, the ICC is a solid and integral part of today's international legal order. The ICC is well established, independent and impartial. It is the expression of the international community's determination to ensure that the most heinous crimes must not go unpunished and that their perpetrators will be held accountable.

Mr President,

This is a reason for gratitude. Allow me to express my Government's gratitude to all who contributed to this success: the Judges, the Prosecutors, the Registrars, the Court's staff members, and the supporters of the Court worldwide, civil society as well as States.

It is also a reason for pride. And it is an inspiration, an encouragement to consolidate what has been achieved. Let me highlight three aspects that are of particular importance to States Parties in this regard:

Firstly, cooperation and complementarity;

Secondly, universality; and

Thirdly, governance.

Firstly, cooperation and complementarity:

The system of the Rome Statute is based on the pillars of cooperation and complementarity. They establish a nuanced relationship between the Court and the States Parties which is crucial for the Court's work and which brings important responsibilities for both sides. The German authorities will continue to cooperate reliably with the Court. With regard to the principle of complementarity, Germany has undertaken considerable efforts in order to enable the German justice system to

prosecute crimes covered by the Rome Statute. We feel that the principle of complementarity has potential that deserves more attention.

Secondly, universality:

Universality of the Rome Statute remains one of Germany's central political aims. Germany deeply regrets the fact that individual States have withdrawn from the Statute. We repeat our readiness to engage in a constructive dialogue in order to address concerns. The German Parliament, the *Bundestag*, underlined the need for this in a resolution commemorating the 20th anniversary of the Statute adopted in June 2018, in which it urged the Government to promote further accessions to the Rome Statute and to reach out to those who were considering resigning. My Government is willing to listen carefully to those voicing criticism and firmly believes that we will be able to deal with misgivings from within the institution.

Mr President,

This brings me to my third point: governance.

Strengthening efficiency and effectiveness is in the Court's paramount interest. In this context, I would like to draw your attention to the German Parliament's resolution of June 2018 I mentioned earlier. The *Bundestag* recommended that ways of reducing the length of proceedings should be explored.

With regard to governance, two areas are of particular interest for States. One area concerns the budget, the other the recruitment of staff. As to the budget, we have for many years advocated a more predictable budget process. We continue to call for full transparency and for more flexible structures. We feel encouraged by this year's budget proposal which provides a helpful basis for our decision taking. However, with regard to the composition of the staff, we see no improvement in the

Court's compliance with the principle of equitable geographical representation. Equitable geographical representation expresses the Court's universality, provides legitimacy, builds trust and supports the acceptance of the Court's work worldwide. The Court must undertake greater efforts to fulfil this obligation.

Mr President,

In conclusion, allow me to recall the Court's critical role in bringing redress to victims and providing a forum for addressing their grievances. Lending coherence to the Court's work with victims continues to be of vital importance. Germany has consistently made voluntary contributions to the Trust Fund for Victims. I am therefore glad to inform you that my Government is continuing this practice and will contribute another 300,000 euros to the Trust Fund this year.

Thank you, Mr President.