

speech van Minister Bot

Op 6 september 2004, tijdens de openingsceremonie van de derde Vergadering van Verdragspartijen van het Internationaal Strafhof, heeft de Minister van Buitenlandse Zaken Bernhard Bot de volgende korte toespraak gehouden.

Mr President,

Thank you for affording me the opportunity to address the Assembly of State Parties today.

First of all, a warm welcome both to those who have come to The Hague for the third session of the Assembly of States Parties and to those who have already settled here. I sincerely hope that after this week the ASP will have found itself a new home in The Hague.

I would like to extend a special welcome to Madame Simone Veil, in her capacity as President of the Board of the Victims Trust Fund. I feel sure that the ASP is as proud as I am to have you here in our midst. The ICC is unique amongst international tribunals because of its institutional focus on the victims of war crimes, crimes against humanity and genocide. Justice is not only about the perpetrators. It is even more about giving the victims recognition and a chance for a better future. Madame, you and the other prominent board members of the Victims Trust Fund have the important but difficult task of setting up a system of support to alleviate victims' suffering, and of finding adequate means to do so. It is with pleasure and hope that I can announce a first pledge by the Netherlands to the Victims Trust Fund of one hundred thousand euros. I sincerely trust that this gesture will be followed by others.

The Hague is often referred to as the legal capital of the world. This city has a tradition of hosting international legal institutions. The notion of a legal capital reflects, in my view, our common aspiration to shape a world that is governed by the rule of law. My government continues to be firmly committed to the ideal of our great legal mind of the seventeenth century, Hugo Grotius: a legal system with clear rules and procedures for states to comply with. The need for such a system is obvious, particularly in order to ensure basic human rights. Sadly, we witness violations of basic human values in many parts of the world almost on a daily basis. Needless to say, these violations originate in very complex situations. There is no easy solution. However, part of the solution should be combating impunity. By establishing the ICC, we have made significant progress in our common efforts to close the impunity gap. Having started as recently as summer 2002, the Court is already operational. Two situations have been referred to it, by the government of the DRC and by the government of Uganda.

The ICC is operational. The world is watching. Supporters of the Court as well as those reluctant to accede: all have their reasons to closely monitor the process. The Netherlands is convinced that the Court is well placed to deal with these two challenges. It will demonstrate its professional skill and its independence. I am confident that both countries will demonstrate their declared will to cooperate with the Court. The Netherlands fully intends to support the Court and to actively cooperate with the Prosecutor on his request. Indeed, we are already doing so. Meanwhile, we need to further enlarge the ICC community. In 1998, a significant majority of UN members agreed to establish a permanent International Criminal Court. Currently, half of the UN community has ratified the Statute of the ICC and many are in the process of ratifying the Statute. I can assure you that promoting the universality of the Court is a priority for the government of the Netherlands, as it is for the EU.

In this context, I would like to briefly touch upon the position of the US. The Netherlands regrets that the United States, at this stage, cannot commit itself to the ICC and to its crucial role in

fighting impunity. We should not forget, however, that the United States was instrumental in putting forward the idea of an independent and permanent court as a way of helping to ensure that the most heinous crimes against humanity could not be committed with impunity. Large parts of the ICC statute originate in US thinking. We must and shall continue the dialogue with the United States to promote better understanding of our respective positions, and to find ways of standing shoulder to shoulder to combat impunity. At the same time we will defend the integrity and the independence of the ICC in accordance with our legal obligations, if necessary in a critical dialogue with the United States, our ally and friend.

Coming back to our daily business as the ICC community. The ICC is a new and challenging enterprise. As the host country, we have supported the Court from the outset and I assure you that we will continue to do so whenever necessary.

For many of you, the ICC is a daily and ongoing affair. If you watch a child growing day by day, you may lose sight of how quickly it is developing, certainly in its early years. The same goes for the ICC. The Rome Statute entered into force on 1 July 2002. In 2003 the ICC officials were elected and had their inaugural session in The Hague. In 2004 we have seen the first referrals by States Parties to the ICC. I therefore share the view expressed by the UN Secretary-General in his recent report to the Security Council on the Rule of Law. He pointed out the impact that the ICC is having by putting would-be violators on notice that impunity is not assured and serving as a catalyst for enacting national laws against the gravest international crimes. The importance of the ICC as a safeguard against impunity cannot be underestimated. It is beyond doubt the most significant recent development in the international community's long struggle to advance the cause of justice and rule of law.

The States Parties present here today are confident that their work this week will be strengthening the International Criminal Court as part of an international legal order, which will bring us closer to international justice and serve the fundamental principles of mankind. Thank you, Mr President, for having given me the opportunity to address the Assembly of States Parties. I wish you and all the delegations wisdom and success in your efforts to find practical solutions for the problems ahead.

Thank you.