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**STATEMENT BY
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ON BEHALF OF CANADA, AUSTRALIA AND NEW ZEALAND (CANZ)**

**DELIVERED ON THE OCCASION OF THE SIXTH SESSION
OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE
OF THE INTERNATIONAL CRIMINAL COURT**

NEW YORK, 4 DECEMBER 2007

**DÉCLARATION DE
ALAN H. KESSEL, LE JURISCONSULTE,
AFFAIRES ÉTRANGÈRES ET COMMERCE INTERNATIONAL CANADA
AU NOM DU CANADA, DE L'AUSTRALIE ET DE LA NOUVELLE-ZÉLANDE**

**À LA SIXIÈME SESSION DE L'ASSEMBLÉE DES ÉTATS PARTIES
AU STATUT DE ROME DE LA COUR PÉNALE INTERNATIONALE**

NEW YORK, LE 4 DÉCEMBRE 2007

Mr. President,

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

Let me, at the outset, reiterate CANZ's full and unequivocal support for the International Criminal Court. Over a remarkably short period, the international community's vision has been transformed into reality with the creation of this permanent institution, which is poised to start the New Year with the opening of the trial of Thomas Lubanga Dyilo, a former Congolese militia leader. Nevertheless, the Court still faces challenges, which must be met in order to ensure its effectiveness:

Cooperation

Meeting these challenges requires the cooperation of all states. All stakeholders in the fight against impunity must work together to ensure accountability for those individuals responsible for the most serious international crimes. Only in this way will the Court succeed in fulfilling its mandate. CANZ calls for Security Council attention to International Criminal Court matters in its discussions on peace and security.

The surrender by the Government of the Democratic Republic of the Congo of Germain Katanga to the Court is an example of the important cooperation needed. CANZ welcomes and commends this surrender, which is representative of the results that can be achieved through the cooperation of the situation country.

Developing cooperative relationships is crucial in combating criminal impunity. CANZ therefore welcomes the recommendation put forth in the Report of the Hague Working Group to appoint a focal point to work closely with the Court. An example of the importance CANZ places on cooperative relationships with the ICC is the arrangement recently signed by New Zealand to provide specific cooperation to the Court.

Support for cooperative relationships between the Court and other international institutions is also important. We welcome both the positive relationship agreement between the ICC and the UN, as well as the unique and unprecedented cooperation between the ICC and the Special Court for Sierra Leone, particularly regarding the assistance being provided in relation to the trial of Charles Taylor.

More cooperation is needed, however, particularly vis-à-vis the six outstanding arrest warrants in the Darfur and Uganda investigations. CANZ urges the Government of Sudan to take all steps to arrest and surrender Minister of State for Humanitarian Affairs, Ahmad Harun, and militia leader Ali Kushayb. Acting on the arrest warrants will demonstrate not only respect for the rule of law but also support for international criminal justice generally.

A particularly challenging issue facing the ICC Prosecutor is how to reconcile simultaneous conflict resolution initiatives with an investigation or prosecution by the Prosecutor's office, as is the case with the situation of northern Uganda. CANZ wishes

to emphasize that justice and peace are not incompatible concepts. In our view, justice is critical to establishing a durable peace. We believe the ICC has made an important contribution to the security situation in northern Uganda.

Budget

A key issue on the Assembly's agenda for this year is the 2008 budget. In order to provide broad policy guidance to the Committee on Budget and Finance, whose reports and recommendations we appreciate, State Parties must follow its work closely. This will help ensure that all offices of the Court receive sufficient resources to be efficient and effective.

To this end, CANZ is concerned at the number of States currently in arrears. CANZ therefore encourages the timely dissemination of relevant documentation to the Assembly, to assist it in determining whether a State meets the exemption criteria set out in Article 112 (8) of the Rome Statute, permitting it to vote.

CANZ welcomes the progress made to date by the Court in its strategic planning and the Court's effort to link its Strategic Plan with its proposed programme budget. We encourage the Court to continue work on the development and implementation of all elements of its Strategic Plan.

Permanent Premises

This permanent Court needs permanent premises. CANZ welcomes the draft resolution before the Assembly related to the establishment of permanent premises for the Court, which we hope will be adopted. As a result of the Hague Working Group's preparations, the Assembly can now confidently initiate an architectural design competition for a purpose built premises at the Alexanderkazerne site.

Review Conference

The Review Conference provides a rare opportunity for all stakeholders to come together and contribute to the strengthening of the Court and the cause of justice and rule of law, through continued and constructive dialogue.

Universality – Plan of Action for universality and full implementation

CANZ believes that ratification and implementation of the Rome Statute, together with the Agreement on Privileges and Immunities of the International Criminal Court is the best means of combating impunity and promoting accountability for serious international crimes. CANZ continues its efforts towards fulfilling its commitment to the Plan of Action for achieving universal ratification in a number of ways.

In Australia, for example, a regional seminar was convened during a visit of the Prosecutor in August this year, bringing together more than 70 officials from the Asia

Pacific, including Ministers and senior government officials, to promote accession to, or ratification of, the Rome Statute. Australia continues to consider options for engaging in further ICC outreach within the region. In Canada, funding has been provided since 2000 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.

CANZ is pleased that there are now 105 States Parties to the Rome Statute. We welcome Japan as the newest State Party and hope that its accession will encourage further States to join. The growing membership demonstrates that the majority of the world's states continue to place their confidence in the provisions of the Rome Statute and in the independent, responsible and effective judicial institution it establishes.

Mr. President,

In conclusion, CANZ remains a committed supporter of the effective operation of the ICC. As the Court moves forward it needs, more than ever, the practical, political and moral support of states, international organizations and civil society in order to succeed in achieving its broader objectives.

Thank you, Mr. President.