

Statement by H.E. Ambassador Dumisani Kumalo of South Africa to the Security Council on the Proposed Renewal of the Provisions of Security Council Resolution 1422 (2002)

12 June 2003

Mr. President,

On behalf of my delegation I wish to congratulate you on assuming the Presidency of the Security Council for the month of June 2003.

A year ago, we met in this Chamber to debate the issue that has finally led to the adoption of Security Council resolution 1422. At the time many delegations, including my own, spoke against the draft resolution which sought to grant immunity from the jurisdiction of the International Criminal Court to personnel from States not party to the ICC Statute that are involved in UN established or authorized missions.

Many delegations expressed the view that it was an inappropriate action on the part of the Security Council to use its authority under Chapter VII of the United Nations Charter to call into question the authority of the International Criminal Court conferred upon it by an international treaty. The Council decided nonetheless to adopt the resolution. This cast a shadow on the integrity of the ICC Statute, the Criminal Court, and the application of international law.

Mr. President,

One year later, the Council is called upon to agree to a renewal of the resolution for a further twelve months - an action that would allow this situation to continue and might eventually lead to the resolution being extended indefinitely. This, in the view of my delegation, would be unacceptable and we call on Members of the Council to refrain from allowing this situation to continue.

Mr. President,

The establishment of the International Criminal Court is undoubtedly one of the major achievements of the international community in its campaign against impunity and the promotion of international criminal justice. All Member States participated in the process that led to the adoption of the Rome Statute and in the work of the Preparatory Commission that resulted in the Court becoming a reality. The fact that there are currently 90 States Parties attests to the widespread support the court enjoys and the number of pending ratifications clearly indicates the Court's universal acceptance. It is also encouraging that the Court is now fully operational and would soon be in a position to take on cases.

Mr. President,

The creation of the International Criminal Court is evidence of an emerging norm in international law that would ensure that those accused of the most serious crimes, such as genocide, crimes against humanity and war crimes, are either prosecuted by competent national authorities or

handed over for prosecution by a duly instituted international court. We would hope that the Security Council would actively promote this emerging norm in international law.

We once again urge the Security Council, who is entrusted with the maintenance of international peace and security, to use its authority wisely and in the interest of mankind as a whole, and not to allow itself to jeopardize the ICC or to frustrate the ends of international criminal justice.

Thank you.

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