

Statement by the Government of Australia
to be delivered during the general debate
at the ICC Review Conference
31 May – 1 June 2010

Mr. President,

I have the honour to speak today on behalf of the Government of Australia.

At the outset, I would like to reaffirm our strong and continuing support for the International Criminal Court and the pivotal role it plays in the fight against impunity for grave crimes.

In Rome in 1998, we stood together and agreed to end impunity through real action. We adopted a foundational international instrument, the Rome Statute, and agreed to establish an International Criminal Court to prosecute the most serious crimes of concern to the international community as a whole and to punish those who commit them.

Now, 12 years later, we stand together again to review the progress of this International Criminal Court. We see that the Rome Statute is well on its way to achieving universality, having attracted 111 States Parties and continuing to welcome more. We see that the Court is fulfilling its mandate as a permanent, independent and professional institution. It is now fully operational and hearing its first cases. This Conference indeed marks a significant milestone for the International Criminal Court, and for the international community as a whole.

Mr President,

As we are all aware, over the two weeks ahead, we will reflect on the progress of the Rome Statute system and the lessons learned over those last 12 years, and seek to identify ways to strengthen the role and functioning of the Court. We will consider two amendments to the Rome Statute – to activate the Court's jurisdiction over the crime of aggression and to extend the Court's jurisdiction over certain weapons offences as war crimes. We will also consider the transitional provision of the Rome Statute. We look forward to working constructively with States Parties and all stakeholders on these important amendments.

A key focus of this Review Conference will be finalising the longstanding negotiations on the crime of aggression. The proposed amendments, submitted by Liechtenstein, reflect decades of consideration by the international community and years of collaborative effort by the Special Working Group on the Crime of Aggression. Whilst some might say that this issue is particularly difficult, we emphasise that much progress has been made and, at this point, there is broad support among States Parties for the work that has been done on the definition of the crime and its elements. A few challenging issues remain – particularly on the jurisdictional basis and the entry into force mechanism. Australia will do its utmost to help bring these significant negotiations to a successful conclusion. We encourage other States to do the same. In doing so, we should seek to achieve a result that enjoys the

broadest possible support. As with all multilateral negotiations, we should strive for consensus.

We thank also the Government of Belgium for their preparation of the proposed amendment to article 8 of the Rome Statute. This proposal seeks to extend the Court's jurisdiction to consider certain war crimes committed in the context of non-international armed conflict. We thank the Belgian delegation in particular for its consultative approach, which we hope will foster a consensus outcome on this proposed amendment. We thank also the ICRC for their ongoing support to States and for outlining their views on the relevant customary international law.

The Review Conference will also provide a unique opportunity to stock-take international criminal justice – to assess its concrete achievements, challenges and lessons learnt, and to identify practical meaningful initiatives to advance the work of the Court. We look forward to participating in this exercise and distilling ways to further strengthen the Rome Statute system.

Mr President,

As an expression of our commitment to this Court, Australia will make three pledges of future support. Firstly, Australia will contribute 100,000 Euros this year to the Voluntary Trust Fund for Victims. The Fund plays an important role in helping victims of grave crimes to rebuild their lives. Secondly, we will also contribute 50,000 Euros this year to the Trust Fund for Least Developed Countries. We hope that this contribution will encourage full and fair participation of States at future meetings of the Assembly of States Parties. Lastly, we pledge to progress consideration of accession to the ICC Privileges and Immunities Agreement. The Agreement is important to the effective functioning of the Court.

These pledges are in addition to our recent payment of over 2,725, 921 Euros towards the construction of the Court's permanent premises.

Mr President,

Lastly, we wish to express our appreciation to the Government of Uganda for their generosity in hosting this Review Conference here in Kampala. We thank also the Assembly's Bureau and its Working Groups in The Hague and in New York for their efforts in preparing our work over the next two weeks, in particular the relevant Focal Points. We commend also the efforts of the Court and the Secretariat of the ASP.

Mr President,

In closing, Australia will continue to provide the Court with our strong and unwavering support. We look forward to working closely and constructively with States Parties and other stakeholders to ensure the success of this Review Conference.