



PARLIAMENTARIANS FOR GLOBAL ACTION
ACTION MONDIALE DES PARLEMENTAIRES

برلمانيون من أجل التحرك العالمي

Intervention of Hon. Mr. M.J. Nolan, T.D. (MP)

Chairman, Communications, Energy and Natural Resources Committee;

Member; Foreign Affairs Committee, Houses of Parliament of Ireland.

*Deputy Convenor, International Law and Human Rights Programmed & Executive Committee
Parliamentarians for Global Action.*

PGA Working Group on the International Criminal Court, Middle East and Mediterranean.

Gulf Hotel, Manama, Bahrain

15 March 2009

Dear Fellow Parliamentarians,

It is a great pleasure for me to address you today as a Member of Parliament and Deputy Convenor to PGA's Programme of International law and Human Rights. Parliamentarians for Global Action is a network of more than 1300 members of parliament from 131 countries who, for the past 10 years, have been working around the world to promote the establishment of and the effective and independent operation of the International Criminal Court (ICC).

This is not the only programme that PGA is involved in, projects such as the Peace and Democracy Programme and the Sustainable Development Programme, are areas of particular interest to our organization, indeed our 31st Annual Parliamentary Forum which takes place in the US Congress in Washington in October next deals with the challenges of climate change and energy management, but over the next two days we here will be dealing with the main campaign of the International Law and Human Rights Programme, which has probably become the most recognized global action of PGA, namely, the ICC Campaign.

A colleague of mine from PGA, Dr. Theo Sambuaga of the Indonesian Parliament, a country with the First Muslim Majority, a state emerging from a terrible history of colonization and civil strife, represented PGA in 2001 at an international conference in Berlin entitled "Global Policy without Democracy?" Allow me to quote from his presentation on that occasion:

"Democracy [...] offers favorable conditions for peace and stability in international relations. Democracy has worked and continues to work in vast number of countries, while in many others democracy is "in the making", and only time will tell us whether or not a real democratic process is successfully defeating old oligarchic or tyrannical regimes. In the meantime, while there does not seem to be an alternative to democracy in National institutions, one question emerges: why does democracy not "work" yet in international institutions?

We still face the unjust structure of the world economy, which divides the world between the majority, poor, and the minority, rich. Therefore, globalization should be governed by democratic guiding principles; otherwise it will continue to widen the unbalanced world economic structure."

Dr. Sambuaga foresaw that parliamentarians should increase their influence by putting pressure on the global and regional intergovernmental organizations so that they can expedite the move towards

globalization in accordance with the aspirations of the people. This transformation process should be guaranteed under an international rule of law founded upon all existing international law.

And this brings us to ask the question where is there a better place to find rule law than in the condemnation, prevention and punishment of the most serious crimes of international concern. And this, my colleagues, is what the permanent International Criminal Court (ICC), established by the Rome Statute on July 17th 1998 was created to do, and that is the reason why we are supporting it.

PGA was created in 1979 as a membership organization of individual parliamentarians interested in acting together to effect global issues. In its first decade, it acquired considerable experience through the involvement of parliamentarians on issues of nuclear disarmament, and then expanded that interest across a wide range of international concerns.

PGA and its members initiated and led successful efforts that compelled the superpowers to agree on banning all testing of nuclear weapons, including sending a high-level delegation of legislators from five continents to Moscow and Washington in 1982 to bring a disarmament proposal directly to the leaders of the then 'super powers' in each of their capitals.

In 1984, PGA was instrumental in organizing the Six-Nation Peace Initiative, led by the Heads of the governments of Argentina, Greece, India, Mexico, Sweden and Tanzania. This Initiative has been widely credited with making possible the Comprehensive Test Ban Treaty (CTBT) which came into effect 12 years later. For the Six Nations Initiative, PGA received the first Indira Gandhi Peace Prize in 1986. In the 1980s, PGA also advanced the Nuclear Non-proliferation Treaty and achieved the 65 ratifications for the Chemical Weapons Convention.

We in PGA, my colleagues, have as an international parliamentary organization, been working since 1989 on the International Criminal Court, which is an item that interests all our members, who are after all the expression of civic commitment to political action.

With the globalization of economies, trade, the financial markets and mass-media communications, one of the missing links to create the conditions for sustainable development and prosperity in all regions of the world is the globalization of the Rule of Law and justice for the effective protection of individuals, groups, communities and vulnerable populations.

Our world today is moving ever closer towards interdependence and integration, and our mandate as Legislators is to connect across borders and to maximise the potential for international cooperation and multilateralism in resolving problems that none of us can resolve within the limited borders of our own countries.

The International Criminal Court is expected to contribute to justice and accountability, and ultimately deterrence and peace, because breaking the circles of impunity and violence can deter would-be perpetrators from choosing torture, mass murder and other violent practices to acquire and maintain power, as we have so dramatically and sadly witnessed over the past number decades.

The globalisation of justice has taken some significant steps forward, which will be discussed by our distinguished panel of Speakers this later this evening and tomorrow. For example, it will be recalled that:

- the ICC Statute entered into force in 2002 and now counts on 108 Member States,
- the Court initiated its first cases and judicial proceedings in the Hague, not because it is deemed to be distant and foreign to its main beneficiaries, but because it seeks to operate from a neutral and safe location – *most importantly* –

- a new message has been sent all around the world: that committing genocide, committing crimes against humanity and committing war crimes is not only prohibited and unacceptable behavior, but now a matter to be brought to Court for the purpose of prevention and punishment of its perpetrators.

There is, however, a lot to be done to make the international criminal justice system truly universal and effective. Many countries in the Middle East have not joined the Rome Statute of the ICC and the reason is because there are still some legitimate questions to be addressed.

But these questions must be answered and soon, as the system of international justice needs now, more than ever, allies and friends in this region so that they can be more present and visible in the Court's system, or they run the risk of being affected by those larger states and indeed individuals who defy equality, and use political or forceful means at will.

It is also in the interests of all states to participate in the Review Conference of the Rome Statute that UN Secretary General has convened for July next in Kampala Uganda.

While all states can participate in the debate on the crime of aggression to be defined and incorporated in the Statute, an item to be presented tomorrow by Amb. Wenaweser, the Chairman of the Working Group on Aggression, only states who are members of the Statute will have an input on this matter. Membership and participation are the keys to shape the system, and eliminate the deficiencies in the current structure of the Court.

In relation to deficiencies that are outside the Court, it is my hope that our deliberations over the next two days, and your input and participation will allow us to understand how we can achieve the objective of fairness and equality for all peoples because that is what they expect of us.

Therefore, my colleagues, I look forward to the success of our deliberations, which was made possible by the support that PGA receives from its donors, in particular from the European Commission, and – above all – by the generous hospitality of the **Bahraini Council of Representatives**. I am also indebted to you, fellow colleagues Legislators, experts and guests, for devoting your time to debate and discuss these important matters. I wish this conference every success.

Go raibh mile a maith agat. (Thank you very much).
