



Permanent Mission of Japan to the United Nations

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Statement of the Government of Japan

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to the United Nations

**At the Tenth Session of the Assembly of States Parties to the
Rome Statute of the International Criminal Court (ICC)**

New York, [14] December 2011

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Your Excellency Madam Tiina Intelmann, President of the Assembly of States Parties,
Judge Sang-Hyun Song, President of the International Criminal Court,
Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court,
Ms. Silvana Arbia, Registrar of the International Criminal Court,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

Let me begin by expressing our sincere appreciation for the excellent leadership of President of the Court, Judge Sang-Hyun Song as well as all the efforts by other Judges, the Prosecutor, the Registrar and the staff in building the credibility of the Court. I would also like to congratulate Her Excellency, Ambassador Tiina Intelmann, on her election as President of the Assembly of States Parties. I assure you of Japan's full support. At the same time, I would like to express our deep gratitude to Ambassador Christian Wenaweser, former President, for his great contribution to the advancement of our work. Japan extends its congratulations as well to the [six] new Judges and the new Prosecutor.

Japan remains a staunch supporter of the Court and looks forward very much to working with the new teams of the Court and the Assembly.

Madam President,

As the ICC nears the completion of its first decade, we stand at a critical juncture to carefully envision and define the future direction of the Court. In light of the fact that the ICC already has seven situations and has not yet issued any judgments, the two new situations in Libya and Cote d'Ivoire pose significant challenges for the Court. As the

resources available to the ICC are limited and the Court cannot undertake to examine all potential situations, States Parties as well as non-party States concerned should reflect with great care upon the future course of the ICC.

Today I would like to reiterate the following specific points, with a view to fostering an ICC which will be more efficient, effective, universal and systemically sustainable.

Madam President,

Securing the future of the ICC depends primarily upon whether we can achieve the universality of its membership. As the number of States Parties increases, there will be fewer safe havens for perpetrators, and preventive effects should be enhanced. Earlier this month, the number of States Parties to the Rome Statute reached 120. We welcome six new States Parties, including three from the Asia-Pacific region, namely, the Philippines, the Maldives and Vanuatu, which brought the number of States Parties from the region to 18. There is now a growing interest among States in the region with respect to the activities of the ICC. Japan, fully aware of its role particularly in the Asia-Pacific region, will continue its strenuous efforts towards enhancing the universality of the ICC.

Madam President,

To encourage membership in the ICC among non-party States, the Court should make every effort to produce a solid record of performance, by effectively implementing its activities and efficiently managing the conduct of its work. In this regard, it is important for us to bear in mind that we should not place excessive burdens on the Court and should rather develop it in a systemically sustainable way.

Although the ICC is a judicial organ whose independence should not be undermined, the Court is not immune from any examination of its management and governance. The ICC and the international community at large must make efforts to discover how best to address the Court's long-term "cost drivers". In this respect, Japan welcomes the work of the Study Group on Governance and appeals to States Parties to continue their contribution to the discussion in the Group next year, in the interest of producing a sound and feasible outcome.

The need for further strengthening of the relationship between the Court and the United Nations in order to make the Court more effective and systemically sustainable cannot be over-emphasized.

Madam President,

States Parties must be reminded that adding new categories of crimes to the scope of the jurisdiction of the ICC which may be politically controversial or could be more effectively prosecuted and punished under national jurisdiction could work against the interest of the promotion of universality.

Although we highly appreciate and commend the historic importance of the agreement made in Kampala, there still exists serious concern about the legal ambiguities created as a result of political compromise on the crime of aggression. With regard to this matter, we continue to support a quiet dialogue among interested parties with a view to narrowing the gaps among them.

In addition, we should make efforts to better prepare ourselves for future amendments by discussing in the Working Group on Amendments not only substantive issues but also procedural issues.

Finally, Madam President, let me touch upon the principle of complementarity. The ICC is a court of last resort. States Parties must first and foremost make their best efforts to exercise national jurisdiction rather than “dumping” a situation on the ICC. In this context, legal technical assistance to developing countries, in particular, post-conflict countries, will help those countries to build an effective criminal justice system. The ICC is further encouraged to give advice to, or collaborate with, assisted countries, donors and international organizations while bearing in mind that the Court is not an aid agency.

Madam President,

In closing, I wish to express the sincere appreciation of Japan for the work that the ICC has accomplished to date. It is our hope that the ICC will continue to work diligently in the fight against impunity and to consolidate its credibility and reputation both inside and outside the Rome Statute system. Japan, for its part, is determined to strengthen its contribution to the ICC and thus to the establishment of the rule of law in the international community.

Thank you.