



Parliamentarians for Global Action

FINAL DOCUMENT OF THE REGIONAL PARLIAMENTARY CONFERENCE FOR ARAB STATES ON "THE RULE OF LAW AND THE PROTECTION OF CIVILIANS: THE ROLE OF LEGISLATORS"

Cairo, Parliament of Egypt
February 9-10, 2005

Cairo Declaration on the Rule of Law and the Protection of Civilians

Whereas:

Justice and the Rule of Law are essential prerequisites for the maintenance of peace, safeguarding of human rights and advancement of development and democracy.

Promoting the Rule of Law requires respect for all human rights, as set out in the PGA Declaration on the Rule of Law of April 2004 and the United Nations Secretary General's report to the Security Council on "The rule of law and transitional justice in conflict and post-conflict societies" of August 2004.

Widespread violations of human rights and international humanitarian law threaten the peace, security and well-being of societies and individuals, as well as the harmonious conduct of international relations.

The Protection of Civilians and the Principle of Humanity are imperative norms and lay down the foundations of the Charter of the United Nations and "the four pillars of the modern international legal system: international human rights law; international humanitarian law; international criminal law; and international refugee law".

States have the primary responsibility to protect the civilian populations, both in times of conflict and in times of peace.

The International Community as a whole and *the United Nations* in particular, have the responsibility to protect civilian populations when the States in question are unable and/or unwilling to exercise their sovereign rights and duties vis-à-vis the civilian population.

Regional Organisations have an essential role to play in assisting States and the United Nations in fulfilling their obligations under international law.

National judicial bodies and the International Criminal Court (ICC) complement each other in the protection of civilians and other victims of crimes against humanity, war crimes and genocide, so that the investigation and prosecution of such crimes may effectively be conducted on the basis of the principle of equality of all before the law.

The Rome Statute of the ICC does not constitute a threat to the sovereignty of law-abiding nations.

WE, LEGISLATORS ATTENDING THE REGIONAL PARLIAMENTARY CONFERENCE FOR ARAB STATES ON "THE RULE OF LAW AND THE PROTECTION OF CIVILIANS: THE ROLE OF LEGISLATORS", FOLLOWING THE DELIBERATIONS HELD IN THE PARLIAMENT OF EGYPT, CAIRO, ON 9 AND 10 FEBRUARY 2005 UNDER THE AUSPICES OF PARLIAMENTARIANS FOR GLOBAL ACTION (PGA), AGREE ON THE FOLLOWING PRINCIPLES AND ACTIONS:

1. **The Rule of Law** is a principle of governance in which all individuals, persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.
2. **Justice, peace and democracy** are *not* mutually exclusive objectives, but rather mutually reinforcing imperatives. Advancing all three requires strategic planning, careful integration and sensible sequencing of activities.
3. **The protection of civilians** is a fundamental principle of international law, as enshrined in the *Geneva Conventions of 1949*.
4. **It is a duty for States to implement fully**, within their national legal orders, the fundamental guarantees contained in the *Geneva Conventions* and other instruments of international law to prevent, investigate, prosecute and redress international crimes.
5. **States** have an obligation to protect the civilian populations, to prevent the commission of any violation of human rights and international humanitarian law, to bring to justice the perpetrators of crimes against humanity, war crimes and genocide, and to provide redress and reparations to the victims of these atrocities.
6. **States** have the duty to prevent and repress genocide in accordance with the Genocide Convention and customary international law, as well as to prevent and repress crimes against humanity and war crimes as set out in the Constitutive Act of the African Union and other instruments of international law.
7. **If States are unable and/or unwilling** to halt the violence and/or investigate and prosecute perpetrators of international crimes, as well as to allow access to justice for victims, **the International Criminal Court (ICC)** shall be entitled to complement national jurisdiction(s) and put an end to the cycle of impunity, in accordance with the jurisdiction granted to the Court by the Rome Statute of the ICC, which entered into force on 1 July 2002.
8. **Parliamentarians, as legislators**, should seek to ensure that their respective national systems at all times comply with international obligations, in order to bring about the effective protection of the respective civilian populations in time of conflict and – *a fortiori* – in time of peace.
9. **Parliamentarians, as legislators**, undertake to promote, recommend and/or support any legislative, budgetary and administrative measure necessary to ensure that the Rule of Law applied within each national system is in full conformity with the principles enshrined in the internationally accepted definition of the Rule of Law.
10. **Parliamentarians, as legislators**, undertake to raise awareness and generate support in national parliaments and amongst political leaderships on the International Criminal Court (ICC), and to promote the ratification of, or accession to, the Rome Statute of the ICC in their country, as well as its effective implementation in national laws.
11. **Parliamentarians, as Members of PGA attending this conference**, undertake to establish a working group to promote the ICC and devise any appropriate action that may bring about their countries' participation in the ICC system, to strengthen the Rule of Law and better protect the rights, safety, security and well-being of the civilian population.

Done in Cairo on 10 February 2005.

Acknowledgement

The regional parliamentary conference for Arab states on “the Rule of Law and the Protection of Civilians: The role of Legislators” has been made possible by the individual and collective mobilisation of Members of Parliaments who convened in Cairo, upon invitation of the Parliament of Egypt, under the auspices of Parliamentarians for Global Action and with the indispensable support of the European Commission (EU).