

**SIXTH COMMITTEE  
ITEM 154: INTERNATIONAL CRIMINAL COURT**

**STATEMENT BY THE NEW ZEALAND REPRESENTATIVE ELANA GEDDIS  
20 OCTOBER 2003**

Mr Chairman,

Today, the International Criminal Court is a reality. Over the last year, we have seen huge steps forward. As a result, there now exists, in fact as well as in law, a standing tribunal capable of trying the perpetrators of the gravest international crimes in situations where national courts are unable or unwilling to do so. With such notable developments as the election of its judges, the prosecutor and deputy prosecutor, and the appointment of its registrar, the ICC is now in a position to contribute to the international community's shared objective of ending impunity for genocide, crimes against humanity, and war crimes. But the ICC is more than a judicial institution. As a permanent body, it also has the potential to play an important role in deterring the commission of grave crimes and promoting respect for international humanitarian law and human rights law generally, in that way contributing to our common goals of enhanced security, justice and the rule of law.

Mr Chairman,

We welcome the efforts of States and civil society that have brought the vision of the ICC into reality. But we also recognise that the initial years of the ICC will be critical and that many challenges lie ahead.

If the ICC is to be truly effective, it must have the greatest possible geographical reach. New Zealand continues to support efforts towards universalisation of the Rome Statute. We therefore commend those States that are in the process of becoming party to the Rome Statute, and hope that other States will also consider becoming party to this significant agreement.

Similarly, the operation of the ICC depends on the effective implementation of both the Rome Statute, and the accompanying Agreement on Privileges and Immunities. We encourage efforts to ensure that States Parties have effectively implemented the obligations of these agreements in their national laws.

In this formative period all States Parties have a particular responsibility to support the ICC they have helped to create and to protect and maintain the integrity of the Rome Statute and the principles it contains. In that regard, New Zealand takes this opportunity to reassert its commitment to both the letter and the spirit of the Statute. To ensure that we are in full compliance with all of our ICC obligations, New Zealand hopes to ratify the Agreement on Privileges and

Immunities within the next few months, as soon as our domestic implementation processes are completed.

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 moves into 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.

We also look forward to the conclusion of an agreement to formalise the relationship between the United Nations and the ICC. An important part of that relationship will be mutual respect for the respective roles of the Security Council and the ICC. We hope that the Security Council will cooperate with the ICC within the framework of the Rome Statute and the Charter, and refrain from actions that could undermine the effective operation of the Court. While the national courts should, where possible, be the first line of prosecution, there will clearly be instances where the nature and the gravity of the crimes, the political situation or, indeed, the capacities of the national system will mean that it is necessary to turn to an international process. In this situation, we would very much encourage the Council to take advantage of the ICC, for example, by referring a situation to the Court if this is what is needed in the particular circumstances to bring justice to its victims.

Mr Chairman,

The true test of the ICC will, ultimately, be its actions. New Zealand intends to continue to work with others to ensure that the ICC is given the opportunity to prove itself. We are confident that time will show that the ICC is worthy of our trust.

Thank you Mr Chairman.

[This statement is available at: <http://nzmissionny.org/frmnzatun.htm>]