

New York, December 14, 2011

Madame President,

The Delegation of Mexico wishes to congratulate you and offer you the warmest welcome as President of the Assembly of the States Parties. We have absolute confidence in your leadership and we are fully convinced that with your experience, capacity, and commitment, this Assembly is in good hands for the next three years.

From now on, be assured that you can count on the full support of my Delegation.

I would also like to pay special tribute to the outgoing President, Ambassador Christian Wenaweser. His commitment, leadership and tireless work at the helm of this Assembly, have left a long lasting impression in the development of the Rome Statute System that has led to a stronger, more universal and more respected Court.

We are in a year of leadership renewal and thus I would like to praise the work of the members of the Court under the leadership of President Sang-Hyun Song and in particular to the judges who will soon finish their respective mandates. To the incoming officials, I would like to congratulate you for your election and welcome you as well as offer the support of my country. The great responsibility that you are about to assume goes along with the hope that we have all deposited on the Court.

Also, as this is his last participation in this Assembly, a special recognition to the work of the first ICC Prosecutor, Luis Moreno Ocampo.

My delegation does not want to miss the opportunity to congratulate Fatou Bensouda for her election as the new Prosecutor of the Court and express to her all the support of my country. In this context, we would like to underline the work done by the Search Committee for the Prosecutor, in which the former legal advisor of the Mexican Ministry of Foreign Affairs has participated on behalf of Latin America and the Caribbean. The Committee fulfilled a purely technical task in a diligent, objective and transparent manner, opening the path to the election of Fatou Bensouda by acclamation.

Finally I would like to take this moment to convey a personal message and thank all of those who, during the three years that I served as a Vice-president of the Assembly, gave me invaluable support with their work, ideas and constructive criticism. I would like to specially thank Court officials, members of the Bureau and the facilitators in The Hague.

Madame President,

This leadership renewal coincides with the 10 years of operations of the Court and marks the beginning of a determining phase in the future of this institution that today constitutes an essential tool of the international security system and is the center of gravity of the international criminal justice.

In this new phase, the judicial challenges are not minor. Now that the first case comes to its conclusion, the Court will have to initiate a self assessment process and make the necessary adjustments that will allow it to become more efficient in its judicial proceedings. On the other hand, the Court will continue to dwelve itself into unknown territory, such as the reparation phase and an appeal of the first sentence; all of this, in a moment in which the Court will have to face unprecedented judicial activity, in increasingly complex situations. In this context, the Court will have to demonstrate its capacity as a judicial institution and show institutional maturity.

This situation also calls for, more than ever, the unfailing commitment of the States Parties and full cooperation, without which, the Rome Statute System is inoperative.

Non States parties, the international organizations and the civil society have also a fundamental role to play in the strengthening of the Court, particularly when its action has been initiated and supported by the Security Council.

If the cooperation is instrumental for the Court to fulfill its objectives, the universality of the Rome Statute is an indication of the support that is given to this institution and the increasing importance of the Court in the international arena. This is why my delegation celebrates that the family of the Rome Statute has today 120 States Parties.

Madame President,

As the legislative body of the system and the link between the States and the Court, the Assembly of States Parties has the historical responsibility to ensure that the Court has all the necessary tools to fulfill, efficiently and effectively, with the mandate we have conferred to it.

To endow the Court with these tools requires an open, structured and honest dialogue amongst the States Parties and the Court, which takes due account of the statutory framework, in particular ensure the independence of the Prosecutor and the impartiality of the Court. Mexico reiterates its conviction that independence of the Court constitutes the supreme value that the Assembly has the duty to protect.

Is through this dialogue, based on mutual trust, that we have achieved to move forward in strengthening States parties' cooperation with the Court; we have also been successful in developing mechanisms that allow national jurisdictions to assume the primary responsibility of bringing justice to victims.

It is also through consultations that we have successfully reached solutions that are satisfactory for all: this has been the case of the Prosecutor's Search Committee and the recommendations of the Working Group on Governance, build upon the premise that only dialogue will move issues forward that are of vital importance to the institutional strengthening. The exchange in the framework of this group, has demonstrated that the States and the Court still have a lot to learn from each other on our needs, difficulties and concerns.

However, there are still some pending tasks, such as the budgetary process and the Independent Oversight Mechanism. We need to continue our mechanism negotiations as soon as possible in which Mexico will contribute to find solutions that include the necessary safeguards that guarantee the independence of the Court.

Madame President,

Nothing reflects better the divergence of positions than the complex 2012 budget discussion, which is about to start its final phase. My delegation, conscious of the difficult economic context that we are all facing, encourages all of the actors not to lose sight of the objective of this Assembly; that is, the consolidation of the International Criminal Court as a solid and efficient judicial institution. We should be consistent with the aspirations that we have for the Court: we cannot expect the Court to effectively respond to more mandates with fewer resources.

This debate should lead us to consider the type of Court that we want, a Court that is fully operative at all times regardless of the number of cases, which will require flexibility in managing resources; or a Court with previously established capabilities that will only be able the efforts focus in a determined number of cases. This reflection shall also include a deep analysis of the current budgetary process. We need a system that adapts to the reality and this requires the corresponding adjustments that will guarantee an administration based on fiscal responsibility and budgetary discipline.

Madame President,

Allow me to conclude my intervention outlining some of the challenges that my delegation considers priorities for the Court and the States Parties:

1. As I mentioned before, an exhaustive review of the administrative processes is essential in order for the Court and the States to focus their efforts in the substantive activities of the institution.
2. We should guarantee that the lack of cooperation of the States, when it contravenes a statutory obligation, has real consequences.
3. An important effort will have to be made in order to expedite the judicial processes, particularly in the light of the conclusions that will follow the end of the first judicial cycle.
4. The participation of the victims is fundamental in the Rome Statute system and it is a right that has to be guaranteed. This is why the Court should be prepared to face an increasing number of requests for participation and reparations phase.
5. We, States Parties, also need to begin an introspective analysis to ensure that the Assembly counts with clear and efficient processes that focus in results.

Finally, a challenge, and at the same time a reflection: we should embrace constructive criticism. There are isolated but recurrent voices that seek to discredit the role and the actions of the Court, and they can be easily countered with results. But there are also other voices that want to see the Court succeed, although they differ in the methods. We need to embrace and incorporate all of these voices as part of our discussions.

Madame President,

Mexico cooperates and has cooperated with the Court in a committed manner. This has been the case from my Capital, where the Government prompted a cooperation bill that is awaiting approval by Congress. It has also been the case in the framework of the Assembly of States Parties, where we have actively participated on most of the working groups and sub groups. Just like in any other democratic process, time has come to open spaces and invite other delegations to be part of this effort. This only highlights the unequivocal commitment of Mexico with the International Criminal Court.

Thank you Madame President