Parliamentarians for Global Action (PGA)
Action Mondiale des Parlementaires
Acción Mundial de Parlamentarios

26TH ANNUAL FORUM OF PGA
&
CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS FOR THE INTERNATIONAL CRIMINAL COURT (ICC) AND THE RULE OF LAW

III Session

December 6-7, 2004
Parliament of New Zealand, Wellington

With support from:
The European Commission, European Union,
and the Governments of New Zealand, The Netherlands and Switzerland

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PROGRAMME

December 6, 2004

9,00-10,00 AM

OPENING SESSION:
MULTILATERALISM AND INTERNATIONAL COOPERATION: THE ROLE OF PARLIAMENTARIANS

Chairs: **Rt. Hon Jonathan Hunt**, Speaker of the Parliament of New Zealand
Mr. Harry Duynhoven MP, President, PGA New Zealand National group; Minister of Transport & Safety

Addresses:
Hon. Philip Goff, Minister of Foreign Affairs & Trade and Minister of Justice, New Zealand
Sen. Tom Harkin (USA)
Dip. Margarita Stolbizer (Argentina), Chair of the PGA International Council, *on behalf of PGA*

10,00-11,15 AM

THE INTERNATIONAL CRIMINAL COURT: FROM ITS ESTABLISHMENT TO THE OPERATIONAL PHASE

Chair: **Mr. Jonas Sjöstedt, MEP** (Sweden), President of the PGA Group at the European Parliament; member, Africa Caribbean Pacific-European Union (ACP-EU) Joint Parliamentary Assembly

Address: **H.E. Judge Neroni Slade** (Samoa), Pre-Trial Division, International Criminal Court (ICC)

(1) IMPACT OF THE INTERNATIONAL CRIMINAL COURT (ICC) ON INTERNATIONAL RELATIONS: STRENGTHENING THE RULE OF LAW AND PREVENTING CRIMES

* Complementarity between National legal systems and the ICC
* Preventive Impact of the ICC: under which conditions the fight against impunity can deter the commission of new atrocities by leaders and commanders?
* Role of Parliamentarians in promoting the preventive impact of the ICC
* Will the "no impunity" principle modify certain dynamics of international relations? In particular, impact on peace processes and amnesties.

Address: **Ms. Silvia Fernàndez de Gurmendi**, Chef de Cabinet and Head of the Jurisdiction, Complementarity and Cooperation Division, Office of the Prosecutor, International Criminal Court

Panel: **H.E. Ms. Rasha H.E.C.M. Ter Braack**, Ambassador of The Netherlands to New Zealand, *on behalf of* the Dutch Presidency of the Council of the European Union (EU)
Rep. Loretta Ann Rosales (Philippines), Chair of the Civil, Political and Human Rights Committee; Deputy Convenor, PGA International Law and Human Rights programme

Open Discussion

BACKGROUND DOCUMENT: PGA PAPER ON THE PREVENTIVE EFFECT OF THE ICC[1]

11,15-11,30 AM: Coffee Break

11,30 AM-12,45 PM

(2) PROMOTING UNIVERSALITY OF RATIFICATION OR ACCESSION TO THE ROME STATUTE - PART I

* Status on, and obstacles to, ratification/accession in countries of the Asia-Pacific
* Status on, and obstacles to, ratification/accession in countries of the Commonwealth of Independent States (CIS)
* Status on, and obstacles to, ratification/accession in the Middle East/Arab States
* Status in other regions (Africa, the Americas -e.g. Mexico, Chile-, Europe -e.g. Turkey)
* The position of the United States against the territorial jurisdiction of the ICC

Chair: **Hon. Ross Robertson MP** (New Zealand), Assistant Speaker, Parliament of New Zealand

Panel: **Sen. César Jaúregui Robles** (Mexico), Vice-President of the Senate
Sen. Wakako Hironaka (Japan), Director of the Committees on General Affairs and on Foreign Affairs, House of Councillors
Mr. Alan Webb (New Zealand), ICC Pacific; Attorney-at-Law
Mr. M. Kula Segaran, MP (Malaysia), Committee on Legal Affairs; Barrister

Open Discussion
Mr. Leonid Slutzky, MP (Russian Federation), First Deputy Chair, Committee on Foreign Affairs

13,00-14,30 PM: Lunch

14,45-16,00 PM

PROMOTING UNIVERSALITY OF RATIFICATION OR ACCESSION TO THE ROME STATUTE - PART II

Chair: **Hon. Francis Ole Kaparo MP** (Kenya), Speaker of the Parliament

Panel: **Sen. Aquilino Q. Pimentel Jr.** (The Philippines), Minority Leader
Sen. Miriam Defensor- Santiago (The Philippines), Chair, Foreign Relations Committee
Mr. Mikhail Grishankov MP (Russian Federation), Chair, Committee on Anti-Corruption; Vice-President of the Committee on Security
Mr. Vazgen Manukyan MP (Armenia), Committee on State and Legal Affairs; former Prime Minister
Mr. Syed Naveed Qamar MP (Pakistan), Member, Legal Affairs Committee
MD. Abdus Shahid, MP (Bangladesh), Chief Whip of Opposition
Written statement by **Mr. Mohamed Oudor, MP** (Morocco)

Open Discussion

[1] The general background document for the other Panel Discussions of the Consultative Assembly is the "PARLIAMENTARY KIT ON THE ICC" (available at www.pgaction.org). Papers and materials of concerned bodies and institutions will be welcomed.

16,00-16,20 PM: Coffee Break

16,20-17,45 PM

(3) PROTECTING THE INTEGRITY OF THE ROME STATUTE AND THE CREDIBILITY OF THE UN SECURITY COUNCIL

* Promoting political dialogue with non-states parties: the relationship between the ICC and national sovereignty, and the implementation of international humanitarian law
* The defeat of Security Council resolution 1422/1487 in June 2004 and new potentials for cooperation on the ICC
* Bilateral non-surrender agreements and parliamentary initiatives to safeguard the territorial jurisdiction of the ICC

Chair: **Dr. Wayne Mapp, MP** (New Zealand), Member, Transport & Industrial Relations Committee

Panel: **Mr. Tony Worthington MP** (United Kingdom), International Development Committee, House of Commons
Dip. Adolfo R. Taylhardat (Venezuela), Member of the Latin American Parliament ("Parlatino")
Mr. David Burnett (USA); Deputy Chief of Mission, Unites States Embassy in New Zealand
Mr. Jonathan O'Donahue, International Justice Programme, Amnesty International

Open Discussion

December 7, 2004

9,00-11,00 AM

(4) **LEGISLATIVE REFORMS ON THE BASIS OF THE ROME STATUTE: COOPERATING EFFECTIVELY WITH THE COURT**

*Gender Justice
*Protection of victims and witnesses
*Trafficking in women and children, forced labour and forced prostitution as forms of enslavement: a crime against humanity

Chair: **Dip. Minou Tavares Mirabal** (Dominican Republic), Committee on the Reform of the Penal Code**,** *Member, PGA Executive Committee*

Panel: **Mr. Adolf Mwesige MP** (Uganda), Minister for Legal Affairs
Ms. Fatima Chohan-Khota (South Africa), President of the Justice Committee
Sen. Karin Schubert (Germany), Member, Legal Affairs Committee; Mayor and Senator of Justice of Berlin
Hon. Ross Robertson MP (New Zealand), Assistant Speaker, Parliament of New Zealand; formerly Member, Select Committee on ICC Implementing Legislation
Sen. Bassey Ewa-Henshaw (Nigeria), Chairperson, Committee on Employment, Labour and Productivity
Dep. Orlando Fantazzini (Brazil), Chairperson, Committee on Ethics and Accountability
Ms. Lali Papiashvili MP (Georgia), *Deputy Chair, Human Rights and Civil Integration Committee*

Open Discussion

11,00-11,15 AM: Coffee Break

11,00 AM-12,45 PM

(5) **FINANCING THE COURT AND THE FIGHT AGAINST IMPUNITY AT NATIONAL LEVEL: THE ROLE OF MPS**

* Mainstreaming the ICC and justice for international crimes into development cooperation
* Promoting national prosecutions of international crimes: the Justice Rapid Response Initiative

* Providing adequate financial resources to the ICC and to victims of Rome Statute crimes[2]
* Providing adequate financial resources to national justice systems, including means to investigate crimes against humanity (e.g. torture, trafficking in women and children)
* Should Justice Ministries be responsible for finance matters related to the Court?

Chair: **Sen. Marcelo Lopez Arias** (Argentina), First President of the Senate; Member, PGA Executive Committee

Panel: **Mr. Bill Pace,** Convenor, Coalition for the International Criminal Court (CICC)
Mr. Hans-Werner Bussmann (Germany), Commissioner for the ICC, German Federal Ministry for Foreign Affairs
Dip. Margarita Stolbizer (Argentina), President of the PGA International Council
Dr. Gordon Hook (New Zealand), Senior Legal Adviser, Ministry of Justice of New Zealand
Mr. David Coltart MP (Zimbabwe), Shadow Justice Minister (opposition)

Open Discussion

BACKGROUND DOCUMENT: THE JUSTICE RAPID RESPONSE INITIATIVE – SHORT-PAPER PREPARED BY SOME MEMBERS OF THE INFORMAL GROUP OF STATES "FRIENDS OF THE ICC"

13,00-14,30 PM: Lunch

14,45-16,00 PM

(6) WHERE TO GO FROM HERE?
* The Working Groups of the Consultative Assembly
* Promoting the Rule of Law beyond the ICC
* Actions and strategies to deter future crimes and improve the fight against impunity

Chair: **Dep. Felipe Michelini** (Uruguay), President of the Constitutional Affairs Committee

Presentation:
Prof. Roger S. Clark (New Zealand), Board of Governors Professor, Rutgers School of Law, NJ USA; Law Faculty, Victoria University of Wellington

Open Discussion

16,00-16,20 PM: Coffee Break

FINAL SESSION: DISCUSSION AND APPROVAL OF A FINAL DOCUMENT OF THE II SESSION OF THE CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS FOR THE ICC

[2] Decisions over budgetary matters are a prerogative of the legislative power in all systems, and Parliament has the power to review budget-bills presented by the Executive.