

NEW ZEALAND MISSION to the UNITED NATIONS



Te Māngai o Aotearoa

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**UNITED NATIONS GENERAL ASSEMBLY
FIFTY-NINTH SESSION**

SIXTH COMMITTEE

ITEM 146: INTERNATIONAL CRIMINAL COURT

**STATEMENT BY THE NEW ZEALAND REPRESENTATIVE
MS JENNIFER MCIVER**

THURSDAY 14 OCTOBER 2004

CHECK AGAINST DELIVERY

Mr Chairman,

New Zealand welcomes the efforts of states and civil society that have helped bring the vision of the International Criminal Court into reality. We recognise that these initial years in the Court's life are crucial in ensuring that this landmark institution fulfils its potential to play a critical role in deterring the commission of the most serious crimes and promoting respect for international humanitarian and human rights law.

The past year has once again seen important developments for the International Criminal Court. Of real significance, the Prosecutor has launched the Court's first two formal investigations into situations in the DRC and Uganda and has advised that a number of other situations are under active consideration.

Another notable development during this past year has been the conclusion of an agreement formalising the relationship between the United Nations and the Court. New Zealand sees the exchange of information on situations and effective cooperation in the field as being two vital ways in which the spirit and intention of this agreement can be realised.

Another important part of the relationship must be mutual respect for the respective roles of the Security Council and the ICC. New Zealand welcomed the decision of the Council earlier this year not to renew resolution 1487, which New Zealand considers was inconsistent with the terms and purpose of article 16 of the Rome Statute.

We encourage the Council to cooperate fully with the ICC within the framework of the Rome Statute and the Charter. New Zealand recognises that national courts should of course remain the first line of prosecution. But there will be instances where the nature and gravity of crimes, the political situation involved, or indeed, the capacities of the national system, mean it is necessary to rely on an international process. In such situations, New Zealand would urge the Security Council to recognise the role of the International Criminal Court, including by referring particular situations to the Court if that is what the circumstances require to ensure perpetrators of the most serious crimes do not evade justice.

Mr Chairman,

New Zealand recognises that, despite its recent achievements, the Court still faces many challenges. To be truly effective the ICC must have the greatest possible geographical reach. New Zealand continues to support efforts towards universalisation of the Rome Statute. We welcome recent ratifications and, as the number of states parties approaches one hundred, commend those States currently in the process of becoming party. We urge other states to consider becoming party, recognising the contribution the effective functioning of the Court will make to our common goal of enhanced security, justice and the rule of law.

New Zealand does however recognise that the effective functioning of the ICC depends not just on ratification but on full implementation of the Rome Statute and the accompanying Agreement on Privileges and Immunities. New Zealand was pleased to be able to ratify this Agreement earlier this year and we encourage all States Parties to ensure that their national laws implement effectively both the Rome Statute and the Agreement on Privileges and Immunities.

Mr Chairman,

In our view, the Rome Statute contains a comprehensive range of checks and balances to protect against abuse. While we understand the sincerity of those few states that have reservations about the ICC, we are confident that its operations will, in fact, assuage those concerns.

Accordingly, as the ICC embarks on its operative phase, we hope that all States will cooperate with its work, and recognise the particular obligations assumed by States Parties to the Rome Statute.

Mr Chairman,

New Zealand continues to believe that the true test of the ICC will, ultimately, be its actions. We remain firmly committed to the Court and, as it begins its judicial role in the year ahead, we will continue to work with others to ensure that it is given the opportunity to prove itself. We are confident that time will prove that the ICC is worthy of our trust.

Thank you Mr Chairman.