



Parliamentarians for Global Action

Consultative Assembly of Parliamentarians for the International Criminal Court (ICC) and the Promotion of the Rule of Law

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Ottawa Plan of Action on the International Criminal Court (ICC)

Considering that millions of victims of genocide, crimes against humanity and war crimes were denied justice for atrocities suffered in the past century and continue to suffer from several scenarios of *conflict* or *gross human rights violations* throughout the world,

Recognizing that the impunity of perpetrators of international atrocities has provided a fertile ground for the commission of new horrendous crimes, which should not be left unpunished,

Recognizing that impunity for the most serious crimes under international law has been the rule, and justice the exception, notably when the international community decided to establish special (*ad hoc*) Tribunals to face selected situations (the one in the former Yugoslavia from 1991 to present, and the one in Rwanda of 1994),

Further recognizing that among the most numerous and ignored crimes are those committed against women, and welcoming the codification of sexual and gender crimes and related-procedures and structures for the participation, protection and reparations for victims,

Welcoming, therefore, the International Criminal Court (ICC) as the first permanent international institution in the history of human-kind to exercise jurisdiction against alleged perpetrators of international crimes and provide justice for victims when States fail to do so,

Taking note with satisfaction that the Rome Statute of the ICC, which entered into force on 1 July 2002, has been ratified or acceded to by 81 States to date and that parliamentarians have taken a leading role in promoting the early entry into force of this historic instrument for international relations and domestic justice,

Recognizing the importance of bringing about a fully universal representation of all legal cultures in the *ICC system* and the necessity to promote awareness and understanding of the Rome Statute in all legislatures of countries that are not yet part of the system,

Affirming that the ICC is a milestone in the development of a culture of accountability and human rights, and thus provides a unique opportunity to reinforce democracy and the rule of law,

Further affirming that as with any new international institution, the ICC will need continued and strong support from legislators, their constituencies and their countries, as the lack of an independent ICC law enforcement mechanism leaves States with the task of enforcing Court orders and requests addressed to individuals and legal persons,

Regretting the efforts of any State to infringe upon the territorial jurisdiction of the ICC, which applies to the territories of sovereign States Parties to the Rome Statute, and to enter into bilateral agreements aimed at exempting their nationals,

Further regretting the adoption on 12 July 2002 of Security Council Resolution 1422, which suspends for one year any ICC investigation vis-à-vis UN peacekeepers and UN-authorized multinational forces when an alleged perpetrator of a war crime, a crime against humanity or an act of genocide would be a national of a State non-Party to the ICC Statute, even if the crime was committed in the territory of a State Party that decided to protect its territories & people through the ICC,

Determined to defend the integrity of the letter and spirit of the Rome Statute and the UN Charter, and to reject the misconception that peace and justice are irreconcilable,

Resolved to continue a global campaign for the ratification/accession and implementation of the Rome Statute that would provide the international community with the necessary means to prevent prosecute and punish international crimes,

THE CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS FOR THE INTERNATIONAL CRIMINAL COURT (ICC) & THE PROMOTION OF THE RULE OF LAW, FOLLOWING ITS DELIBERATIONS HELD IN OTTAWA ON 4 AND 5 NOVEMBER 2002 UNDER THE AUSPICES OF PARLIAMENTARIANS FOR GLOBAL ACTION (PGA), AGREES AS FOLLOWS:

A. On the Ratification and Effective Implementation of the Rome Statute of the ICC

- a) To appeal to parliaments and governments of the States that did not yet ratify the Rome Statute to speed up the process of ratification or accession,
- b) To welcome the initiative of PGA to launch a *consultative assembly of parliamentarians for the ICC* to facilitate discussion and action of parliamentarians from all regions of the world so as to promote and provide support for an independent, fair and effective functioning of the ICC,
- c) To renew or inspire awareness and understanding amongst political leadership in national parliaments on the International Criminal Court (ICC), and to intensify the efforts of the global ratification campaign, and to that end to stimulate the establishment of a fund for education and training on the ICC,
- d) To contribute to the adoption in all States Parties to the Rome Statute of any legislation or administrative measure to effectively implement the Statute in domestic legal systems, including the incorporation of the core crimes under international law and the general principles of international criminal law.

- ACTION:*
1. A second session of the consultative assembly of parliamentarians for the International Criminal Court (ICC) shall take place in the year 2003 at a date and venue to be determined through consultations between PGA and interested Parliament(s).
 2. Members of Parliament from countries that are not yet parties to the ICC Statute shall elaborate country-specific strategies aimed at removing legal and political obstacles to the national ratification/accession process.
 3. Members of Parliament from countries that are parties to the ICC Statute shall intensify their efforts to assure that full cooperation with the ICC will be possible in their own countries and institutions. To that effect, they shall promote the drafting and enactment as early as possible of comprehensive national implementing legislation.
 4. Members of Parliament from countries that have implemented the ICC Statute's norms and principles in their domestic legal order shall make their best effort to ensure that the application of the law will not lead to double standards and that the higher standards of protection of human rights, including the rights of victims, will apply. To that effect, law reform processes on crucial issues such as the rights of women and children shall be launched to reinforce the legitimate prerogatives of the State under the rule of law.
 5. Parliamentarians for Global Action will maintain a special channel of assistance for, and communication with, all MPs who will take action on the basis of the Ottawa Plan of Action. In order to do so, up-to-date information on all major developments pertaining to the ICC will be provided, in cooperation with other pro-ICC actors such as the Coalition for the International Criminal Court (CICC).

THE CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS FOR THE ICC FURTHER AGREES:

B. On the Integrity, Credibility & Effectiveness of the International Criminal Court

- a) To uphold the principle of equality of all before the law throughout the world as the only acceptable foundation of the Rome Statute, and to oppose any unilateral, bilateral or multilateral effort by States or by the UN Security Council to limit the Court's jurisdiction, as this would undermine the integrity and credibility of the new institution even before it starts to operate.
- b) To endeavour to ensure that all initiatives to bring peace in conflict-zones where the ICC can already exercise jurisdiction on crimes committed after 1 July 2002 will be compatible with the provisions of the ICC Statute and not prejudice the full access to international justice and to reparations for the victims.
- c) To use our best efforts to pressure governments to provide the financial means to guarantee the highest level of independence and efficiency of the ICC, thus complying with the requirement to pay assessed contributions according to the ICC budget and to generate voluntary contributions for the Trust Fund for victims and their families, as well as to ensure the nomination and election of highly qualified and independent judges and prosecutor.
- d) To foster dialogue between Members of the US Congress and other parliamentarians;

ACTION To ensure parliamentary support for a fair, independent and effectively functioning ICC:

1. Members of Parliament shall avail themselves of the opportunity to question their executives on the status of negotiations with the US Government on its proposal to enter into non-surrender bilateral agreements.

2. In case a bilateral non-surrender agreement has been signed by the Executive, Members of Parliament shall endeavour to request that the legislature be seized with the matter of considering the agreement for ratification or approval, without which the agreement (a treaty that modifies previous laws, including the law on territorial jurisdiction for penal matters and the ICC ratification bill) will not enter into force.
3. Members of Parliament shall take all opportunities to question their Governments on their position towards the renewal of Resolution 1422 (2003), the effects of which will expire on 1 July 2003, and request to develop strategies at the national, regional and international level to prevent the renewal for another year of Resolution 1422.
4. Parliamentarians shall endeavour to foster dialogue, including through official parliamentary channels, to safeguard the integrity and the credibility of the ICC.
5. Members of Parliament shall avail themselves of the opportunity to be informed about the agenda of the Assembly of States Parties.
6. Members of Parliament shall actively communicate with their own citizens in order to stimulate their awareness of international law in general, and the ICC in particular.
7. The PGA Secretariat will organise strategy meetings to assist in the implementation of the Ottawa plan of action.

Adopted in Ottawa, Canada, on 5 November 2002.

Acknowledgement

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