



Republic of Zambia

**STATEMENT BY
HONOURABLE GIVEN LUBINDA
MINISTER OF JUSTICE**

**AT THE
18TH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE
ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

**2 DECEMBER 2019
THE HAGUE, THE NETHERLANDS**

**ZAMBIA'S STATEMENT BY HONOURABLE GIVEN LUBINDA,
MINISTER OF JUSTICE OF THE REPUBLIC OF ZAMBIA TO THE 18TH
SESSION OF THE INTERNATIONAL CRIMINAL COURT ASSEMBLY OF
STATES PARTIES**

**18TH SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE
OF THE ICC
(THE HAGUE, 02-07 DECEMBER 2019)**

**MR. PRESIDENT,
EXCELLENCIES,
DISTINGUISHED DELEGATES;**

I HAVE THE HONOUR TO DELIVER THIS STATEMENT ON BEHALF OF THE
REPUBLIC OF ZAMBIA.

FIRST AND FOREMOST, I WOULD LIKE TO EXPRESS ZAMBIA'S FULL CONFIDENCE
IN THE ABILITIES OF MR. O-GON KWON, PRESIDENT OF THE INTERNATIONAL
CRIMINAL COURT (ICC) ASSEMBLY OF STATES PARTIES (ASSEMBLY) TO
SUCCESSFULLY STEER THE DELIBERATIONS OF THIS ASSEMBLY AND WISH HIM
SUCCESS FOR THE REST OF HIS TENURE. I FURTHER WISH TO CONGRATULATE
HIM AND THE ENTIRE BUREAU AS WELL AS THE SECRETARIAT OF THE ASP FOR
THEIR HARD WORK AND SUCCESSES SCORED THUS FAR AND CONVEY MY BEST
WISHES FOR THEIR REMAINING TENURE.

THE REPUBLIC OF ZAMBIA WOULD FURTHER LIKE TO EXPRESS ITS GRATITUDE
TO THE PRESIDENT OF THE ASSEMBLY OF STATE PARTIES FOR HIS STATEMENT
DELIVERED AT THIS SESSION. I ASSURE HIM OF MY COUNTRY'S FULL SUPPORT
AND CONSTANT COOPERATION IN PROMOTING THE IMPLEMENTATION OF THE

MR. PRESIDENT

ZAMBIA CONGRATULATES THE STATE OF PALESTINE ON ITS ELECTION TO THE BUREAU AND CONVEYS HER BEST WISHES DURING ITS TENURE.

ZAMBIA ALSO CONGRATULATES ALL MEMBERS ELECTED TO THE VARIOUS COMMITTEES AND WISH THEM SUCCESS IN THE EXECUTION OF THEIR FUNCTIONS.

MR. PRESIDENT

ZAMBIA HAS TAKEN NOTE OF THE DRAFT REPORT OF THE BUREAU ON THE PLAN OF ACTION FOR ACHIEVING UNIVERSALITY AND FULL IMPLEMENTATION OF THE ROME STATUTE AND WISHES TO CONGRATULATE THE NETHERLANDS AND THE REPUBLIC OF KOREA FOR THEIR HARD WORK AND SUCCESSFUL COORDINATION IN THE IMPLEMENTATION OF THE PLAN OF ACTION AS AD COUNTRY FOCAL POINTS.

GRATITUDE ALSO GOES TO THE PRESIDENT OF THE ICC, JUDGE CHILE EBOE-OSUJI FOR HIS HARD WORK AND COMMITMENT TO THE ADVOCACY FOR UNIVERSALITY OF THE ROME STATUTE. ZAMBIA CALLS UPON ALL STATES PARTIES TO CONTINUE MAKING USE OF ALL AVAILABLE POLITICAL, FINANCIAL AND TECHNICAL MEANS TO PROMOTE UNIVERSALITY AND FULL IMPLEMENTATION OF THE ROME STATUTE THROUGH BILATERAL, REGIONAL AND MULTILATERAL RELATIONSHIPS.

ZAMBIA FURTHER CONGRATULATES YOU, MR. PRESIDENT AND THE SECRETARIAT FOR YOUR EFFORTS, EFFICIENCY AND EFFECTIVENESS IN SUPPORTING STATES PARTIES IN THEIR EFFORTS TO PROMOTE UNIVERSALITY AND FULL IMPLEMENTATION OF THE ROME STATUTE BY ACTING AS A FOCAL POINT FOR

INFORMATION EXCHANGE, WITHIN EXISTING RESOURCES, INCLUDING BY COLLECTING AND ENSURING DISSEMINATION OF SUCH INFORMATION.

ZAMBIA REMAINS COMMITTED TO UPHOLDING AND DEFENDING THE PRINCIPLES AND VALUES ENshrINED IN THE ROME STATUTE AS WELL AS PRESERVING ITS INTEGRITY. ZAMBIA FURTHER UPHOLDS THE FIGHT OF THE ICC, INTENDED TO PUT AN END TO IMPUNITY OF PERPETRATORS OF THE MOST SERIOUS CRIMES OF CONCERN TO INTERNATIONAL LAW AND THE INTERNATIONAL COMMUNITY AS A WHOLE AND THUS COMMITS TO CONTRIBUTE TO THE PREVENTION OF SUCH CRIMES.

ZAMBIA REITERATES HER COMMITMENT TO HONOUR HER FINANCIAL OBLIGATIONS TO THE BUDGET AND PROGRAMME OF THE ICC.

MR. PRESIDENT

AS YOU MAY BE AWARE, THE AFRICAN UNION AT ITS 28TH ORDINARY SESSION, THROUGH DECISION EX.CL/1006 (XXX), CALLED FOR THE MASS WITHDRAWAL OF AFRICAN STATES FROM THE ROME STATUTE. IT WAS HOWEVER, LEFT TO INDIVIDUAL MEMBER STATES TO DECIDE WHETHER TO REMAIN OR TO PULL OUT OF THE ICC. IN THIS REGARD, THE PRESIDENT OF ZAMBIA, DR. EDGAR CHAGWA LUNGU, BEING A DEMOCRAT AND RUNNING A DEMOCRATIC GOVERNMENT PUT THE QUESTION WHETHER TO REMAIN A MEMBER OF THE ROME STATUTE OR NOT TO PUBLIC DEBATE. WE THEREFORE CONDUCTED A CONSULTATIVE PROCESS IN 2017, TO ASCERTAIN THE VIEWS OF THE POPULACE ON WHETHER OR NOT ZAMBIA SHOULD REMAIN PARTY TO THE ROME STATUTE.

MR PRESIDENT, I HAVE THE PLEASURE OF ANNOUNCING TO THIS ASSEMBLY OF STATES PARTIES THAT THE CITIZENRY OF ZAMBIA OPTED TO REMAIN PARTY TO THE ROME STATUTE.

MR. PRESIDENT, WITH THE REAFFIRMATION OF THE POPULATION, THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA IS FULLY COMMITTED TO UNRESERVED COOPERATION WITH THE ICC.

MR. PRESIDENT

ZAMBIA WISHES TO NOTE THE DIVERGENT INTERPRETATIONS OF THE RELATIONSHIP BETWEEN ARTICLE 27 (IRRELEVANCE OF OFFICIAL CAPACITY) AND ARTICLE 98 (COOPERATION WITH RESPECT TO WAIVER OF IMMUNITY AND CONSENT TO SURRENDER) OF THE ROME STATUTE.

MR. PRESIDENT, YOUR EXCELLENCIES, THESE TWO ARTICLES ARE VITAL TO THE PRINCIPLE OF COOPERATION.

MR. PRESIDENT, WE ARE ALL PRIVY TO THE FACT THAT THE AFRICAN GROUP ALSO HAS A SIMILAR CONCERN ON THESE TWO IMPORTANT ARTICLES.

IN THIS REGARD, ZAMBIA PROPOSES THAT THE ICC SHOULD CONVENE A WORKING GROUP OF EXPERTS FROM ITS MEMBER STATES TO PROPOSE A DECLARATORY OR INTERPRETIVE CLARIFICATION OF THE RELATIONSHIP BETWEEN ARTICLES 27 AND 98 OF THE ROME STATUTE. A DECLARATORY OR INTERPRETATIVE CLARIFICATION OF THESE ARTICLES WILL AMONG OTHER THINGS, SETTLE THE CONTRADICTING INTERPRETATIONS THEREBY ENABLING BOTH THE COURT AND STATES PARTIES TO CORRECTLY APPLY THESE PROVISIONS.

THE REPUBLIC OF ZAMBIA FURTHER ENCOURAGES ENGAGEMENT BETWEEN THE ICC AND THE AFRICAN UNION IN ORDER TO STRENGTHEN COOPERATION BETWEEN THE TWO ORGANISATIONS.

MR. PRESIDENT

LET ME CONCLUDE BY PLEDGING ZAMBIA'S CONTINUED UNWAVERING SUPPORT TO THE WORK AND SUCCESS OF THE ICC. WE FURTHER COMMIT TO SUPPORTING THE IDEAL OF MAKING THE ICC A TRUE INDEPENDENT AND IMPARTIAL JUDICIAL INSTITUTION WITH A CRUCIAL ROLE IN ENSURING THAT SERIOUS CRIMES AGAINST HUMANITY ARE CURTAILED AND PUNISHED WHERE EVER THEY OCCUR IN THE INTERNATIONAL COMMUNITY.

I THANK YOU

THE REPUBLIC OF ZAMBIA WOULD LIKE TO REQUEST THAT THIS STATEMENT BE PUBLISHED AS AN OFFICIAL DOCUMENT OF THIS SESSION