



**PERMANENT MISSION OF
THE KINGDOM OF THE NETHERLANDS
TO THE UNITED NATIONS**

235 East 45th Street, 16th floor
New York, NY 10017

tel. (212) 519-9500
fax (212) 370-1954
www.pvnewyork.org

check against delivery

STATEMENT BY

H.E. Mr. Frank Majoer

**Ambassador
Permanent Representative of
the Kingdom of the Netherlands to the United Nations**

**ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT**

SIXTH SESSION

NEW YORK, 3 December 2007

Mr. President,

The second item I would like to discuss with you is the Crime of Aggression. The Netherlands thanks Ambassador Wenaweser and the Liechtenstein Institute on Self Determination for their excellent work on this topic over the last few years. The Netherlands has contributed financially to the important informal meetings held in Princeton. Even though no agreement has been reached on the outstanding issues, these meetings have succeeded in bringing the process one step further. From the outset, we had little hope that in Princeton full agreement could be found, this in view of the complexity of the matter and the different interests at stake. However, it is safe to say that a 'Princeton spirit' has developed, which has helped the Special Working Group to move forward.

The Netherlands will contribute actively to the negotiations in the Special Working Group this week, as we have done in previous negotiations. We, Parties to the Rome Statute, are under an obligation to do so. In 1998 in Rome we agreed, as laid down in Article 5, paragraph 1 of the Statute, that the crime of aggression is amongst the most serious international crimes and that the Court should have jurisdiction over it. In other words, as long as we have not been able to define this crime for the purposes of the Court, the Rome Statute remains incomplete. We therefore should come to an agreement on the definition of this crime and on the conditions for the exercise of jurisdiction over this crime by the Court as soon as possible.

Mr. President,

This brings me to my last points, related to the position of the Netherlands as host nation to the ICC.

On the issue of the interim premises of the Court, I want to emphasize that we are painfully aware of the need for extra workspace for the Court in view of its ongoing expansion. We applaud the intentions of the Court to speed up the process of hiring all the staff that the budget provides for, but we also realize that this will only tend to further aggravate the already tight housing situation they are in right now.

This is not a financial issue for the Netherlands, as we would be happy to make the funds available to hire additional workspace for the Court. However, there is a practical problem of finding suitable office space in the vicinity of the court premises. We have unfortunately not yet been able to find workspace that fulfils all the security and other requirements of the Court. In close cooperation with the Court, we will continue to search for an interim solution until construction work on the Haagse Veste is finished. This extra facility for the Court, just around the corner from its main building, will be completed by October 2008. Once the Haagse Veste is operational, we hope that the Court will have sufficient space until the completion of its permanent facilities. There has been some misunderstanding as to the costs the Netherlands is prepared to pay for security facilities in the Haagse Veste. Let me be absolutely clear about this. We are fully prepared to pay for all the hardware associated with security and protection for this building, along the same line as we did for the Arc Building.

In spite of all our efforts to provide the Court with suitable temporary facilities, we realize that the situation is not perfect. Therefore, we hope that the construction of the permanent facilities for the Court can start without any undue delay. To this end, this Assembly of States Parties will have to agree on a package of proposals that was prepared by The Hague Working Group this year, under the guidance of its very able facilitator, Mr. Masud Husein of Canada.

The draft resolution that came out of the Hague Working Group is a balanced piece of work; one that will give the Court its due role as end user, the host state its role as advisor, and the ASP the final authority over the whole project. In order not to lose time and money, it is essential that the architectural competition will be conducted within the timeframe of one year, and that it can commence as foreseen at the very beginning of 2008.

The draft resolution mentioned above is rather long, somewhat technical by nature, and detailed in its provisions. We realize not all delegations present in this room have been able to participate in the deliberations in The Hague that produced this draft resolution. My Delegation will therefore be at your disposal to give further explanations at any time.

Thank you, Mr. President.