



UNITED NATIONS GENERAL ASSEMBLY

**Statement by Mr Michael Bliss, First Secretary,
Australian Mission to the United Nations**

Sixth Committee

Item 154:

Establishment of the International Criminal Court

New York
20 October 2003

Check Against Delivery

Mr Chairman,

The International Criminal Court (ICC) is now a reality. Australia strongly supports the Court, and the progress it has made. We firmly believe the Court will deter people from committing genocide, war crimes and crimes against humanity; and will make a valuable contribution to the punishment of those who do commit these egregious crimes. At the national level, we have put in place all necessary domestic legislation, and we have paid our contributions in full and on time. We urge all states parties to do likewise.

My delegation warmly welcomes the progress made since Sixth Committee last considered the establishment of the ICC. Significant milestones in the Court's creation have been achieved, in particular the elections of the Court's first bench of 18 judges, the ICC President and two Vice-Presidents, the Court's inaugural Prosecutor and Registrar, and the first of the Court's Deputy Prosecutors. Australia congratulates the Court's first tranche of senior officers on their elections, and is confident that they have the necessary skills and experience to forge an effective Court.

Australia now looks forward to the Court beginning its judicial work. At the same time, my delegation welcomes the Prosecutor's comment that the number of cases which appear before the Court will not be a measure of its efficiency. The Court is complementary to individual States' legal systems; an important principle which should be followed strictly. Australia agrees with the Prosecutor's sentiment that the absence of trials before the Court, if this were a consequence of States' legal systems functioning effectively, would indeed be a major success for the ICC.

Nonetheless, there will sadly be situations in which the ICC must become involved. The Court's budget for its second financial period aims to give the Court capacity to investigate one 'major situation' during that time, and to undertake 'preliminary examination' of a second situation. Australia supports this aim. However Australia thought that the Assembly of States Parties' consideration of the budget did not always give sufficient weight to the recommendations of the Budget and Finance Committee. The Committee suggested a modest reduction of five percent to the then draft budget. Australia was impressed by the work of the ICC's specialist financial body, and firmly believes that its expert recommendations should not be rejected lightly.

While we are pleased that 92 States are now Parties to the Rome Statute, Australia acknowledges that some States have chosen not to become Parties to the Statute. Australia continues to believe that ICC States Parties should take what steps they can, consistent with their obligations under the Rome Statute, to ensure such States can accommodate the Court's existence.

Australia welcomes the practical steps which have already been taken towards the Court's creation, and looks forward to the effective operation of the Court. In that context, Australia would welcome the early entry into force of the Relationship Agreement between the Court and the UN.

I close, Mr Chairman, by noting that Australia will continue to contribute to the Court by playing an active and supportive role in the ICC Assembly of States Parties.

Thank you.