

(Translation)

**General Statement at the UN Conference of Plenipotentiary on the
Establishment of an International Criminal Court (ICC)**

**by Mr. Wang Guangya
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Mr. Chairman,

First of all, please allow me to extend congratulations to you on your election to the Presidency of this conference. I am convinced that, under your brilliant leadership, this conference will be a complete success. Likewise, I would like to offer congratulations to other members of the presidium on their election.

Mr. Chairman,

The establishment of an International Criminal Court is a long-cherished ideal and goal of the international community and its new attempt to further strengthen cooperation in punishing heinous international crimes. The two world wars in the first half of this century subjected the international community to a terrible scourge of war, bringing tremendous damages to the lives, property and dignity of the people of many countries in the world. Although there has been no new world war for the past 53 years since the founding of the United Nations, the world has seen frequent emergence of regional armed conflicts, in which appalling and shocking crimes have been committed. These armed conflicts and grievous crimes have drawn the universal attention of the international community. Under some circumstances, however, the judicial systems of individual states and the existing international criminal justice cooperation system can hardly bring effective punishment to the felonious international crimes of this kind. Therefore, the establishment of an independent, equitable, effective and broadly-represented ICC will complement the judicial systems of individual states and the international criminal justice cooperation system, so as to prevent those ferocious criminals from going scot-free, and to uphold international justice to the fullest extent. The establishment of the ICC will embody the development and progress of the international community and international law.

Mr. Chairman,

As is recognised by all countries, the ICC soon to be established should

be an independent, fair, effective and broadly-represented international criminal judiciary. The Chinese Government is of the view that the independence and fairness of the ICC should be free from the influence of political or other factors. The court should not become a tool of political struggles or a means of interfering in other countries' internal affairs. Meanwhile, the ICC should not compromise the principal role of the UN, its Security Council in particular, in safeguarding world peace and security. The provisions of *the Statute for the International Criminal Court* should not clash with or run counter to those of *the UN Charter*. Hence we should adopt a practical and prudent attitude in dealing with issues such as the relationship between the ICC and the UN and the role of the Security Council.

The Chinese Government holds that the universal participation of all regions and countries in the world is the prerequisite guarantee for the effectiveness and authority of the ICC. To ensure universal participation, *the Statute for the International Criminal Court* should be worked out on a basis of democracy and equality so as to give expression to the positions and views of all countries. The statute should be passed by consensus rather than by vote. It is the hope of the Chinese Government that delegates from all countries will, with a pragmatic and cooperative approach, work together to formulate a statute acceptable to all countries. To this end, maximal flexibility should be exhibited in specifying the jurisdiction of the court, definition of crimes and modes in which countries accept the jurisdiction, so as to make it easier for more countries to accept the statute.

As the most important guiding principle of *the Statute for the International Criminal Court*, the principle of complementarity should be fully reflected in all substantive provisions of the statute. The ICC should also carry out its future work in strict accordance with this principle. The court can exercise its jurisdiction only with the consent of the countries concerned and should refrain from exercising such jurisdiction when a case is already being investigated, prosecuted or tried by a relevant country.

The ICC is only in charge of investigating and affixing the criminal responsibilities of individuals, but due to the particularity of the crimes under its jurisdiction, it is often involved in identifying the behaviour of a state, which if handled improperly, may impair the legitimate interests and reputation of a country, exerting a negative impact on the healthy development of the international relations. So the Chinese Government maintains that a cautious attitude should be taken in addressing such

questions as trigger mechanism and means of investigation, to avoid to the maximum degree the occurrence of irresponsible and indiscriminate prosecutions.

The court relies on the cooperation of the countries concerned in performing its duty, and the countries which accede to the statute should undertake to cooperate with the court. Nevertheless, while requiring countries to render assistance and cooperation, the court should fully respect the major interests of the relevant countries such as their sovereignty, security and basic principles of law. This is the only way to ensure smooth and effective cooperation.

Mr. Chairman,

Like many other countries, China has been a war victim since the late 19th century. From 1931 to 1945 alone, China suffered a loss of over 30 million lives and of countless property. "The past, if not forgotten, can serve as a guide for the future." If the international community is still incapable of enforcing thorough and effective trial and punishment on this kind of crimes, world peace will always be threatened. Therefore, the Chinese Government, like other governments, stands for the establishment of the ICC. The Chinese Government believes that with the progress of the international community and the gradual development of international law, there will be a further enhancement of the process of placing the international community under the rule of law and greater improvement of the international judicial system, and world peace and security will be better safeguarded. The Chinese Government stands ready to continue to work with other governments in the world for this lofty goal.

Thank you, Mr. Chairman.