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STATEMENT

BY

**MR. ISSASKAR V.K. NDJOZE
REPRESENTATIVE**

AT

**THE GENERAL DEBATE OF THE FIFTH SESSION OF THE
ASSEMBLY OF STATES PARTIES (ASP) TO THE ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)**

THE HAGUE, 24 NOVEMBER 2006

Mr. President,

I reiterate the happiness of the Namibian delegation to see you in the chair and assure you of our continual support and co-operation. Let me also congratulate you on your appointment as foreign minister of Costa Rica.

I further take this opportunity to pay tribute to Dr. Medard Rwelamira. His significant contributions, both as South African delegate and Director of the Secretariat, to the establishment of our Court will not be forgotten. We thank South Africa and Tanzania for sharing their son with us.

Mr. President,

The Namibian delegation thanks you, the President of the Court, the Prosecutor and Madame Veil for yesterday's respective reports on the activities of the Bureau, the Court and the Victims Trust Fund.

We thank all three branches of the Court and the ASP Secretariat for the significant activities and further consolidation of the Court during 2006. A lot has been achieved, particularly in the last year, and a lot remains to be done, including the finalization of the task of the Special Working Group on the Crime of Aggression under the able leadership of Ambassador Wenaweser of Liechtenstein. We also look forward to concrete preparatory work for the Review Conference to start this session.

Mr. President,

Namibia welcomes Chad, the Comoros, Montenegro and St. Kitts and Nevis as new States Parties and encourages others to follow suit. The increase in the number of States Parties and the achievement of universality is one of our major challenges. In this connection, like other delegations before us, Namibia welcomes reports that Japan will join the ICC in 2007 and we urge understanding for the related budgetary concerns. A balance must also be found between reasonable assessed contributions and undue dependence and consequent influence.

/Regarding universality,...

Regarding universality, Namibia also emphasizes that fair geographical representation of all regions of the world at all levels of the ICC will contribute to the legitimacy and truly global character of the Court.

Mr. President,

While having a constitutional provision by which all international legal obligations are automatically internalized, Namibia appreciates the importance of implementing legislation. We are currently drafting a bill to facilitate the implementation of the Rome Statute.

Mr. President,

Namibia also appreciates the importance of co-operation with the Court, particularly with regard to the relocation of witnesses and enforcement of sentences. While cognizant of our limited resources, we are currently considering how to contribute.

Namibia welcomes the conclusion of the co-operation agreement between the European Union and the ICC, and urges the African Union to follow suit.

Mr. President,

The relationship between justice and peace has become increasingly topical in the recent past. Namibia acknowledges that only through the achievement and maintenance of justice can lasting peace be assured. However, we Namibians also believe, particularly with our own recent history in mind, that justice can also be achieved through reconciliation, not only through punishment and retribution.

That said, the provisions of the Rome Statute must be adhered to. Namibia agrees with the United Nations emergency relief co-ordinator, Mr. Jan Egeland, who, after a recent visit to northern Uganda and southern Sudan, urged the United Nations Security Council to back the peace efforts rather than push for putting the rebel leaders on trial immediately. A precedent exists, and we all, particularly as ICC States Parties, are aware of that.

/I should also...

I should also stress that my delegation agrees with our Prosecutor and others that the arrest warrants had a very positive impact on the peace process in northern Uganda.

While on the integrity of the Rome Statute, recent developments also seem to indicate, at least implicitly, the futility of the so-called Article 98 agreements.

Mr. President,

Considering that 24 out of 25 members of EUROJUST are also members of the ICC, it is a pity that a solution regarding the interim premises could not be found in the obviously greater interest of the ICC, thereby also honouring the one-court principle. Nevertheless, a solution was found in the form of interim interim premises. Namibia trusts that the finalization of the issue of interim premises until 2012 is imminent.

Mr. President,

This leads me to the permanent premises, which Namibia believes should be expeditiously planned with sufficient economy and realism in mind, and in stages, particularly in view of not only the possibility, but also the imperativeness of *in situ* proceedings. We still hope that the permanent premises will be ready before the rent-free period of the interim premises expires.

Mr. President,

My delegation again emphasizes the fundamental necessity of outreach. To win the hearts and minds of people, outreach is of utmost importance, particularly – but not only – in situation countries. We support the Court's plan and resource requests in this regard. Also, the presence of the Special Court for Sierra Leone provides an excellent opportunity to learn from that Court's effective and timely outreach activities as well as to share its experiences. In this connection, let me mention in passing the effectiveness of radio in reaching the widest possible audience in Africa.

/Mr. President,

Mr. President,

The Victims Trust Fund being a form of humanitarian outreach, Namibia made the first, albeit small, contribution to the Fund. We call on all fellow States Parties to follow suit proportionally.

Mr. President,

Namibia welcomes the recent appointment of the liaison officer in New York and we look forward to the full establishment of the liaison office and its engagement with all relevant organs and bodies of the United Nations as well as with States Parties, particularly those not represented at the seat of the Court. This is a mammoth task and sooner rather than later that office will have to be reinforced.

Mr. President,

Only few African and other developing States Parties and potential States Parties have missions at the seat of the Court. Hence, Namibia welcomes the decision of the ICC Assembly of States Parties to alternate its meetings between the seat of the Court and the Headquarters of the United Nations, which is in line with the letter and spirit of the Rome Statute. The holding of ASP sessions biennially at United Nations Headquarters will ensure wide participation of States Parties and observers, increase the visibility and universality of the Court and re-embed the Court in the United Nations system to attain - also on that front - full complementarity – legally, politically and practically. The full implementation of Article 112(6) of the Rome Statute **also** remains acutely pertinent, at least until we have gained a critical mass of States Parties of a minimum of two-thirds of the United Nations membership.

Mr. President,

Last but not least, my delegation should like to recognize the invaluable work of the Coalition for the International Criminal Court on behalf of civil society in the interest of our Court. We thank them for that and encourage increased activities in situation countries and in Africa in general.

I thank you, Mr. President.