

SOUTH AFRICAN EMBASSY

40 Wassenaarseweg,
2596 CJ The Hague

FAX NUMBER: 070-3460669
TELEPHONENUMBER: 070-3924501
WEBSITE ADDRESS: www.southafrica.nl



ZUID-AFRIKAANSE AMBASSADE

Wassenaarseweg 40,
2596 CJ Den Haag

FAXNUMMER: 070-3467336
TELEFOONNUMMER: 070-7507625
E-MAIL ADRES: multilateral@zuidafrika.nl

**STATEMENT BY AMBASSADOR HLENGIWE B MKHIZE
SOUTH AFRICAN AMBASSADOR TO THE NETHERLANDS**

IN THE

**GENERAL DEBATE OF THE 5TH SESSION OF THE ASSEMBLY
OF STATES PARTIES OF THE INTERNATIONAL CRIMINAL
COURT**

24 NOVEMBER 2006

Mr. President,

Let me first express on behalf of my delegation our humble gratitude at the solemn recognition given to the memory of our national, Mr. Medard Rwelamira, the first Director of the Secretariat of the Assembly of States Parties, who sadly passed away earlier this year.

Mr. President,

The South African delegation is extremely happy to welcome you back as Chairperson of the Assembly of States Parties. I would like to assure you of our full cooperation and support for your efforts to guide this session's work to a successful conclusion.

I would also like to use this opportunity to congratulate you on your appointment as Minister of Foreign Affairs and express our appreciation for your continued commitment and dedication to the International Criminal Court, despite your busy schedule.

We also acknowledge and congratulate all the States that have deposited their instruments of ratification since we last met.

My delegation further would like to convey its appreciation to the President of the Court, the Prosecutor, the Registrar and all the staff of the Court for their evident commitment to the success of the Court.

We commend the Secretariat of the Assembly for its hard work in organizing this session, as well as the invaluable support during the past year to the Bureau and the Hague Working Group.

Mr. President,

This 5th Assembly of State Parties gives us an opportunity to reflect on our conduct as States in bringing to fruition our resolve to guarantee lasting respect for, and the enforcement of international justice, by putting an end to impunity for the perpetrators of the most serious crimes of concern to the international community, as enunciated in the Preamble of the International Criminal Court.

In only four short years, Mr. President, the International Criminal Court has made great strides in living up to its purpose. With its activities having fully commenced, the Court's positive influence is being felt in conflict situations throughout the world.

Parties to these conflicts are increasingly realising that they will be held accountable for their actions, as illustrated by the various warrants of arrest that have been issued by the Court. This has in some instances moved such groups

to moderate their actions, while in other instances it has motivated combatants to seek a settlement of their dispute or to pursue other peaceful means of resolving conflict situations.

In other areas of its work the Court has also made progress, such as the recent conclusion of the draft Headquarters agreement with the Host State, which we shall consider during this session. We hope this positive development will inspire the swift resolution of other outstanding matters such as the issue of the interim premises of the Court and related Host State responsibilities.

The finalisation of the strategic plan for the Court is welcomed. We see this document as an important basis for the Court to work on, as well as being a living document that will be adjusted to meet new challenges ahead.

We are of the view that the Court must be resource-based rather than demand based, and are therefore encouraged that the Prosecutor shall work with the maximum of the three investigation teams and rotate them to cover the situations that may need investigation. The strategic plan should also be linked to the Court Capacity Model in order to provide a clear indication of the Court's needs, and thereby enabling States Parties to anticipate their responsibilities.

States Parties have at the same time been extremely active over the course of the past year with the Hague Working Group alone meeting 18 times, with several more meetings being held by its sub-committees.

In particular, my delegation is pleased with the progress that has been made on the issue of the future permanent premises of the Court. We believe the draft resolution before us will add much needed momentum to this process, without locking States Parties into commitments which cannot be fully calculated at this stage. Much work and expert advice, the effects of which, has gone into the draft resolution on this issue and we strongly encourage all States Parties to support its adoption.

My delegation further looks forward to working closely with the Court to improve equitable geographic representation and gender balance in the recruitment of staff, especially the appointment of more women to senior positions

Mr. President,

A number of challenges remain, including strengthening cooperation between the Court and States by ensuring that States have the necessary legal frameworks and institutional mechanisms to enable such cooperation.

The ICC processes related to the participation of victims in all stages of the Court's proceedings also need to be comprehensively strengthened through improved partnership strategies with communities where crimes were committed

as well as making the process as victim-centered as possible. Victims' participation and support should become a core strategy of the Court. To this end South Africa has made a voluntary contribution of 20 000 Euro to the Trust Fund for Victims.

The outreach activities of the Court are also particularly important in this regard and needs to be further strengthened so as to bring the Court closer to the people it is aiming to serve. A clear understanding of the functions and structures of the Court, the focus of its prosecutorial work, as well as the different roles and jurisdiction fulfilled by the Court and States Parties are essential.

The Court cannot hope to be successful if it is not able to connect to, and secure the support of affected communities. It is also for this reason that we continue to impress upon the Court to plan for hearings in the region where the crimes were committed.

Finally, Mr. President,

In 2009, we shall have another opportunity to take stock of our collective conduct towards the International Criminal Court when we meet in the framework of the Review Conference. We should already at this session initiate preparatory work on this matter and informally exchange ideas on the results we would want from the Review Conference, as well as the possibility of holding this event in the region, which is at present the primary focus of the Court's activities.

Mr. President, the South African delegation looks forward to the successful consideration and conclusion of all these, as well as other issues on the agenda of the 5th session of the Assembly.

I thank you