



Embassy of Spain
The Hague

International Criminal Court
Twelfth session of the Assembly of States Parties
The Hague, 20 -28 November 2013

STATEMENT ON BEHALF OF

SPAIN

BY MR. JAVIER VALLAURE,
AMBASSADOR OF SPAIN TO THE NETHERLANDS
21 November 2013

Check against delivery

Madam President, Members of the Assembly, distinguished delegates,

I am honoured to address the Assembly of States Parties on behalf of the Spanish delegation. In this capacity, I extend our congratulations to you, Madame President, for the valuable outreach you have provided through the second year of your term. I would also like to express our sincere appreciation to President Song for his excellent work and warmly congratulate Prosecutor Bensouda for all her dedication and work in performing her duties during her first year in office.

I also wish to express the full endorsement of my country to the statement made on behalf of the European Union and its Members States.

Madam President,

We all know that this is not another ordinary Annual Assembly of States Parties of the ICC.

Firstly, this year, we celebrate the fifteenth anniversary of the Rome Statute, which was adopted on July 17th, 1998. It is therefore an excellent opportunity to assess what has been achieved until now and the challenges that are still ahead. The Rome Statute entered into force eleven years ago. In our view, the assessment of this period of time is very positive. The ICC has become an independent institution which epitomizes the fight against impunity in the face of the worst crimes against humanity, thereby promoting international justice, peace and security.

The ICC has also a fundamental aspiration of universality. After Côte d'Ivoire's ratification of the Rome Statute, we are already 122 States Parties. This number clearly shows that the international community remains firmly committed to fighting impunity. However, there is still a way to go. We all must continue to work in order to progress in our original aspiration to attain the universality of the ICC system.

As I have mentioned before, this is not another ordinary annual Assembly of States Parties. We are living a delicate moment. We must be aware that the work of the ICC has raised concern in some countries, particularly in Africa. We cannot ignore how some States Parties perceive the actions of the ICC.

The ICC does not belong exclusively to anybody. It belongs to us all. African countries played a key role in its birth and entry into force. Among the first sixty States that ratified the Rome Statute, 13 were African. Today, Africa is the continent with the highest number of States Parties, 34.

We must firmly defend the principles upon which the ICC has been built. However, at the same time all countries must be able to express their concerns and their voice must be heard and taken into account, in the appropriate framework. That is why this meeting is important. This meeting allows us to have an open and frank dialogue, to build bridges and to find a way to

overcome our differences. As I have said, the ICC is at the service of us all. Therefore, in this debate we all must win. A strengthened ICC must rise from this debate.

We believe that there is enough room to seek flexible solutions that may help reconcile different views and attract a broad consensus which is necessary. In this respect, some States parties have put forward several interesting proposals that should be studied. Nevertheless, we must always keep in mind the need to fully respect the independence of the Court and the principle that the Rome Statute shall be applied equally without distinction based on official capacity, as foreseen in article 27, which remains a basic principle to ensure the effective fight against impunity, the reason why the ICC was created.

Madame President,

Please allow me, before I finish this statement, to highlight three issues that are particularly relevant for my country in relation to the ICC: complementarity, cooperation and victims.

The ICC seeks to offer justice and reparation to those men and women who have been victims of the most serious international crimes. It is a complementary and subsidiary jurisdiction that investigates and prosecutes only when this is not possible at the national level. Therefore, it is important to support national jurisdictions so that they are able to carry out this task effectively, by working together in the field of positive complementarity, through international cooperation between States. In the last few years, Spain has provided judicial assistance to other countries in Latin America, and is willing to continue to cooperate in this field in other regions.

In addition to complementarity, we wish to highlight the need to strengthen cooperation between the Court and the States Parties. This cooperation is not only an obligation established by the Rome Statute, but also a condition to ensure that the work of the ICC is carried out effectively. The experience of the last few years has shown that we can still progress in this area.

Finally, assistance to the victims is a key aspect of the work of the ICC, not only through judicial activities, but also through legal aid and particularly through the assistance to victims and their families provided by the Trust Fund for Victims under its mandate, at individual and community level. Spain has contributed to the Trust Fund with 380,000 euros. Our last contribution, of 30,000 euros, was approved last September. This is a priority issue for my country and we are glad that this session of the Assembly will include a discussion on victims.

Madame President,

Besides these substantive issues, the reflection on the ICC must also tackle its financial challenges, always a sensitive issue. The work of the ICC is vital and its principles are the very same ones that can be found at the heart of Spain's Foreign Policy. However, international organisations, including the ICC, must reflect the reality of their Member States and adapt to their situation. The

current economic and budgetary situation of a significant number of States that have ratified the Rome Statute -Spain among them- makes it necessary for the ICC to improve efficiency in the management of its resources and to limit its expenditure according to the real possibilities of those States Parties. My country believes that the ICC's budget for 2014 should take into account these considerations. We will have to find a balance between this need to limit the budget and our shared goal to provide the Court with sufficient resources to carry out its task effectively.

Madame President,

Fight against impunity in the face of the most serious international crimes, aspiration of universality, assistance to the victims and the principles of complementarity and cooperation between the Court and the States are the main distinctive features of the ICC. It is our shared responsibility that they continue to characterise the ICC in the years to come. If we can overcome the current challenges, through dialogue and a constructive attitude, the Court will be strengthened. In this endeavour, you can rely on Spain's firm commitment.

Thank you very much.