



Permanent Mission of the United Republic of Tanzania

REMARKS BY

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UNITED REPUBLIC OF TANZANIA
TO THE UNITED NATIONS**

AT THE GENERAL ASSEMBLY

**ON AGENDA ITEM 71
ON THE REPORT OF THE
INTERNATIONAL CRIMINAL COURT**

MONDAY 31 OCTOBER 2016

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Mr President,

The United Republic of Tanzania welcomes the Report of the International Criminal Court and thank the President of the Court, Justice Silvia Fernandez de Gumendi, for her introductory remarks.

We also welcome the Courts move to its permanent premises in The Hague. It marks yet another important step in its establishment.

The Report presents a picture of an institution that is growing but also facing different challenges and opportunities. We see this as a trend that will continue to define the work of the Court and demand greater engagement with all its stakeholders.

The Court came into being with the largest support from Africa, following considerable frustration and outrage over the genocide against the Tutsi in Rwanda. It came into being as an organ with jurisdiction over persons responsible for the most serious crimes: genocide, crimes against humanity, war crimes as well as the crime of aggression. Humanitarian tragedies had brought so much misery and affliction to Africa that the establishment of the Court became an inspiration against impunity and injustice. That promise and hope is still relevant today if not more urgent.

And yet as a State party to the Rome Statute of the International Criminal Court (ICC) and member of the African Union, the United Republic of Tanzania notes that the Court has had a particularly tumultuous relationship with Africa: A relation that has engendered fear of an African exodus from the Court. That need not be the case.

It need not be the case for a number of reasons. One is that the primary foundations of the African Union's Agenda 2063 is based on an aspiration that seeks to promote a universal culture of good governance, democratic values, gender equality, respect for human rights, justice and the rule of law.

Second, it is significant that in order to sustain the momentum of gender equality and women's empowerment, African Heads of States and Government declared 2016 as the year of Human Rights with special emphasis on women rights. It is recognition that peace and justice are indivisible. For these reasons, what we must be encouraging today at the very least is dialogue.

It is therefore of concern that African countries have come to be critical of the Court to an extent that at some point a policy of non-compliance and non-cooperation with the Court was a real possibility. For the Court to remain a credible institution in the execution of

international justice, it is important that there be confidence building measures on how it functions as well as how it interacts with all its members.

All too often avoidable misunderstandings when left unattended or dismissed as inconsequential grow into regrettable outcomes. Lectures and claims of high moral ground from outside the continent are unhelpful. Recognizing and overcoming avoidable pitfalls associated with new and evolving institution such as the Court is essential if it is to continue to grow and strengthen. We must thus ensure that what is done today does not make matters worse.

We must also undertake deliberate effort to talk to each other, remembering that the abilities we needed to establish the court are not necessarily the same we would need to help it grow and discharge its mandate. We must invest in building trust and confidence among members and the court: as its work become complex and affects member states it must listen while remaining true to its mission.

While the Report claims the capacity of the Security Council to refer a situation to the Court is crucial to promote accountability, it remains a matter of great concern to us that some permanent members can use their position in the Security Council to refer a matter to the Court while are themselves not parties to the Court's Statute. The political nature of the Security Council can also undercut the legitimacy of the process.

We recognize that in most instances the Court's jurisdiction is triggered when a state is unable or unwilling to deal with human rights violations on its territory: the primary task of the Court must also be to encourage and enable member states to perform their own programmes of justice and accountability. Greater investment in this direction need to be promoted and supported.

No matter how current issues between Africa and the Court are eventually resolved, there is no denying that we must all improve our domestic legal and judicial systems so that they can deliver justice fully, fairly, effectively and timely. Effective and legitimate States are in the interest of all our countries and people. States must be effective not only because of the need to prevent ICC's intervention in domestic affairs but also because it is the duty of each state to protect its citizenry. For Africa, the tragedies in Central Africa, Cote d'Ivoire, Rwanda and Sierra-Leone are illustrative of the risks and dangers we must guard against.

We also note from the Report and welcome the holding in Tanzania of the second sub-regional seminar of counsel and the legal profession as well as with the AU, among others. Such opportunities provide for building skills and exchanges of information that is valuable to parties and to the work of the Court. Indeed, the African Union Heads of States and Government established in 2012 the African Institute of International Law (AAIL) in Arusha – Tanzania, to

contribute to the strengthening of the rule of law within the African continent. The Institute can serve as a bridge and useful forum for addressing the deficit issues on trust and confidence with the African constituency of the Court.

The Report also appeals for support to the Trust Fund for Victims. Too often victims are easily forgotten and it is proper that attention to their needs is not lost.

We commend the establishment of the International Criminal Court Bar Association. We hope it becomes not only a forum for strengthening skills, capacities and court procedures but also an avenue for consolidating legal norms and democratic institutions.

We note the Courts continuing cooperation with civil society and hope that there is specific effort to strengthen such relationship especially with the civil society from developing countries.

Mr President, I thank you.