

SAMOA



Statement by
Mr. Malietau Malietoa
Representative of the Delegation of the
Independent State of Samoa

at the

Review Conference of the Rome Statute of the
International Criminal Court

1 June 2010

Kampala

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Mr. President

Samoa participated actively in Rome and plans to be active here in Kampala. In Rome, the leader of the Samoan delegation to the Diplomatic Conference – Ambassador and later Judge Tuiloma Neroni Slade – was Coordinator for negotiations on the Final Clauses and the Preamble of the Statute. The importance of the beginning and end provisions of treaties is easy to overlook. This meeting is a stark reminder of their significance.

Among the Final Clauses was Article 123 of the Rome Statute, which provides the occasion for this gathering. It constituted an understanding that what we were doing in Rome, while stunning in its potential effects on the international rule of law, would inevitably fall short of perfection. It would be necessary to meet again to “consider any amendments to” the Statute, and to share some views about the overall functioning of our creation. Article 123 provided for convening of this first Review seven years after the treaty’s entry into force. While no decision has yet been made about the spacing of subsequent reviews, we would suggest that a seven year cycle is a sensible one for future gatherings like this.

Samoa is on record in support of each of the three amendments before the Conference. Whether we achieve a consensus on these issues here or on another occasion, we see their ultimate resolution as inevitable.

We also look forward to participating in the stock-taking part of the Conference. We strongly support the positions that there can be both peace and justice, and that there is an important role for victims in the justice process. Looking back at Rome, we are struck by how much of the preambular material is reflected in the topics for consideration

here. A preamble is a set of provisions that try to capture the essence of, and reasons for, what follows. Consider, for example, the metaphor of the shattered mosaic in the first paragraph, an image designed to evoke notions of restorative justice and of the role of international criminal law in achieving peace and justice for the victims. Consider the fundamental preambular reference to complementarity. Consider the basic underpinnings of the duty to cooperate in the task of international justice. All these are germane to our agenda here. How can we contribute to those ideals?

There is one over-arching – and depressing – fact about stock-taking. Fewer than half of the States Parties have enacted adequate legislation to enable them to cooperate properly with the Court and to ensure that the treaty crimes are penalized under domestic law. We do not mean to minimize the resource and other problems in doing so. But at the same time we cannot underestimate the importance of demonstrating a serious commitment to the goals of the Court through adequate legislation.

Mr. President,

Samoa is not a member of any military grouping and has no aspirations to do so. It has no military forces and its civilian police force is unarmed. In a dangerous world, we rely on the rule of law to protect us. The rule of law advances slowly and sometimes recedes. May our time here in Kampala be a time of its advance.