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UNITED NATIONS GENERAL ASSEMBLY

REPORT OF THE INTERNATIONAL CRIMINAL COURT

31 October 2016

Statement by H.E. Ambassador Gillian Bird

Mr President

The world needs the International Criminal Court.

The Court embodies States Parties' commitment to hold to account those most responsible for those crimes that shock us most: genocide, crimes against humanity and war crimes.

It embodies a commitment that, when States are unwilling or unable to investigate and prosecute these crimes, the international community will step in and provide justice for the victims.

And it entails a commitment to contribute to the prevention of these crimes.

Mr President

The ICC is only as strong as the commitment of States on whose cooperation and support the Court relies.

We underline our expectation that States will fulfil their obligations to cooperate with the Court – whether those obligations derive from being a party to the Rome Statute, or from resolutions of the Security Council.

Support from the UN is also crucial. We welcome Secretary-General Ban's ongoing support for the Court and express our expectation that incoming Secretary-General Guterres will follow in his footsteps.

Support from the Security Council is particularly important, especially in the case of Council referrals. It is essential that such referrals are accompanied by the Council's clear demonstration of ongoing political support, in order to maximise States' cooperation with the Court and minimise any possible perception that the ICC is subject to the Council's shifting political dynamics. This accords with Australia's vision of a Security Council that demonstrates real leadership in ending impunity for serious international crimes.

Mr President

The ICC's mandate is inherently political – its job is to hold to account those most responsible, who all too often are among those most powerful. We accept the reality that the ICC's mandate is likely to mean that it will always have more than its fair share of critics.

Nonetheless, we do not shy away from acknowledging the fact that as this debate takes place today, the Court faces more challenges than ever before. Nor do we wish to ignore the need to work with those States who have raised concerns.

While we recognise that membership of any international treaty is a sovereign decision, we take this opportunity to encourage those States Parties who have indicated that they intend to withdraw from the Rome Statute to reconsider their decision.

As we have said before, and as we have demonstrated by our actions, Australia is committed to working together with all States Parties to ensure that the Court is the strongest possible institution that we can make it in order to ensure that ICC's vital mandate can be fulfilled.

Mr President

Australia is convinced that, while timing can be important, holding to account those most responsible for serious international crimes is crucial to the establishment of inclusive and lasting peace. History has demonstrated time and again just how difficult it is to prevent cycles of violence in the absence of justice. We must heed that lesson. The ICC, as a court of last resort, has a critical role to play in this regard.

Australia once again calls on States who have not done so to ratify the Rome Statute, in order to send a clear and universal message to would-be perpetrators that Rome Statute crimes will not be tolerated.

For our part, Australia remains deeply committed to supporting the Court and doing what we can to advance our common cause of ending impunity for those who commit the most serious international crimes that shock the conscience of humanity.