



Statement
by
Aliioaiga Feturi ELISAIA, Samoa's Permanent Representative
to the United Nations
at General Debate of the
16th session of the Assembly of States Parties to the Rome Statute of the
International Criminal Court [ICC]
UN Headquarters, New York, 7 December 2017

Mister Vice-President
Distinguished Delegates
Ladies and Gentlemen

I offer Samoa's warmest congratulations to the President-elect of the Assembly of States Parties, O-Gon Kwon and wish him success during his tenure as he steers the work of our Assembly during some challenging but equally rewarding times in our Court's brief history.

Our outgoing President, Sidiki Kaba and the two Vice Presidents provided astute and committed leadership when our Court needed it most, and we are grateful for their valuable contribution and selfless service.

Vice-President

Samoa was privileged to host the President of the International Criminal Court, Judge Silvia Fernández de Gurmendi in September this year. The occasion was the annual Summit of the Leaders of the Pacific Islands Forum. The President's visit was a significant initiative on many fronts. It was the first by a sitting Head of an organ of the Court to address the Pacific Heads of State and Governments, the visit was a pro-active outreach towards universality of the Rome Statute and itself a living testimony of the Court's commitment to States in our region.

In welcoming the ICC President to the Pacific, my Prime Minister reflected on Samoa's close affinity with the International Criminal Court, and reminded everyone that, "Samoa has no regular military forces, doesn't belong to a military grouping and has only a small civilian police force, and its only defence and shield against threats of aggression was the "rule of law and international justice".

He proffered the hope that the visit and the personal engagement of the Court's President with Pacific leaders would serve as an incentive to embolden island neighbours in similar situations to Samoa, to consider ratifying the Rome Statute.

For those States that remain undecided, Samoa wants to share two lessons based on its membership of the Court;

-) firstly, by ratifying the Rome Statute, Samoa has not signed away its sovereignty. It can still investigate and prosecute any international crime committed in Samoa unless the gravity of the crime is such that Samoa chooses to refer it to the ICC; and
-) secondly, being a Member of the ICC guarantees that Samoa will not be a safe haven for international criminals. Being a Small Island developing nation did not preclude Samoa from contributing positively to resolving issues of global concern such as the fight against impunity and the protection of human rights.

In this regard, Samoa commends the Court's on-going efforts in promoting the universality of the Rome Statute, improving engagement between the Security Council and the Court, as well as initiatives to facilitate cooperation with Non-States Parties and other stakeholders.

Mr. Vice-President,

The adoption of the Kampala Amendment was hailed as a monumental breakthrough. It represented the long-awaited fulfillment of one of the main goals of the Rome Statute to empower the Court legally to deal with the crime of aggression.

Samoa's ratification of the Kampala Amendment was therefore swift. Early activation of the amendment, we thought, was going to be smooth, fast and uncontroversial. Unfortunately, our enthusiasm, and that of few others, has not been shared so far by the majority of our member states, which, quite frankly, can be quite demoralizing. But "hope" and "resilience of spirit" are what my small island has in abundant supply, and it is that hope that Samoa calls upon States Parties to the Rome Statute to join the 35 of us who have ratified the Kampala Amendments so far, to agree to the activation of the amendment during our current session. Now that will be a landmark decision, a fitting legacy of our current session and the ideal gift to commemorate the 20th anniversary celebration of our Rome Statute next year.

Vice-President

Samoa acknowledges the efforts of the Court to increase the effectiveness and efficiency of its operations. We urge States Parties to support the Court and to contribute where necessary to allow it to fulfil its mandate. We welcome with appreciation the support of development partners to the Secretariat's Trust Fund for

the participation of the least developed countries and other developing States in the work of the Assembly. As a beneficiary from time to time of this facility, Samoa supports the call for states in a position to do so, to make contributions to the Trust Fund.

My delegation takes note of the reports of the activities and programme performance of the Court. We commend in particular the commitment of the Office of the Prosecutor (OTP) to integrate a gender perspective into all areas of its work, and to pay special attention on sexual and gender-based crimes (SGBC) and crimes against, and affecting children.

Vice-President,
Distinguished Delegates,

Samoa's membership of the Bureau of the Assembly of States Parties started in 2005 and will conclude during the current session, a total of 12 years of uninterrupted service. It has been Samoa's privilege to contribute in a modest way to the work of our Assembly through its Bureau membership. As a State Party and during our tenure in the Bureau, we have tried, to the extent that our limited resources allow, to further the cause of the Court, and to promote the principles for which it stands, through the following:

- 1) Ratification of the Rome Statute in 2002;
- 2) The election in 2003 of my predecessor, Ambassador Tuiloma Neroni Slade as one of the first 18 judges to serve on the International Criminal Court;
- 3) The enactment of Samoa's International Criminal Court Act in 2008;
- 4) Ratification of the Kampala Amendments to the Rome Statute in 2012 as the second State Party to do so;
- 5) The enactment of Samoa's International Criminal Court Amendments Act, 2014;
- 6) The enactment of Samoa's Family Safety Act and the Crimes Act of 2013 that protects the victims of domestic violence and rape;
- 7) Accession to the Agreement on the Privileges and Immunities of the International Criminal Court in 2016;
- 8) Our hosting of the President of the Court during the meeting of the Pacific Islands Leaders in Samoa in September 2017.
- 9) And more recently, Samoa is co-sponsoring the Belgian amendments on forbidden weapons in international and non-international armed conflicts.

Mr. Vice-President

The adoption of the 2030 Agenda has placed great emphasis on an integrated approach to sustainable development. It is in this context that Samoa will leverage

its work on the International Criminal Court to support the implementation of Sustainable Development Goal 16 to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

Let me conclude by placing on record Samoa’s gratitude and appreciation to the ICC members of the Asia Pacific Group for the confidence and trust placed in us to be one of its representatives on the Bureau. To our fellow Bureau members, to the President of the Court, Madame Prosecutor and the Secretariat, I salute you all for your steadfast support during our 12 year term as a Bureau member.

To the 6 eminent judges elected this week to serve on the ICC bench, to the new Bureau members who will guide the important work of our Court and to all the proud and committed stakeholders of our International Criminal Court, including civil societies, NGOs, Parliamentarians, youths, private sector and philanthropists, we wish you well and nothing but the best in the discharge of your responsibilities in whatever your callings may be.

With the festive season upon us, here is wishing each and every one of you a Happy and Merry Christmas and a rewarding and productive 2018.

God Bless and Soifua.