

**THE ROLE OF AUSTRALIA IN REALIZING AN EFFECTIVE INTERNATIONAL
CRIMINAL COURT (ICC)**

Hosted by the Parliament of Australia

Date: Wednesday 21st October 2015, 11am – 12pm
Venue: Parliament of Australia, Committee Room 1R1

Organized by the PGA Australia National Group

I. AGENDA

11:00am Introduction

Welcoming remarks by the host:

Hon. Melissa Parke, Member of the Parliament of Australia, *Member of PGA*

11:05am Panel discussion: The Role of Australia within the ICC and the 2016 Proposed Programme Budget of the ICC – a preview towards the ICC ASP 14th Session

Chair: **Hon. Melissa Parke**, *Member of PGA and Host*

Speakers: **Jonathan O'Donohue**, *Legal Adviser on International Justice, Amnesty International Australia, Team leader on Budget, Coalition for the ICC*

Dr. Greg French, *Assistant Secretary, International Legal Branch, Department of Foreign Affairs and Trade, Australia*

11:40am Open Discussion Among all participants

Summary of the Meeting by the Rapporteur and Concluding remarks

Hon. Teresa Gambaro MP, *Chair of the Joint Standing Committee on Foreign Affairs, Defense and Trade*

12:00pm End of the meeting

[Followed by a brief meeting of the PGA Australia National Group, all MPs are invited to join]

II. BACKGROUND AND OBJECTIVES

The overall objective of this meeting is to give Members and opportunity to familiarize themselves further with the work of the *International Criminal Court (ICC)* and its *Assembly of States Parties to the Rome Statute of the International Criminal Court (ASP)*, since Australia is a very important contributor to the International Criminal Court (ICC) and the fight against impunity for international crimes and has a leadership role in the Asia-Pacific region.

The ASP is the management oversight and legislative body of the ICC. It is composed of representatives of the States that have ratified and acceded to the Rome Statute. At its annual meeting, which is traditionally held towards the end of each year, the ASP approves the Proposed Programme Budget of the ICC for the upcoming calendar year. The upcoming fourteenth session of the ASP will take place in The Hague from 18 to 26 November 2015.

In the last couple of years the ICC has faced a gradually growing workload. As a result, each year the Court has requested an increase in its resources in order to finance its growing activities. So far, the ASP has always approved an ICC budget, which represented an increase in comparison with the budget for the previous year. Nevertheless, especially since the financial crisis of 2008 the budget increase approved by the ASP has been significantly lower than the increase requested by the Court.

At the moment the Court is in a transitional period with number of ongoing reforms, mainly the Revision project of the Registry and the revised Strategic Plan of the Office of the Prosecutor (OTP) 2016-2018. The OTP Strategic Plan has resulted in a need for an increase in the requested annual resources since 2014. In line with the estimates presented by the OTP as part of the Strategic Plan, the Court was urged to request an increase in resources for 2016. These resources are essential in order to enable the OTP to exhaust and improve its investigations and prosecutions, and thus increase the quality and efficiency of the Courts outputs. A significant reduction in the resources requested by the Court might negatively impact its activities and in turn the Court's credibility and its effectiveness in the fight against impunity.

In order to fulfill his mandate entrusted upon it by States Parties, namely to end impunity for the most serious crimes of concern to international community as a whole, the ICC must have sufficient resources to investigate and prosecute those most responsible for such atrocities. Investigations of such kind are costly even if they are immensely less expensive than security and military operations.

Moreover, the activities of the Court are inherently unpredictable as they depend on developments around the world and the Court must have flexibility to address such developments in a timely and effective manner. As a result, in addition to the approved Programme budget, the Court has at its disposal the Contingency Fund (€7.5 million), which can be used solely to finance unforeseen developments, which were not included in regular budget. It is of paramount importance that the Contingency Fund is not used to cover other costs, which are not directly related to the judicial activities of the Court, as for example the permanent premises project.

The specific objective of the meeting is to inform the MPs about the budgetary process of the ICC and the importance of providing the Court with the resources it needs in order to fulfill its mandate. The discussion will focus on the request for resources made by the Court in its 2016 Proposed Programme Budget and the justifications for the increase contained therein so that MPs have an opportunity to take an informed decision

on the position their government shall hold and question government representatives on their position towards the growth of the budget of the ICC.

III. EXPECTED RESULTS

The meeting will seek to reach the following results:

1. Increased knowledge and understanding of the ICC activities and its current and forecasted workload;
2. Inform MPs on the problems faced with witness and victims protection and relocation and how Australia plays an important role in this;
3. Encourage Australia's leadership role in promoting the fight against impunity in the Asia-Pacific Region
4. Enhanced and understanding of the ICC budget, which reflects the financial needs of the ICC required in order to enable the Court to fulfil its mandate;
5. Provide an opportunity for the MPs to pose a question or table a motion in the Parliament, asking the government representatives before the upcoming ICC Assembly of States Parties about their position on the 2016 Proposed Programme Budget of the ICC and the increase in the resources requested by the Court.

MISSION STATEMENT OF PGA

VISION

To contribute to the creation of a rules-based international order for a more equitable, safe and democratic world.

MISSION

PGA, a non-profit, non-partisan international network of committed legislators, informs and mobilizes parliamentarians in all regions of the world to advocate for human rights and the rule of law, democracy, human security, non-discrimination and gender equality.

STRATEGY

PGA brings together parliamentarians with key stakeholders, including civil society and international organizations, across sectors; equips legislators with relevant knowledge and expertise; and achieves immediate impact and longer-term national implementation on programs and initiatives in support of the mission.

For more information regarding the programme, format and goals of the Strategy Meetings, please contact Ms. Leyla Nikjou, PGA Senior Programme Officer ILHR Programme, T. +1.212.687.7755 (ext. 104) leyla.nikjou@pgaction.org