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**STATEMENT
DELIVERED
BY**

**HIS EXCELLENCY AMBASSADOR KINGSLEY MAMABOLO,
PERMANENT REPRESENTATIVE OF SOUTH AFRICA
TO THE UNITED NATIONS**

**ON BEHALF
OF A GROUP OF COUNTRIES LISTED IN THE STATEMENT AFTER THE
ADOPTION OF THE GENERAL ASSEMBLY RESOLUTION ENTITLED
“REPORT OF THE INTERNATIONAL CRIMINAL COURT”
IN THE GENERAL ASSEMBLY OF THE UNITED NATIONS**

**NEW YORK
8 MAY 2015**

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Mr. President,

I have the honor to speak on behalf of Argentina, Austria, Belgium, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Estonia, Germany, Ghana, Guatemala, Hungary, Iceland, Jordan, Liechtenstein, Luxembourg, Mexico, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, Romania, Samoa, Senegal, Slovakia, Slovenia, Switzerland, Trinidad and Tobago, Tunisia, Uruguay and my own country South Africa.

We welcome the consensual adoption of the resolution entitled "Report of the International Criminal Court". This is the only General Assembly resolution dealing exclusively with the relationship between the United Nations and the ICC, the treaty-based organization at the heart of the international fight against impunity for the most serious crimes under international law, an objective shared by the United Nations. The resolution should therefore adequately reflect the ongoing cooperation between the two institutions while addressing the most pressing challenges, to the benefit of both partners.

We want to highlight some of these challenges: cooperation between the UN and the ICC needs to be strengthened and we encourage all United Nations offices, funds and programs to collaborate effectively with the Office of Legal Affairs as focal point for cooperation. The Secretary-General's guidelines on contacts with persons who are subject of arrest warrants or summonses to appear are a step in the right direction when it comes to UN-ICC relations and need to be implemented consistently.

Mr. President,

The Court requires adequate financial resources to fulfill its mandate and it is under constant budgetary pressure. Nevertheless, it continues to carry out activities under referrals made by the UN Security Council, but with no support from the UN budget as costs are exclusively borne by States Parties. The General Assembly should therefore ensure the implementation of Article 13, paragraph 1, of the relationship agreement between the UN and the ICC¹.

As the guardian of international peace and security, the Council has an important role in ensuring that there is no impunity for the most serious crimes under international law. In its relationship with the ICC, it should

¹ A/58/874

utilize its referral power in a consistent and coherent manner. But referring a situation is only the first step. Cooperation by States with the Court is essential to the Court's activities, and at the same time it is up to the Council to enforce its own decisions. This requires effective follow-up, support for the ICC by peace operations and adding indictees to sanctions lists, where they exist.

Moreover, it is important to keep the dialogue between the ICC and the Security Council alive and to institutionalize cooperation between the two.

Mr. President,

The Rome Statute system is based on the principle of complementarity and the ICC remains a court of last resort. States have the primary responsibility to investigate and prosecute perpetrators at the national level. We need to protect witnesses of these crimes, wherever they occur, and must deliver justice to victims. This is not only of relevance for States Parties, but should be something that all States do as a matter of course.

We are very disappointed about the outcome of the negotiations this year. We would like to see something far more positive in the next session of the General Assembly as a result of a transparent, productive and substantive exchange.

As States Parties, we want to reaffirm our collective commitment to continue working with all stakeholders to strengthen our common fight against impunity.

We therefore look forward to serious and meaningful negotiations of this resolution during the next session of the General Assembly.

I thank you.