

Statement by Japan (11 June 2010) (before adoption)

- I would like to thank you, Mr. President, and all the members of the delegations, who have spared no effort to bridge divergences of views among us in order to achieve a successful outcome of this momentous Review Conference.
- You might certainly recall that, from the very outset of this Review Conference, Japan has been repeatedly emphasizing the paramount importance of fostering of the International Criminal Court that can function truly effectively on the basis of total confidence of the international community.
- It is my sad duty to state that, all the *bona fide* efforts of many participants and your tireless efforts notwithstanding, the draft resolution you are proposing now does not live up to this requirement as it stands.
- As I have repeatedly pointed out in both formal and various informal settings, this delegation continues to have serious doubt as to the legal integrity of the amendment procedure this draft resolution is based upon. In light of the absolute necessity of the legal integrity for a treaty dealing with criminal responsibility of individuals, the upshot of adopting such a resolution, I am afraid, is the undermining of the credibility of the Rome Statute and the whole system it represents. We have also a serious concern that this amendment may entail non-negligible difficulties in our relationship with the ICC system.
- We have a serious concern in terms of policy direction of this draft resolution as well. As we have pointed out in various informal settings, we have a serious problem with the new Article 15 bis 1quater. For example, the government of a State Party surrounded by non State Parties will have a difficulty in selling to its parliament an amendment which unjustifiably solidifies blanket and automatic impunity of nationals of non State Parties: a clear departure from the basic tenet of Article 12 of the Statute.
- This being said, it is with a heavy heart that I declare that, if all the other delegations are prepared to support the proposed draft resolution as it stands, Japan will not stand in the way of a consensus.