Statement by Mr. Guan Jian
Representative of China

At the Sixth Committee
Of the 57th Session of the UN General Assembly

On Item 158

Establishment of the International Criminal Court

New York, 15 October 2002
Mr. Chairman,

Noting the successful convocation of the first Session of the Assembly of States Parties to the Rome Statutes of International Criminal Court, the Chinese delegation wishes to recall that China has actively participated in the entire process of setting up the International Criminal Court and it remains our wish to see that it will play the role it is expected to play. While not yet a party to the statute of ICC, the Chinese government, however, will continue to follow closely with an attitude of seriousness and responsibility the development and operation of the court; and China stands ready to make further contribution to the strengthening of the rule of law of the international community.

Mr. Chairman, at the first session of the Assembly of state parties, the election procedure for ICC judges was adopted by consensus following extensive consultation. We are of the view that broad representativeness of the composition of the judges is essential for the realization of the universality of the court. While the election procedure for ICC judges adopted by the Assembly of states parties has set minimal voting requirements in respect of geographic representation and gender balance, such requirements, in and of themselves, will not automatically guarantee fairness in this regard, which can only be achieved if states parties in the nomination of and voting for the candidates can put into the agreed election procedure genuine effect. Should the outcome of the election be found lacking in fairness in geographic representation and gender balance and should the court be reduced to something akin to a regional court that is dominated by judges from a particular region, this would surely undermine the authority and universality of the court, as we really do not wish to see. China is seriously concerned with the development of the court and hopes that the court would take a very solid first step, in adherence to the letter and spirit of the Statute, so that the composition of the judges will not only be distinguished by highest professional qualifications but also by a reflection of the universal nature of the court.
Mr. Chairman, the purpose of ICC is to ensure that perpetrators of most serious international crimes be brought to justice and to deter similar crime in the future. The establishment of ICC, to a very large degree, reflects the strong desire and will of the people to punish and prevent serious international crimes as well as the fervent quest for an international order based on equality and rule of law. The Chinese government has always appreciated the need for, and supported the establishment of, an international criminal court marked by genuine independence, impartiality, effectiveness, and universality. If the operation of the court could bring to justice all those individuals who have perpetrated most serious international crimes, this would not only help build confidence in international justice, but will also ultimately contribute to the maintenance of international peace and security. This is the outcome we fervently hope for.

*Thank you, Mr. Chairman.*