

CANZ Statement to the Assembly of States Parties of the International Criminal Court

November 23, 2006

Mr. President,

I have the honour to speak on behalf of Australia, Canada and New Zealand.

Let me begin by commending the ICC for all that it has accomplished to date. It was less than 10 years ago that a permanent, international criminal court capable of holding the perpetrators of the worst crimes known to mankind to account was still a dream of the international community. The ICC is now fully operational and poised to hold its first trials.

2006 has been an important year for the ICC. It saw the continuation of three investigations, the transfer of the first accused to The Hague, the first pre-trial proceedings in the Darfur situation and the development of a Strategic Plan.

2006 has also seen the number of States Parties to the Rome Statute increase to 103, soon to be 104. This impressive number, which will continue to grow, demonstrates that the majority of the world's states have chosen to place their confidence in the provisions of the Rome Statute and in the independent, responsible and effective judicial institution it establishes. Being a party to the Rome Statute has become an emblem of a state's commitment to human rights, humanitarian law, and accountability for individuals who would violate international law's most fundamental rules.

2007 will likely see the commencement of the first trials at the ICC. This is truly a remarkable achievement, particularly considering that all three of the current investigations of the OTP are taking place within the context of ongoing conflicts. The realities of conducting investigations under violent and insecure circumstances have created some very difficult challenges for the Court – challenges unlike anything experienced by other international courts or tribunals. All stakeholders need to work together in the coming months and years to develop innovative ways to conduct effective and efficient investigations under unstable and dangerous conditions in such a way as to ensure the safety of staff, victims, witnesses and others at risk. The scope of this challenge merits our attention and serious consideration.

Another particularly challenging issue for the Prosecutor is how to proceed when conflict resolution initiatives are taking place simultaneously with an investigation or prosecution by his office, as is the case with the situation of northern Uganda. Canada, New Zealand and Australia wish to emphasize that justice and peace are

not incompatible concepts. In our view, a negotiated agreement to end the conflict in northern Uganda, or any other conflict in which serious international crimes are alleged to have been committed, should include provisions for those accused of such crimes to be brought to justice in accordance with international standards. The ICC is not a participant in the peace process. Its mandate is to ensure accountability for the crimes specified in the Rome Statute and in doing so it must remain independent. We have confidence in the Court to make determinations consistent with its mandate about how to proceed in the face of continuing peace talks. We believe that hope has become something tangible in northern Uganda and the ICC has made an important contribution to the security situation.

One key issue on the Assembly's agenda is the 2007 budget. We thank the Committee on Budget and Finance for the work it has done in scrutinising the budget bid for 2007, and for its report and recommendations. We also take the opportunity to welcome the election of the expert nominated by CANZ, Dr David Dutton, as Chair of the Committee.

It is important that the ICC receives sufficient resources to do the job we have given it in an efficient and effective manner. We do not wish to micromanage the ICC nor to see the ASP engage in line by line consideration of the budget proposals. Rather, like last year, we would wish to see the report of the Committee on Budget and Finance being taken as the basis for our discussions. In that context it should also be recognised that the ICC has a certain amount of flexibility to move funds within programmes during a financial year. Where necessary the ASP is able to give broad policy guidance. It would assist the ASP in this task if the ICC were able to provide information on projected budgets over the next few years.

Allow me to now briefly address an important financial matter related to the Court. During this Assembly, Australia, New Zealand and Canada will present a proposal to affirm that, in accordance with Article 117 of the Rome Statute, the UN ceiling on assessed contributions applies in respect of contributions of ICC States Parties. This proposal does not seek to change the status quo or existing interpretations of the Rome Statute. We recognize that the current UN ceiling is under review in the Fifth Committee. If the Fifth Committee changes the level of the UN ceiling, such a change would also apply to assessed contributions to the ICC. Therefore, adoption of the proposed language would not open a parallel debate on the level of the ceiling in The Hague and would in no way affect or prejudice the outcome of the debate in New York.

Another important issue on the agenda relates to the ICC's permanent premises. The Assembly has before it a draft resolution which we hope will be adopted. It sets out the steps to be taken in 2007 and proposes that the focus now be on one option – a purpose built premises at Alexanderkazerne site. This is, however, without prejudice to the final decision that can be taken only when the ASP is satisfied that it has sufficient information in order to make an informed decision.

To conclude, Canada, Australia and New Zealand have all been strong supporters of the Court from its inception. We continue to believe that ratification and implementation of the Rome Statute and the Agreement on Privileges and Immunities of the ICC is the best means of combating impunity and promoting accountability for serious international crimes and we encourage all states to do so.

The Assembly has before it a Plan of Action for achieving universality and full implementation of the Rome Statute prepared in the New York Working Group. It identifies a number of steps we, as States Parties, should take to promote universality. We hope that the Assembly will be able to adopt this Plan of Action and that by ASP 6 we will see its first results.

We are also ready to assist states who may require assistance in this regard. In addition, Canada's ICC and Accountability Campaign is continuing to support projects in every region of the world aimed at increasing ratification of the Rome Statute, promoting the effective functioning of the Court, and providing education and outreach on the Court.

As the Court moves closer to starting its first trials, it needs, more than ever, the practical, political and moral support of states, international organizations and civil society in order to succeed. We encourage all stakeholders to strengthen their commitment to the Court in 2007.

Thank you.