



BRAZIL

Statement by

H.E. Ambassador Piragibe dos Santos Tarragô

Head of the Delegation of Brazil to the XV Assembly of States Parties

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Monsieur le Président,

Je voudrais vous transmettre le soutien de ma délégation et la confiance du Brésil dans votre capacité pour bien mener à de bons résultats nos travaux à l'occasion de la XV^e Assemblée des Etats Parties au Statut de Rome de la Cour pénale internationale. Le Brésil a toujours été reconnaissant de vos efforts, ainsi que ceux des pays africains, dans la lutte contre l'impunité internationale, auxquels nous attachons une grande importance en ce moment sensible pour le système du Statut de Rome.

Mr. President,

As a founder of the International Criminal Court, Brazil is pleased to see that the Court continues to gain strength as the first permanent tribunal set out to help end impunity for the most serious international crimes. Once again, however, this Assembly is held amid conflicting perceptions on the activities of the Court, which bring to the fore tensions between the ideals of peace and justice, sovereignty and accountability, political stability and good governance.

Brazil has steadily expressed support to the pivotal role of this Assembly of States Parties to, through its diplomatic vocation, reconcile concepts and principles in the quest for the continuing recognition of the Rome Statute system.

Naturally, we see with certain frustration the decision by some States Parties to initiate their withdrawal procedures from the Rome Statute. Withdrawing from a treaty is a sovereign act, and so it should be understood by this Assembly. It behooves us to respectfully express our sincere expectation that those States may reconsider their positions. This development, rather than reinforcing conflicting views, should strengthen our resolve for a constructive dialogue and for an assessment of the structural challenges faced by the Rome Statute system, as well as avenues to overcome them.

More than ever, we should stress that none of our efforts will be enough if we do not make further progress towards universality. In a moment when so much emphasis is put over those who expressed their intention to leave, it would be a disservice to the Court to detract from the efforts

of expanding its membership. Any misperception of bias or selectivity regarding the activities of the ICC will only be definitively dispelled by expanding, rather than shrinking, the Court's political space to operate. This is particularly relevant when one bears in mind that, so far, a number of important international actors are not yet parties to the Rome Statute.

In this vein, Brazil welcomes the accession of El Salvador to the Rome Statute in 2016. Not only that all South American countries are parties to the Rome Statute, but also Latin American and Caribbean States represent the second largest regional group among States Parties. We call for further efforts to improve both equitable geographical distribution, as well as gender balance in the Court's structure, including in its most senior positions.

Mr. President,

While Brazil recognizes the need to provide the ICC with the necessary resources to conduct its activities in full independence, we believe that the steady increase in the amount of resources requested by the Court ignores the budgetary realities of many States Parties, where profound adjustments are being implemented. It is, moreover, not aligned with the budgetary processes in other international organizations which are making efforts to maintain a zero growth. This situation is not sustainable.

Additionally, Brazil regrets and fully opposes the fact that, to date, expenses incurred by the Court in relation to referrals by the Security Council have been met exclusively by States Parties. We welcome the report prepared by the Court, which provides further clarity on this issue, and reiterate our call for the implementation of Article 13(2) of the Relationship Agreement and of Article 115(b) of the Rome Statute, to avoid that these costs continue to fall exclusively upon the parties to the Rome Statute.

Mr. President,

Recent suggestions that the Court's jurisdiction had been widened to prosecute new offenses, in particular the destruction of the environment and the illegal exploitation of natural resources and dispossession of land, are a source of serious concern. Brazil does not concur with that interpretation. We welcome the OTP's policy paper on case selection and prioritization, and the Prosecutor's clarification that such practices will be merely considered as aggravating factors to crimes already foreseen in the Rome Statute. It is of utmost importance to avoid entertaining policies which attempt to expand the ICC's jurisdiction through a unilateral reinterpretation of its mandate.

Mr. President,

Once again, States Parties are confronted with the need to engage in an open dialogue on the issues that lie ahead. The quest for peace and justice has always been challenging; and this challenge is inherent to the search for a more just, fair and cooperative world order. Instead of operating with false dichotomies, we should focus on the complementary dimensions of peace and justice, as well as the shared values that bring this Assembly together. Brazil remains firm in its commitment to the Rome Statute System and to the just cause that inspired its creation, but is not unaware of current challenges or unwilling to discuss such matters.

Thank you.