



COUR PENALE INTERNATIONALE

7^{ème} SESSION DE L'ASSEMBLEE DES ETATS PARTIES

DEBAT GENERAL

**Déclaration de
Monsieur Jean-François Blarel,
Ambassadeur de France aux Pays-Bas,
Chef de délégation,
Au nom de l'Union européenne**

La Haye, 14 novembre 2008

Mr President,

Colleagues,

I have the honour to address you on behalf of the European Union and of the Candidate Countries Croatia and the former Yugoslav Republic of Macedonia, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, as well as Ukraine, Armenia and Georgia.

Mr President,

May I, first of all, on behalf of the European Union express our sincere thanks to the new President of the Assembly, Mr Wenaweser, who has the demanding task of combining the presidency of the Assembly with the chairmanship of the Special Working Group on the Crime of Aggression. Naturally, we also wish to thank the Bureau of the Assembly and its Secretariat, the various representatives of the Court, the Committee on Budget and Finance, the representatives of the Trust Fund for Victims and the working groups in The Hague and New York for the careful preparation of this session and the very high quality of the documents circulated for it. Those documents should allow the States Parties to hold detailed discussions and enable the Assembly to take decisions in full knowledge of the facts. Our thanks also go the Netherlands authorities for their contribution to the practical organisation of this session in The Hague.

We should also like to express our appreciation of the ever-valuable contribution made by the Coalition for an International Criminal Court and its members, not only to promoting the Court's objectives and also to the necessary and useful discussion of ideas held at each session of the Assembly of States Parties to the Court.

Mr President,

Our recent celebration of the tenth anniversary of the Rome Statute coincided with two further ratifications, those of Suriname and the Cook Islands whom we welcome, thus bringing the number of States Parties to 108. The progress we have made together in supporting the Court and promoting the universality of the Rome Statute have clearly borne fruit and cannot but encourage the European Union in particular to continue its efforts to that end. In that connection, we are particularly pleased that the Czech Parliament has recently approved the Rome Statute.

As to the Court's own activities, five years after it was effectively put in place it has demonstrated that it is now in a position to carry out the mission for which it was established. Seised of four cases, some of which had already been the subject of judicial proceedings, the Court has made substantial progress in the conduct of its investigations since the entry into force of the Rome Statute in 2002. The Court's judges are currently dealing with procedural issues which will have a decisive effect on its future operation. Among these, in particular, are the question of the participation of victims and the question of rights of defence. They represent significant advances for an international court which is, after all, still very new and is facing many challenges.

On the last point, let us remember that the Court is one of the components of an international universal order of criminal law which has yet to be established and whose implications will have to be taken into account by all States. By that fact alone, it is an essential instrument both for combating impunity and for preventing and discouraging recourse to violence. Firmly attached, as it

is, to the achievement of those two objectives, the European Union hopes that the Court will succeed in carrying out the mission assigned to it, and to that end will spare no effort in supporting it.

Let us not delude ourselves: the path is strewn with obstacles. Some States challenge the intervention of international criminal courts on principle, others have been slow to take the measure of the obligations involved. The States of the European Union must continue the efforts they embarked on over ten years ago to better explain and more effectively convince. We call upon the Parties to comply unreservedly with the obligations they entered into when they ratified the Court Statute and we also call upon States which have not yet acceded to act in accordance with the Security Council resolutions which, let us not forget, are binding on them. Moreover, we hope that the first trials conducted will do far more than mere words to highlight the shining merits of the Court and will encourage many States to join us.

The European Union is utterly convinced and it would point out once again that peace and justice are in no way to be regarded as contradictory goals. On the contrary, the Union is in no doubt that lasting peace can be achieved only if the requirements of justice are appropriately met and every effort is made to determine individual responsibility for the most serious international crimes.

Mr President,

Let me now turn to two particularly important aspects, which represent two challenges to be taken up both by the Court and by the States Parties. The first is the question of cooperation with the Court. The second, one of the items to be dealt with by the Assembly, relates to the budget.

On the first point, we need to remember how necessary is unfailing and effective cooperation if the Court is to carry out its mission, a fact demonstrated by the recent arrests and the transfer of several of the accused to The Hague, which would not have been possible without the active support of the States Parties. But the question of cooperation is not confined to those aspects, fundamental though they are. The Court needs cooperation from all States, as well as from the United Nations and international and regional organisations in all its areas of activity, whether it be the production of evidence or the protection of victims and witnesses.

The Court's action must continue to be supported by all States so that persons for whom an arrest warrant has been issued are handed over to it and that justice is done. In that respect, the European Union is resolutely committed to supporting the International Criminal Court so as to ensure that all the arrest warrants it has issued are executed without delay. The European Union would like to take this opportunity to repeat yet again that the government of Sudan is obliged under the terms of United Nations Security Council Resolution 1593 to cooperate with the Court. That obligation is not negotiable. The European Union would once again call upon the government of Sudan to cooperate fully with the Court in accordance with the requirements of Resolution 1593.

To complete our comments on matters of cooperation, we would draw attention to the fact that relations between the European Union and the Court took a further significant step forward recently when a cooperation agreement signed in 2006 took practical effect in April 2008 with the formalisation of arrangements for the exchange and protection of classified information, thus opening the way to more extensive operational cooperation. Strengthening cooperation with the Court is, and will remain, one of the European Union's priority objectives in the years to come.

The budget discussion is one of the high points of the dialogue with the Court in which the States Parties must engage. The European Union takes note of the very significant increase, of the order of 16 %, in the requests made this year. These amount to EUR 105 million, whereas the 2008 budget

will be implemented at a level below EUR 90 million. We understand that the Registry attributes that increase to the launching of the first trials, which is in itself an important step and one that was eagerly awaited. Given the size of the increase, the amounts requested will have to be the subject of very thorough discussion, a discussion in which the States of the European Union, which, with Japan, are among the largest contributors, intend to take an active part. The current economic and financial climate requires us to ensure that the development of the Court's activities is based on a financial scenario which is compatible with what the Member States can provide. The rate at which the Court's budget has increased in recent years, and particularly the budget proposal for 2009, lead us to seek ways of pursuing the development of the Court's activity with tighter control of the growth of its budgetary resources at a time when the premises project, legal aid and the relocation of witnesses, inter alia, are likely to impose a lasting burden over the coming financial years.

I take this opportunity to express well-deserved appreciation of the excellent analytical work carried out by the Committee on Budget and Finance without which many aspects of the Court's work would remain little known. A better understanding of the constraints on the Registry and a better knowledge of the financial, material and human resources available to the Court are a prerequisite for the effective exercise of the States Parties' important budgetary responsibilities under the Statute. And that understanding must be comprehensive. It requires increased transparency on the part of all the Court's organs so that the considerable resources it already has can, if necessary, be redeployed and that new requirements can also be financed by productivity gains. It also means, as rightly pointed out by the Committee on Budget and Finance, that all the Court's organs be made aware of the financial implications of their decisions.

Generally speaking, on all these points, the European Union's Member States would like to engage with the Registry in an ongoing, regular dialogue not confined to explanation of the budget but also including in-depth discussion of the medium-term outlook. That is what it takes if States Parties are to be able to continue to justify to their parliaments and their public opinion the resources sought by the Court.

As regards victims, the European Union is pleased to see the principle of victim participation in Court proceedings being put into practice. The ability to involve those directly affected by crimes in the process of judging the criminals is of paramount importance. We also welcome the approval by the Court's judges of the first projects submitted by the Trust Fund for Victims, concerning the Democratic Republic of the Congo and Uganda. We are paying and shall continue to pay close attention to the actual implementation of those projects, which are crucial for those who have suffered from crimes coming within the Court's jurisdiction. In order to perform its task, the Court requires States Parties' contributions, which we are sure will increase as the Fund's activities develop and show full transparency.

Mr President,

May I go on to make a few comments on matters with which the Assembly of States Parties will be concerned in future.

First of all, the review conference. The Assembly of States Parties has yet to decide on the timing and venue for that very first conference. Like quite a number of non-governmental organisations supporting the Court, the European Union considers that the review conference should provide an opportunity to consider any improvements to the Rome Statute which might prove necessary, particularly in the light of experience of proceedings brought by the Court.

The Court may already have identified those provisions of the Rome Statute and of the Rules of Procedure and Evidence which, in the light of experience, might warrant emendation. The European Union can see everything to be gained by having representatives of the Court's various bodies put their assessments and ideas to the Assembly of States Parties. The aim is certainly not to rewrite a Statute arrived at after difficult negotiations, or to upset the subtle balances involved, but to enable the review conference to remedy the inadequacies which have emerged over the first few years of the Court's existence. Improving, rectifying, supplementing and refining the Statute and the Rules of Procedure and Evidence, without renegotiating them or, even less, radically altering them, will in time strengthen the Court.

The very first review conference will also have to consider the issue of including a definition of the crime of aggression and arrangements for exercise of the Court's jurisdiction over it. Member States will see to it that discussion of the crime of aggression moves forward with that end in view, so as to produce proposals compatible with both the Rome Statute and the United Nations Charter. It is to be hoped that the working group dealing with the matter will manage to overcome the difficulties still being experienced in achieving this.

Mr President,

Colleagues,

Rest assured that the European Union and its Member States will continue to support the Court and its action, in order to put an end to impunity and, more generally, to help it overcome the difficulties which are bound to arise and the challenges, both present and future.