

International Criminal Court

**Statement on behalf of the European Union by M. Stéphane De Loecker,
Minister Plenipotentiary/ Deputy Permanent Representative of Belgium to
the United Nations Establishment of the International Criminal Court**

November 12, 2001

Mr. President,

I have the honor to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union, Bulgaria, Estonia, Hungary, Latvia, Lithuania, the Czech Republic, Poland, Romania, Slovakia and Slovenia, the associated countries of Cyprus and Malta, as well as the EFTA country member of the European Economic Area Iceland, align themselves with this statement. Ukraine associates itself as well with this declaration.

Recent events have once more demonstrated the urgency of effectively establishing the International Criminal Court. Now more than ever we need a new and effective instrument to punish and prevent the most serious crimes of concern to the international community. Those most serious crimes are identified by the Rome Statute: the crime of genocide, crimes against humanity, war crimes and the crime of aggression. The Statute specifies that crimes against humanity are acts committed as part of a widespread or systematic attack directed against any civilian population.

When the essential values of the international community are under attack, when the most fundamental rules of international law, of humanitarian law and of human rights are violated, the international community cannot stand idly by. The Rome Statute rightly asserts that it is primarily the responsibility of States to ensure that those rights are respected and that violations are punished. However, complementary to national responsibility and especially when States fail to act, the Court will fulfill a role of primary importance. In putting an end to impunity, the Court will strengthen the primacy of law and help to ensure that it is respected. It will play a preventive role and will contribute to the promotion of international humanitarian law and human rights. It will also contribute to the maintenance of peace and the strengthening of international security, in conformity with the objectives and principles of the United Nations.

The European Union fully supports the objective of establishing the International Criminal Court. In June of this year, the Council of the

European Union adopted a Common Position to pursue and support an early entry into force of the Rome Statute and the establishment of the Court. To this end, we have taken and will continue to take initiatives to encourage Third States to accede to the Rome Statute. The ratification of the Statute of Rome and its incorporation into national legal systems can be a complex task. We are ready to share our experience in this field and to provide assistance with the means at our disposal. We also support, including at financial level, the outstanding work of civil society and NGOs in all regions of the world in favor of the Court. We would like to take this opportunity to express our appreciation of the high quality of their contributions and our gratitude for their efforts.

To date [44] States have ratified the Rome Statute. The threshold of 60 ratifications, acceptances or accessions required for its entry into force is rapidly drawing nearer. It is in fact highly likely that entry into force will occur in the course of next year. The European Union welcomes this impetus and hopes that it will take on greater momentum in the near future. To this end, it calls on all States, which have not yet done so to become party to the Rome Statute as soon as possible.

Mr. President,

This outlook is particularly encouraging. It also obliges us to redouble our efforts so that the Court can become operational as soon as possible after the entry into force of the Rome Statute. It is therefore vital to press ahead resolutely with the preparatory proceedings.

In this respect, the European Union is delighted at the significant progress made this year by the Preparatory Commission for the International Criminal Court at its last two sessions. In addition to the Elements of Crimes and the Rules of Procedure and Evidence, several other instruments have been finalized: the Financial Regulations, the Agreement on Privileges and Immunities, the Rules of Procedure of the Assembly of States Parties, the Relationship Agreement between the United Nations Organization and the International Criminal Court. Two new working groups have been successfully launched, one on the Court's first-year budget and another on the basic principles governing the headquarters agreement. Discussion of the definition of the crime of aggression progressed in a constructive atmosphere. Moreover, the road map, which has been adopted by the Preparatory Commission, is particularly welcome. This document sets out in concrete terms the steps leading to the establishment of the Court and takes stock of the measures and instruments, which remain to be adopted. The route of our future proceedings within the Preparatory Commission is thus usefully mapped out. The task, which remains to be accomplished, is

important and must not be under-estimated. It is vital to maintain the current impetus and pace of the Preparatory Commission's work. In this respect, the European Union pleads for sufficient resources to be allocated to the Commission to enable it to fulfill its mandate. We consider, in particular, that two sessions of two weeks each should be held in 2002.

Finally, the European Union has noted with satisfaction the arrangements made by the host State to provide adequate accommodation for the Court. It is pleased that close dialogue has been launched between the Preparatory Commission and the host State in order effectively to deal with practical questions related to the establishment of the Court.

Mr. President,

More than ever the European Union is resolved to make the International Criminal Court an effective, efficient and universal institution. We can assure you that we will spare no effort to achieve this. We reiterate our commitment to cooperate constructively with all delegations in order to find satisfactory solutions, while respecting the integrity of the Rome Statute, to matters still outstanding.

An end to impunity for the perpetrators of the most serious crimes of concern to humanity has long been a hope of the international community. With the adoption of the Rome Statute and the prospect of the establishment of the International Criminal Court, it has become a goal. Together we will ensure that in the future, at The Hague, it becomes a reality.

Thank you, Mr. President.

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