



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

**New Zealand Statement**

**Delivered by Victoria Hallum, Chief International Legal  
Adviser, Ministry of Foreign Affairs and Trade**

**3 December 2019**

---

Mr Vice President,

New Zealand is strongly committed to the Court and its mandate to hold accountable those who commit the most serious crimes of concern to the international community. As the only permanent international criminal court, the Court plays a cornerstone role within the broader system of international accountability mechanisms.

We acknowledge and commend all those working to support the Court and the broader system of international justice and accountability, including civil society, in order to end impunity for international crimes.

We welcome the news of the ratification of Kiribati, a country from our region, and note that the Court now counts nine members of the Pacific Islands Forum amongst its States Parties.

The 20<sup>th</sup> anniversary of the Rome Statute provided an opportunity to acknowledge the contributions the Court has made to international criminal justice, but to also evaluate how well the Court is delivering on its mandate and the expectations of States Parties and the broader international community.

Others have acknowledged the difficult environment in which the Court is operating and the inherently challenging task the Court faces in delivering international justice.

**The role of States Parties**

This Assembly has a vital role in supporting the Court and enabling it to face these challenges.

As States Parties, it is important that we support the Court to deliver on its core responsibilities. This includes ensuring that the Court has the resources necessary to effectively fulfil its mandate, developing our national capacities and complying with our cooperation obligations, and ensuring respect for the independence of the Court and the integrity of the Rome Statute system.

We welcome President Kwon and the Bureau's leadership in initiating the reform agenda. The independent review mechanism is a crucial first step and we look forward to adopting the resolution to set this in motion. However, the review is not an end in itself. It will need to be measured by positive changes it brings; which will be need to carried forward by both the Court and States Parties.

Nor does the independent review cover all the areas where improvements can and should be adopted. There are important steps that States Parties and the Court can take without waiting for the independent review process.

A key responsibility for States Parties is the appointment of judges to the Court of the highest calibre, without which the Court cannot function as a credible and effective judicial institution. The judicial elections next year are an important opportunity for the Assembly to deliver on this responsibility.

For this reason New Zealand has been pleased to contribute to the strengthening of the procedure for the nomination and election of judges through our facilitation of the resolution on this subject to be adopted by the Assembly this week. We call on all States Parties to take seriously the processes set out in that resolution, and nominate only the most highly qualified candidates. Likewise we need to ensure that the best qualified candidate is selected as the next Prosecutor by rigorously following the procedures we have for a transparent, fair, and merit-based process.

New Zealand supports the proposed amendment to the Rome Statute to add starvation of civilians in non-international armed conflict as a war crime. This is already a war crime in international armed conflict and this in an area where there should be the same treatment of identical conduct in non-international armed conflict. The amendment more accurately addresses contemporary conflicts and will enhance protection for civilians. However, once this amendment is adopted, we encourage the Assembly to pause in adding further new crimes to the Rome Statute. We consider that the priority in this period in the Court's development should be on consolidating the Court's role as an effective and credible judicial institution, rather than on the expansion of the crimes within its jurisdiction.

### **Actions for the Court**

Turning to the actions of the Court can take to address some of the criticisms it is facing, we emphasise that the ICC is first and foremost a court of law. New Zealand considers the best way for the Court to move forward is to focus on delivering on its core mandate – conducting high quality investigations and prosecutions for crimes under its jurisdiction and ensuring that it is an effective, credible and well-run organisation. We welcome efforts undertaken by the Court to enhance the transparency, efficiency and accountability of its

work and encourage it to continue its work on strategic planning, prioritisation of resources, collaboration and financial discipline.

We welcome the progress that the Court has made this year in its investigations and prosecutions. We particularly acknowledge the significant judgement in the Ntaganda case, which included convictions for crimes involving sexual slavery for the first time by the International Criminal Court. As Patricia Sellers, the ICC's Special Adviser on Gender said at an event yesterday, jurisprudence is the crucible through which the crimes within the jurisdiction of the Court are forged and accountability is made an effective reality. In this connection, we welcome the Hague Principles on Sexual Violence, which have been developed by civil society and provide hugely valuable practical guidance for practitioners, prosecutors and judges to ensure accountability in this important area.

The Court is one of last resort and is complementary to national jurisdictions. The primary responsibility to take robust and appropriate measures when faced with the commission of international crimes lies with States. Domestic courts and judicial processes which secure accountability for the perpetrators of international crimes are crucial to implementing the principle of complementarity enshrined in the Rome Statute.

Mr Vice President, New Zealand remains committed to the Court and Rome Statute system, and to working alongside others to safeguard the Court and ensure it develops as an effective and credible international judicial institution.

Thank you, Mr Vice-President.