

New Zealand Permanent Mission to the United Nations



Te Māngai o Aotearoa

600 THIRD AVENUE 14TH FLOOR NEW YORK, NY 10016-1901, USA
TELEPHONE (212) 826 1960 FACSIMILE (212) 758 0827 HOMEPAGE: <http://www.nzembassy.com/newyork>

**Ninth Assembly of States Parties to the Rome Statute of the
International Criminal Court**

General debate

**Statement on behalf of Canada, Australia and New Zealand
by
H.E. Jim McLay
Permanent Representative of New Zealand**

Monday 6 December 2010

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Mr President -

I have the honour to speak today on behalf of Canada, Australia and my own country, New Zealand, all of whom restate their continuing strong support for the International Criminal Court and for its pivotal role in the fight against impunity for the most serious crimes of concern to the international community as a whole.

Mr President -

This past year has been the most important in the Court's history. The Review Conference, hosted by Uganda, was a resounding success. The Kampala Declaration reflects the commitment of the international community to the Rome Statute and to its full implementation. The Review Conference also witnessed the historic adoption of the resolution on the Crime of Aggression. The adoption, by consensus, of the aggression amendments, together with the associated elements and understandings, is a milestone in the development of international criminal law.

The Review Conference also agreed to the adoption of amendments to Article 8 of the Rome Statute - amendments that are a significant addition to international humanitarian law. In addition, the Conference undertook important work on international criminal justice by identifying lessons learned in relation to the impact of the Rome Statute on victims and affected communities, peace and justice, complementarity, and cooperation. CANZ looks forward to building on that work in the course of this and future Assemblies of States Parties (ASPs).

Mr President -

Canada, Australia and New Zealand continue to demonstrate their commitment to the Rome Statute and the International Criminal Court by taking practical action.

For example, through Canada's Global Peace and Security Fund – Rule of Law and Accountability Program and other initiatives, Canada has worked with partners to strengthen national criminal justice systems in keeping with its support of the concept of positive complementarity. Canada also continues to coordinate the Justice Rapid Response mechanism, which can provide important support to assist in the implementation of the complementarity principle; and, in appropriate fora, Canada continues to advocate for the importance of ensuring that perpetrators of serious crimes are held accountable, and to encourage further ratification and implementation of the Rome Statute.

Australia made three pledges at the Review Conference and has been conscientious in working to fulfil them. It has made its promised contributions of

€100,000 to the Trust Fund for Victims and of €50,000 to the Trust Fund for Least Developed Countries. Australia is in addition continuing to progress its consideration of accession to the *International Criminal Court Privileges and Immunities Agreement*.

New Zealand is making good progress in the implementation of its pledges. It has continued to work actively with other states, especially in the Asia Pacific region, to promote ratification and implementation of the Rome Statute. This involves New Zealand officials raising ratification of the Rome Statute whenever appropriate during bilateral discussions with representatives of non-States Parties. New Zealand has designated the Director of the Legal Division in the Ministry of Foreign Affairs and Trade as its national contact point for all Rome Statute coordination issues. It has also continued its longstanding support of the work of the Commonwealth Secretariat in Rome Statute-related activities. This has included active participation in the recent Commonwealth meeting in London on the ICC, and engagement with the Commonwealth Secretariat about how to build on the success of that meeting.

Mr President -

CANZ records its appreciation for the work over the past year of the Assembly's Bureau and its Working Groups in New York and The Hague. We also commend the Court and the ASP Secretariat for their efforts in helping organise the Review Conference and in preparing for this Assembly.

As to the Court's budget, CANZ thanks the Committee on Budget and Finance for its work over the past year. CANZ supports the Committee's work and emphasises the need for the Assembly to give due consideration to its recommendations. As in previous years, we encourage States Parties to approach the Committee's recommendations on the basis that they are a coherent package.

Like the year before it, the past year has been difficult economically in all parts of the world. We therefore underline the critical importance of the Court ensuring that its requests for resources are coherent and well justified, and that full consideration is given to ensuring the most efficient and effective use of resources by the Court.

CANZ also supports this year's work of the Hague Working Group in respect of governance issues, and in respect of the Independent Oversight Mechanism, including its work on the draft Operational Mandate for the IOM.

Mr President -

While we welcome the Court's substantial achievements over the past year, we recognise that it faces ongoing challenges. As the fruitful discussions at the

Review Conference demonstrated, in fulfilling its mandate, the Court is critically dependent on the cooperation and support of others. We support the steps taken by you, Mr President, to engage with States Parties in relation to the importance of cooperation, and the need to execute the Court's arrest warrants. We repeat our call for the Government of Sudan to cooperate with the Court to help bring an end to impunity for alleged human rights abuses and international crimes.

Failure to provide full, timely and effective cooperation poses a serious threat to the credibility of the Court. We therefore encourage States Parties to commence a conversation about what can be done to promote cooperation and what can be done in the event of non-cooperation. It is incumbent on States and international and regional organisations to provide the necessary political, moral and practical support to enable the Court to fulfil its mandate. Among other things, assistance must be provided to aid in the arrest and surrender of accused persons, to gather evidence and to enforce sentences.

Mr President -

We welcome the four States Parties that have acceded to the Rome Statute since the ASP met in The Hague last year. Bangladesh, Moldova, Saint Lucia and Seychelles will all make a valuable contribution to the Court and to this ASP.

To build on progress to date, and to build on the success of the Review Conference, we must continue to prioritise our shared efforts to promote the universality of the Rome Statute. We urge those States that are not yet party to the Statute to consider accession at the earliest opportunity; and, in that spirit, we welcome to this session those States who are yet to accede to the Statute.

Mr President -

CANZ will continue to provide the Court with its strong, unwavering support, it will do its utmost to make this Assembly a success and it will encourage all participants to do the same.