



# AUSTRALIA



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**UNITED NATIONS GENERAL ASSEMBLY**  
**29 October 2018**

**Report of the International Criminal Court – Item 77**

**Statement by H.E. Ambassador Tegan Brink**  
**Deputy Permanent Representative of Australia to the United Nations**

(Check against delivery)

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President,

This year we celebrate the twentieth anniversary of the Rome Statute of the International Criminal Court.

This treaty is a remarkable achievement; the product of a common resolve – forged by the horrors of last century – to create a permanent international Court to prosecute and punish those responsible for the most egregious international crimes.

We also mark another milestone this year: the activation of the ICC's jurisdiction over the crime of aggression.

The Court is now empowered to exercise jurisdiction over the four core international crimes – war crimes, crimes against humanity, genocide, and aggression.

It is worth emphasising that the ICC does not operate in isolation. Instead, it is part of an international criminal justice system – the Rome Statute System.

The ICC's role is to step in only where national jurisdictions are unable or unwilling. The Court is one of last resort.

As a strong supporter of accountability, and a longstanding supporter of the ICC, Australia will continue to work with all States Parties to ensure the Court is as strong an institution as needed to fulfil its mandate.

We encourage those Member States not yet party to the Rome Statute to consider ratifying. Particularly non-parties in our own region, the Indo-Pacific.

President,

At their core, the ICC and the UN are striving to achieve the same goals.

One of the UN Charter's primary purposes – the maintenance of international peace and security – aligns with the Rome Statute's.

History has demonstrated clearly that impunity for serious international crimes and sustainable peace rarely go hand in hand. All too often, impunity has catalysed conflict.

The inter-relationship between the UN's and the ICC's mandates makes the Court a key partner for the UN. Particularly as the UN system pivots to prevention.

As a key partner, it is critical that the UN provides the ICC with the support it needs to deliver its mandate.

We welcome the UN's efforts thus far and encourage the Secretary-General to continue to enhance cooperation under the Relationship Agreement.

We have heard the Prosecutor's repeated requests for effective Security Council follow up and support with respect to situations referred to the Court by the Council.

It is essential that the Council does not approach ICC referrals as a 'set and forget'.

The Council's ongoing political support to the work of the ICC is critical, particularly with respect to cooperation with the Court.

President,

We must not neglect the critical role consistent, impartial justice plays in the international community's response to the trauma wrought by conflict.

Indeed, victims and affected communities are calling consistently for justice, as an essential component of viable political outcomes and reconciliation.

While we are clear-eyed about the challenges ahead, the international community simply must not tolerate impunity: those who are most responsible for serious international crimes must be held to account.

We call on this Assembly to ensure the Court receives full and consistent support in this essential mandate.

Thank you.