

Cooperation Plenary Meeting ASP 22

Presentation of the Toolkit for the implementation of the informal dimension of the Assembly procedures relating to non-cooperation

- I want to thank the speakers for their interventions. Cooperation with the Court remains paramount and the failure to provide such cooperation in the context of judicial proceedings affects the efficiency of the Court.
- I also want to thank the Cooperation facilitation for the opportunity to intervene on behalf of the focal points on non-cooperation – Argentina, Ireland, Sierra Leone, Vanuatu and my own country, Romania to shed light on an important instrument that States Parties have at their disposal in preventing cases of non-cooperation.
- As you know, there are two scenarios of non-cooperation. A scenario where the Court has referred a matter of non-cooperation to the Assembly, which triggers a formal response and a scenario where the Court has yet to refer the matter, but there are reasons to believe that a serious incident of non-cooperation including a request for arrest and surrender of a person is about to occur or is ongoing and urgent action by the Assembly may bring about cooperation.
- This second scenario requires an urgent but informal response at the diplomatic level taking into account the Toolkit on non-cooperation. The ASP President has a leading role in shaping the response and the focal points have an important role to play in assisting the President, but there is also an important role that States Parties can play and the Toolkit can guide their actions.
- The Toolkit is a document developed by the focal points as a resource for States Parties. Its objective is to encourage more standardized responses to potential instances of non-cooperation and to depoliticize action taken to encourage States to meet their cooperation obligations.
- It provides resources in the form of templates and guidance to facilitate outreach in sensitive situations.
- By way of example, the Toolkit encourages monitoring through the diplomatic network and obtaining early information about the future travel plans of persons subject to an arrest warrant. It also encourages the exchange of information with the Court and the focal points by States, international and regional organizations and civil society if they become aware of such travel plans via dedicated e-mail addresses.
- In terms of prevention instruments, the Toolkit contains templates to draw on in encouraging States to meet their cooperation obligations in relation to the arrest and surrender of persons subject to a warrant – draft statements (before and after travel), draft note verbale, talking points, draft media release and draft tweets. So it allows for a case by case and tailored approach depending on the particular situation.
- As focal points, we intend to continue to raising awareness about this useful instrument and we encourage delegations to consult the Toolkit and use it as needed. We remain committed to preventing instances of non-cooperation and available for any exchanges in relation to our mandate. Thank you!