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## **Statement of the Government of Japan**

**H.E. Mr. Ichiro Komatsu**

**Special Envoy of the Government of Japan**

**Ambassador Extraordinary and Plenipotentiary of Japan**

**At the Review Conference of the**

**Rome Statute of the International Criminal Court (ICC)**

**31 May 2010, Kampala**

Statement of the Government of Japan  
H.E. Mr. Ichiro Komatsu  
Special Envoy of the Government of Japan  
(31 May 2010, Kampala)

1. Introductory remarks

Thank you, Mr. President,

Let me begin by congratulating the International Criminal Court on its ever-developing role in the international community.

On behalf of the Government of Japan, I would also like to pay sincere tribute to the Government of Uganda, also known as the "Pearl of Africa", for hosting this significant conference at this beautiful location on the shores of Lake Victoria. Japan would like to pay homage to the fact that this important gathering on rule-making in the field of international criminal justice is being held here in Uganda on the African continent, and we pledge our readiness to offer our full cooperation for the success of the conference.

(Japan's commitment to Africa)

As a country consistently and strongly committed to the development of Africa, inter alia through the process of the Tokyo International Conference on African Development, or TICAD which was launched 17 years ago in 1993, Japan is very pleased to see the slogan of the TICAD IV, "towards a vibrant Africa", being translated into reality this summer. First, we are here in Uganda participating in this Review Conference, and secondly, of course, the World Cup is to be held soon in South Africa. I would like to take this opportunity to reaffirm Japan's commitment to the development of Africa, and reiterate the determination of Japan's new administration to carry out the commitments made at TICAD IV in 2008 and reconfirmed last month by our Minister for Foreign Affairs, H.E. Mr. Katsuya Okada, in Tanzania, which include among others the doubling of our ODA for Africa.

(Japan's role in the Asian region –promoting universality)

Let me also say a few words about the region that I come from, which is Asia. And in that connection, I would like, first of all, to extend our heartfelt welcome to our

colleagues from Bangladesh on their accession to the Statute. We regret to note, at the same time, that there are only 15 countries in the Asian Group, making this region seriously under-represented and causing the ICC to be frequently misperceived as an institution which is dominated by certain regions. Japan, fully aware of its role in the Asian region, has made strenuous efforts in this regard through its bilateral contacts as well as in regional fora such as the Asian-African Legal Consultative Organization (AALCO). I myself had the honour to deliver the keynote speech<sup>1</sup> at the seminar on the ICC co-organized by Japan and AALCO in March 2009 in India. And this year Japan co-organized with AALCO and the Government of Malaysia another round table meeting on the agenda for the Review Conference, which was held in March in Malaysia<sup>2</sup>. Japan will continue its efforts to increase the number of States Parties to the Statute, particularly from the Asian region, towards achieving the universality of the ICC.

## 2. Japan's continued and consistent commitment to the ICC

Mr. President,

Japan became a State Party to the Rome Statute on 1 October 2007 and Japan has always been deeply committed to the ICC providing not only the largest financial contribution to the Court, but also capable human resources including judges, and intellectual inputs to various discussions.

With its strong belief that the activities of the ICC contributes to the establishment of the rule of law in the international community, Japan has a maintained consistent policy towards the Court. This policy has remained consistent both prior to and after Japan's accession, and it will remain so throughout this Review Conference and into the future. To explain this policy, please allow me to quote from the statement made by the Head of Delegation of Japan for the Rome diplomatic conference in 1998, H.E. Mr. Hisashi Owada who is now President of the International Court of Justice: *"Our goal must be to create and foster an international criminal court that can function truly effectively on the basis of total confidence of the international community."* Japan believes that the spirit informing this statement is also relevant to this Review Conference.

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<sup>1</sup> [http://www.mofa.go.jp/policy/i\\_crime/icc/seminar0903-a2.html](http://www.mofa.go.jp/policy/i_crime/icc/seminar0903-a2.html)

<sup>2</sup> [http://www.mofa.go.jp/policy/inter\\_law/law/round\\_table1004.html](http://www.mofa.go.jp/policy/inter_law/law/round_table1004.html)

### 3. Japan's basic position for the Review Conference

(Stocktaking)

Mr. President,

Please allow me to lay down the basic position of my Government on the main issues to be discussed at the Review Conference.

First of all, there is stocktaking. Japan believes that discussing our experience on international criminal justice, especially our experience of more than seven years with the ICC is crucial in order for us to consider how we can foster an ICC which will be more efficient, effective, universal and systemically sustainable. For that purpose, we need to think seriously about diverse issues, including technical and administrative matters: What kind of cooperation or support does the Court need from States and other stakeholders? What should we avoid undertaking in order not to overburden the Court so that it may concentrate on its legitimate task, which is to prosecute and punish those who are responsible for the most serious crimes of concern to the international community as a whole? It was in this context that in September 2009 Japan introduced its contribution paper as a basis for the stocktaking discussions to take place at the Review Conference. Japan is thus very much looking forward to actively participating in the discussion.

(Proposals for amendment of the Rome Statute)

Mr. President,

We have before us several proposals for amendment of the Rome Statute, among others, review of Article 124 of the Statute and proposals for a provision on the crime of aggression. On these issues, again, Japan's position is consistent with what we stated twelve years ago in Rome. Japan will take positions which contribute to creating and fostering an International Criminal Court that can truly function effectively on the basis of total confidence of the international community. And this leads us to believe that only decisions adopted by consensus, not by vote, will serve to this end, although the necessity of consensus should not be used as an excuse to hinder the discussions. Without going into great detail here, I would just like to remind that it was in the same spirit that Japan proposed, during the Rome Conference, to incorporate the current Article 124 in the Statute. We consider that ample reason remains for this article to be retained as it is in the Statute.

#### 4. Concluding remarks

Mr. President,

All of us gathered here in Kampala have a huge responsibility vis-à-vis our countries' future generations, and in that sense, we should try to formulate a long-term vision as to what the ICC should look like in 20 or even in 50 years. If we expect the Court to exist that long, it is clear that the Court must be sufficiently effective, efficient, universal and sustainable. Two weeks seems to be too short a period of time to achieve that goal, but if we can embrace a long-term vision, Japan believes that a way can be found to meet those objectives.

I wish to close my statement by reaffirming the readiness of my delegation to serve as an "honest broker" for that purpose and to actively contribute to the negotiations for the success of this historic Review Conference.

I thank you, Mr. President.