



**15th Session of the ASP to the Rome Statue of the
International Criminal Court
New Zealand Statement
Delivered by Carl Reaich, Head of Delegation
17 November 2016**

Mr President

New Zealand welcomes this session of the Assembly of States Parties, and the opportunity it provides for the Court's supporters to speak frankly about the challenges we collectively face. This session is a chance for us to engage in an open, honest and respectful dialogue about how to ensure that the Court works effectively and enjoys broad support among the membership.

Such a dialogue is all the more important in light of recent announcements that three African members intend to withdraw from the Rome Statute. This is an unprecedented situation.

It is of grave concern to all those who wish to end impunity and to see the Court succeed in its work. African states were amongst the Court's earliest and strongest supporters. It is in no-one's interests to now see some of them walk away.

Mr President

At the same time, none of us should be surprised by these developments. This situation was brewing for some time. This experience underlines the critical importance of being much better at listening to, and engaging with, African States on issues of concern to them. New Zealand has played a part in facilitating this dialogue, in the General Assembly, in the Security Council, and in the ASP.

We must do much more to prioritise this engagement, and to identify practical options that can properly reconcile the concerns of States Parties with the fundamental principles of the Rome Statute.

We must use this Session to find a path through this crisis, in a way that best serves our common goals of ending impunity and strengthening international criminal justice.

We recognise there are a diverse range of views across the membership and that there are no easy solutions. Yet, as a friend of both the Court and of Africa, New Zealand is committed to playing its part in talking things forward.

Mr President

As a member of the UN Security Council, New Zealand recognises the important role the Security Council can play in achieving accountability for international crimes. We are also conscious of the Council's important relationship with the Court. In particular, it is essential for the Council to carefully consider the use of its referral powers to avoid perceptions that it is using referrals as a political tool, particularly in the midst of a conflict. Such actions risk politicising the Court, and prolonging both the conflicts concerned and the process of seeking accountability.

Importantly, when the Council refers a situation, it should do so with a clear commitment to follow up and ensure the Court receives the support, cooperation and resources to implement Council decisions.

In this regard, New Zealand considers that costs incurred by the ICC as a result of decisions by UN organs should be attributed to, and accounted from, the UN budget which is provided for under the Rome Statute. We welcome the Registry's Report on the approximate costs allocated so far within the Court in relation to referrals by the Security Council. We look forward to seeing progress on this issue.

Mr President

The Rome Statute states that the ICC is a court of last resort, with national courts having primary responsibility for prosecuting international crimes within the ICC's jurisdiction. Accountability must be pursued at a range of levels and in a way that is responsive to the particular country context. New Zealand therefore supports enabling countries to investigate and prosecute crimes at the domestic level, consistent with the principle of complementarity. Both the international community, and the Court, have a role to play in helping build national and regional capacities in this area.

The world has seen important milestones reached earlier this year in your own country, Mr President. We would all profit from learning about the experience gained in Senegal, and in similar processes undertaken at the regional and national levels.

Discussions on such issues would be a useful complement to our broader work in the ASP, and would contribute to a greater shared understanding of issues of mutual concern.

Mr President

To conclude, it is self-evident that the challenges facing the ICC are difficult and not easily resolved. Strengthening the Court, and preserving the Rome Statute, will require a longer term commitment to dialogue and engagement on a range of fronts. This in turn will involve States Parties, the Court, and the Security Council reflecting carefully on the messages conveyed during this ASP. New Zealand is ready to play its part in helping to chart a course that will make the Court stronger and more effective.

Thank you, Mr President

