

STATEMENT BY CHRIS WHOMERSLEY, HEAD OF UK  
DELEGATION TO THE ICC REVIEW CONFERENCE,  
KAMPALA, TUESDAY 1 JUNE 2010

Mr President,

I would first like to align myself with the statement made yesterday by Her Excellency Maria Lopez-Palop on behalf of the European Union. I would like to thank President Song and Mr Moreno-Ocampo for the strong messages that they have delivered in their earlier statements to this conference. We also found thought-provoking the statements by Their Excellencies President Museveni, President Kikwete and Mr Kofi Annan. And of course the statement by His Excellency Mr Ban Ki-Moon was an excellent one. The UN has a leading role to play in the international community's continued fight to combat impunity, and in particular in providing the political support that the Court requires to carry out its mandate. I would also like to convey my appreciation to you, Mr President, and all the staff of the Bureau and the Secretariat for the work you have undertaken in preparation for this meeting. Lastly, my thanks to President Museveni and the

people of Uganda for hosting us here in Kampala and extending such a warm welcome. We particularly enjoyed the memorable football match on Sunday.

At the Rome Conference in 1998, the UK was vocal in its support for the establishment of this Court. We completed ratification of the Rome Statute in 2001 and, once the Court was established in 2002, completed agreements with the Court on sentence enforcement, witness relocation and information sharing to ensure that the new Court has the tools necessary to carry out the mandate with which it had been entrusted. With the ICC now established as a central part of the international justice system, we take this opportunity to re-state our commitment to ensure the continued success of the Court. We also look forward to a fully global ratification of the Rome Statute.

This conference takes place against a continued background of fiscal uncertainty. The economic challenges thrown up by the global economic crisis are not yet resolved. None of the international institutions, including the ICC, are immune from the impact this crisis is having. It is more important than ever

that we ensure that this Court continues to develop as an effective institution.

This conference consists of two pillars – the consideration of amendments to the Rome Statute, and the stock-taking exercise. Both these tasks are key to the future development of the International Criminal Court. On the issue of the amendments, the United Kingdom would like to mark its appreciation to the Special Working Group on the Crime of Aggression for the extensive work they have undertaken in preparing this item for consideration at this conference. We would also like to highlight the initiative which the Belgian government has taken in proposing amendments to Article 8. We are also required to discuss the transitional provisions allowed under Article 124 of the statute. In the discussions that will take place on all these three amendments, it is vital that we all keep in mind that one of the key strengths of the States Parties to date has been our ability to act consensually. This has been one of the factors that has allowed the Court to pursue its mandate so successfully over the last 7 years, and is vital to its continued development. We should also take in to account that our discussions over the next few weeks do not signal an end to the process of amending and reviewing the

1998 Statute; a Statute which in its current form has consistently proved itself strong enough to undertake the role which the international community had envisaged for it in 1998. So, Kampala need not be the last occasion for us to consider the issues raised by the various amendments.

The second pillar of this conference will be the stock-taking exercise, focussing on four themes – co-operation, complementarity, the role of victims, and peace and justice.

We are gratified by the enthusiasm and hard work shown by a large number of delegations, particularly the various focal points, in preparing for this exercise in Kampala. The themes of the stocktaking exercise are very much key to the work of the ICC and the wider international criminal justice system. In particular, the United Kingdom believes that the fulfilment by States of their legal obligations, under both the Rome Statute and wider international law, is paramount for the effective functioning of the Court. But it is essential that States should also voluntarily re-enforce their legal obligations through supplementary agreements to ensure the Court has the comprehensive support of the national jurisdictions of States Parties. The United Kingdom is re-affirming our existing commitments to co-operate with the Court through one of our

pledges to be made at this conference. We will also re-affirm in our pledges the importance we attach in supporting other states with the process of implementation of the Rome Statute at the national level; and we will also pledge to continue the work that we do to ensure that access to justice is seen as a basic service, like health and education. It is fitting that we make these pledges and discuss these issues here in an ICC situation country, where the victims of LRA atrocities still wait for their fundamental right to see that those most responsible for their suffering are brought to justice.

At the opening of the Rome conference 12 years ago, Sir Frank Berman, the Head of the United Kingdom delegation, described the work that lay ahead in trying to establish an international criminal court as a “formidable task”. The international community proved itself to be equal to that task in 1998. The challenge for us in 2010 is to ensure that we can retain this Court’s position as the most effective tool in the international community’s continuing fight against impunity and injustice. I hope that all who participate in the discussions over the next two weeks will agree to work together to achieve this new goal.

