



Twenty-Second Session of the Assembly of States Parties to the

Rome Statute of the International Criminal Court

Sixth and Seventh Plenary Meetings

“Consideration of the Budget and Cooperation”

Statement delivered by

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President Hofmański, Deputy Prosecutor Niang, Registrar, Excellencies, Ambassadors, Co-Chairs, Co-Facilitators for Cooperation,

I have been asked to speak on behalf of the President of the Assembly of States Parties on the achievements and perspectives of the Rome Statute over the last 25 years, and how we can collectively strengthen and promote cooperation with the International Criminal Court and between States.

It is important to stress that the adoption of the Rome Statute came at a very particular moment in our history since 1945. Up until the collapse of the Berlin Wall and the end of the Cold War, it was difficult to imagine our ability to create new breakthroughs for the United Nations and for the global system. The Rome Statute came within that period of 15 years where we were able to do a lot globally, and we all have to recognize that when the Rome Statute was negotiated, when it was signed, there were enormous hopes and expectations as to the era which we would be entering. Of course, we have discovered the challenges. We are now living in a world where atrocities are multiplying, and where the hard-won achievements to assure an order based on the rule of law [*are fading away*]. Sometimes people wonder whether it would be possible to create the Court today.

As interesting as that question might be, it is important for us to know what the Court has been able to do in some of the most difficult circumstances. The Court has consolidated the foundations for a global justice system. It has reaffirmed the obligation to investigate and to prosecute. We find that more and more states are willing to exercise jurisdiction over international crimes, and initiatives are multiplying to provide justice, or to assist those who can do so, by establishing mechanisms for the collection and preservation of evidence. We have several mechanisms at work today which are gathering evidence - at an unprecedented level of detail and sophistication - of abuses and crimes. I would note Syria and Myanmar as examples where the fact that there are

still no prosecutions in front of the ICC does not mean there is not a very real and deep acceptance of the need to find evidence and to deal with those who have committed terrible crimes. We have better instruments of cooperation to facilitate inter-state cooperation for the investigation and prosecution of core crimes.

I think it is fair to say that we are seeing the emergence above and beyond of the ICC of a global justice ecosystem, within which international and national courts clearly have a role to say. This Court and those in this Assembly must join forces with all those who are involved in justice efforts, to help consolidate and improve this system.

So, in light of all that we have done, and I have only listed a few, the question is not “Would it be possible to create the Court today?” but rather “How do we keep on going to strengthen the system?” It is not to look back on the Rome Statue, wondering what States Parties imagined would happen because of it and asserting how terrible it is that we were not able to do all that we wanted to. It is rather to understand that we are actually building something, that we are part of a broad movement of creating the institutions that are necessary for the establishment of peace, security and justice.

The occasion of this 25th anniversary gives us an opportunity to do so, and we have been. This has been the year of reviewing and making every effort to think this through. This process, which began in The Hague, was followed by a high-level conference here at the United Nations in New York. We had an important Arria-formula meeting of the Security Council organized by Japan and Switzerland. We also organized a conference in Syracuse, Italy, which the President of the Court attended. For some reason, my invitation got lost in the mail somewhere, but Sylvia was able to be there, as were civil society and academia, reflecting together on how to ensure consistent sustainable support for the Court in the coming decade.

This meeting is yet another opportunity for States Parties to reflect seriously, not only on what we have done, but what we have not been able to do and how we could in fact improve.

The activities this year have allowed us to reaffirm our commitment to the rule of law and to the principle of accountability in the present circumstances, when important values underlying the Court are put into question, and there is a risk of being undermined by direct and indirect attacks against this Court, its officials and its staff, as well as others cooperating with it.

And so I have another question for you: “If the court was irrelevant, why would the Court be under such attack?” This is not totally a rhetorical one. The reality is that the Court is under a systematic attack on its ability to do its job, for example through attempts to create fear among prosecutors and judges, and to destroy the IT infrastructure of the Court. Why would this be happening? Because the court is doing its job. The Court is certainly relevant to those people who are being made uncomfortable, and so we need to understand its value as we address these challenges and stand together to deal with the problem.

The first point I want to make in conclusion is that the Court cannot work in isolation. It needs political support, the support of States Parties, and a steady commitment on the financial side.

We also need to continue our efforts to promote the universality and the full implementation of the Rome Statute. We have to ensure that States Parties have the effective legislation that they need in order to be able to carry out and assist the Court in all of its work. In other words, we need to strengthen the domestic role that States Parties must play, in order to give complementarity its full sway.

These are some of the reflections that we need to think about as we go forward. It is important for us to recognize that from my perspective and that of the Presidency, it is not a glass that is half empty, but one that is half full – and we have to continue reflecting on how we can do a better job for victims, for survivors, and to deal with this very difficult issue of impunity.

We have to recognize that the Court cannot be alone in doing this. It needs the work of States Parties to make it the effective instrument that we believe it should be.

Thank you very much.