

UK Statement at the Assembly of States Parties of the International Criminal Court by Lord (Tariq) Ahmad of Wimbledon

Mr Vice-President, Your Excellencies, Distinguished Delegates. I welcome this opportunity to address the Assembly on behalf of the Government of the United Kingdom.

Promoting international criminal justice and the rule of law has long been, and indeed remains, a fundamental part of the United Kingdom's foreign policy. That is why the United Kingdom strongly believes in the need for accountability for the most serious crimes of international concern. Perpetrators of these atrocities must be – they must be – brought to justice. Impunity must be tackled. The International Criminal Court has a pivotal and important role to play in this effort, as part of the rules based international system.

Mr Vice-President, the Court has been given quite a unique mandate to deliver upon accountability. To fulfill that mandate, it needs the active support of all States Parties.

As a strong proponent of an effective ICC, the United Kingdom continues to provide significant financial and indeed other support– including by enforcing the custodial sentence of Mr Ahmed Al Faki Al Mahdi.

The Court also needs other forms of support from all of us who want it to thrive. That support includes both our honesty and candour.

That is why, in the United Kingdom's statement at last year's Assembly of States Parties, my Government, the United Kingdom, set out our concerns frankly, and identified the areas where we believe immediate change was needed – in order to strengthen the ICC, to strengthen the Court, not weaken it. The United Kingdom welcomes the views of many other supporters of the ICC, including States Parties and civil society, and from within the Court itself. Four former Presidents of this very Assembly acknowledged that the Court, and I use their words not mine, "needs fixing".

Such recognition of the need for change should not be seen as a threat to the Court. Quite the reverse: the real danger would be if, together collectively, we failed to take the steps necessary to support and strengthen this institution.

The United Kingdom believes that the need for change is now acute and pressing. The concerns we raised last year are still very much clear and present. Introducing changes must be a collaborative effort by all of us, all of those who have the Court's interests at heart. The Assembly clearly has a

critical and indeed primary role to play in this respect.

The United Kingdom believes collective action is required on three key fronts.

First, on elections. If States Parties want a Court which is able to meet the challenges of not just today but tomorrow as well, we must elect the best possible judges and Prosecutor at next year's Assembly.

That means that each member of this Assembly must vote for judges on the basis of both merit and experience, and also in accordance with the Rome Statute itself. The Court needs excellent judges who will work collaboratively towards much-needed stability and consistency in the practice and jurisprudence of the Court. States must put forward only those most qualified candidates and choose only the best of individuals.

Therefore, for me I am particularly delighted, the United Kingdom is delighted to have announced Judge Joanna Korner QC as our candidate to be a judge of the Court. I am delighted Judge Korner is here today. Judge Korner has extensive experience in criminal law, both as a judge in the court of England and Wales, and after 8 years as a prosecutor at the International Criminal Tribunal for the former Yugoslavia. Experience matters. The United Kingdom looks forward to introducing her to as many of you here today as possible, both here at the Assembly and over the coming months.

This Assembly also faces the challenge of finding the right Prosecutor. The United Kingdom is grateful for the work of the Prosecutor Search Committee so far. When it presents its shortlist, this Assembly must elect the person who is demonstrably the best, most qualified candidate on that particular list, regardless of nationality, or whether they are from a civil or common law background. States Parties should be in no doubt that our choice is absolutely crucial to the future health of this Court.

The second key collective action that States Parties must take is to fulfil our wider responsibilities towards the Court itself. The United Kingdom hopes that this week the Assembly will adopt strong resolutions to enhance how States Parties nominate and elect the Court's judges, embed a wider dialogue about reform into the work of the Assembly, and establish an Independent Expert Review of the Court.

The Review's proposed Terms of Reference would enable a rigorous and objective assessment of some of the most vital areas of the Court's work and its practices and the United Kingdom would study the experts' recommendations very carefully. The United Kingdom actively supports changes to make the Court stronger, more effective and indeed more efficient.

However, Mr Vice-President, ladies and gentlemen, it is important to recognise that the Review is not an end in itself, but only a means to an end. Success will be judged not by completing the review, but by the substantive changes to the Court that it helps to create.

The Review is also just one part of a wider process of strengthening the

Court itself. Whilst experts will be well-placed to provide technical expertise in some areas, we as States Parties to the Rome Statute must take responsibility for the sometimes difficult, sometimes political, issues on which we only can decide.

And thirdly, the United Kingdom believes collective action is necessary by the organs of the Court themselves. The United Kingdom welcomes the steps they have taken so far to strengthen the Court, such as the Registry's Strategic Plan. More effort is now needed on collaboration, financial discipline, and the prioritisation of resources of the Court.

Finally, the UK believes the Court's relationship with national jurisdictions is of particular and fundamental importance. The ICC is a Court of last resort. The international community cannot expect it to be the answer to every question on accountability – that would not only be an impossible burden on the Court; it would also absolve States of their obligations.

Together, this Assembly and the Court must review the relationship between the Court and national jurisdictions, and how complementarity should operate in practice. This is an enduring matter for the Court and States Parties, which goes beyond the pressing work towards reform and to the heart of what was agreed in Rome.

Mr Vice-President, the United Kingdom strongly supports the steps which this Assembly is taking to tackle the problems facing the Court. Reform is a process, not an event. It will require more hard work on the part of this Assembly, all organs of the Court, and its supporters to fix what needs fixing.

We, as an Assembly, must act now – we must act with urgency – to make the necessary changes. Delay is not an option that will support this Court. If we work together, we can build a Court that is more effective and a Court that is more efficient; a Court that delivers its mandate with credibility and confidence; a Court that ultimately delivers justice and accountability for the most serious crimes of international concern.

Thank you.