



Parliamentarians for Global Action  
Parlamentarios para la Acción Global  
Action Mondiale des Parlementaires  
برلمانيون من أجل التحرك العالمي

**10<sup>th</sup> CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS ON  
THE INTERNATIONAL CRIMINAL COURT AND THE RULE OF LAW (CAP-ICC)  
&  
40th Annual Forum of Parliamentarians for Global Action (PGA)  
Kyiv, Ukraine  
16-17 November 2018**

**Opening remarks Ms. Margareta Cederfelt, MP, (Sweden), President of PGA**

*Representative of the Speaker of Ukraine,*

*President of the Assembly of States Parties to the Rome Statute and Vice-President of the ICC,*

*Prosecutor General of Ukraine,*

*Ambassador of the European Union,*

*Hon. Nemyria and Honourable colleagues from Ukraine and from all regions of the world,*

*Dear representatives of civil society, international organizations, academia and media:*

I am delighted to be here today in the Parliament of Ukraine to celebrate the 10th Consultative Assembly of Parliamentarians for the International Criminal Court and the Rule of Law (CAP-ICC) and 20<sup>th</sup> Anniversary of the Rome Statute. The CAP ICC is the largest gathering of legislators supporting international & domestic justice for international crimes and the Rule of Law. PGA launched the first CAP-ICC in Ottawa, Canada, at the end of 2002, the year in which the Rome Statute entered into force with the ratification of 66 States. Now we have 123 States Parties, and in 77 out of these 123 countries PGA Members played a leading role in the process towards ratification. We really hope that the same will happen in this wonderful country of Ukraine very soon.

On behalf of PGA, allow me to express my gratitude to the Parliament of Ukraine, the Organizing Committee of PGA's Consultative Assembly and the donors and partners of PGA, including the European Commission, for making possible this 10<sup>th</sup> session in Kyiv.

PGA, the largest non-governmental, multi-party international network of individual legislators with approximately 1,350 members in 142 parliaments, informs and mobilizes Parliamentarians in all regions of the world to advocate for human rights and the Rule of Law, democracy, human security, inclusion and gender equality. This global network of parliamentarians acting in their individual capacity is supported by a PGA National Group structure in parliaments, which creates sustainability and ownership of issues at the national level, and by a Secretariat with relevant expertise. PGA is in general consultative status with the Economic and Social Council of the United Nations with headquarters in New York; its office in The Hague, Netherlands fosters cooperation with The Hague-based International Organizations, including the ICC.

By using a peer-to-peer methodology and country-specific strategies, the PGA Secretariat and leading members work together to educate, sensitize, build the technical capacity and strengthen the political will of parliamentarians in order to take ownership, concrete initiatives and legislative actions to achieve results on PGA's campaigns. These are:

- Universality and Effectiveness of the Rome Statute system of the International Criminal Court
- Universality and Implementation of the Biological and Toxin Weapons Convention and Implementation of UN Security Council Resolution 1540
- Addressing the Illicit Trade in Small Arms and Light Weapons and Improved Regulation of the International Arms Trade to Prevent Human Rights Abuses
- Ending Child, Early and Forced Marriage
- Ending Discrimination based on Sexual Orientation and Gender Identity
- Abolition of the Death Penalty
- Protection of the Oceans and Implementation of SDG 14 (to conserve and sustainably use the oceans, seas and marine resources)
- And a new campaign on Democratic Renewal and Human Rights

PGA's Parliamentary Campaign for the Effectiveness and Universality of the Rome Statute of the ICC System strives for the universalization of the Statute and the effective operation of the ICC as well as the exercise of national jurisdiction to fight impunity and seek justice for victims of the most serious international crimes.

The Rome Statute of the ICC was adopted on 17 July 1998, after a decade of advocacy by PGA Members since the UN General Assembly of 1989. The Statute created the first permanent system of international and domestic justice for international crimes, in which States shall exercise *primary* jurisdiction on atrocity-crimes while the ICC must act as a *complementary* "Court of last resort" when States are "unwilling or unable" to genuinely fight impunity. Given that the ICC may exercise its automatic jurisdiction only on the basis of the principles of territoriality and active personality, the ICC does *not* have universal jurisdiction and it depends on the consent of the territorial State or the State of nationality of alleged perpetrators: Such a consent is manifested for good when a State joins the Statute. Therefore, only when the Rome Statute will have universal ratification and acceptance, the jurisdiction of the ICC, combined with the one of States, will be truly universal – i.e. without territorial loopholes – and effective.

**It must be stressed that the Rome Statute reaffirms all the *general principles of law* affirmed in Nuremberg in 1945/1946, which the UN General Assembly validated as constituting part of customary International Law in its first session of 1946 through a unanimously adopted Resolution. Among such *principles*, we must hereby stress the importance of the irrelevance of official capacity of the perpetrator: Therefore, if the ICC issues a valid arrest warrant, *no immunity* can bar the investigation, prosecution, arrest and adjudication of a sitting Head of State, a Parliamentarian or any other official who would be normally protected by State or personal immunities. Committing genocide, crimes against humanity, war crimes or the crime of aggression cannot be condoned if it is an act of State, as we learned for the tragedies of the World Wars of the past century. This is the understanding that PGA has of the fundamental principles of International Law that gave birth to the Nuremberg principles and the Rome Statute.**

As of *October 2018*, the different initiatives and activities of PGA members have contributed directly to 77 of the 123 ratifications/accessions to the Rome Statute of the ICC.

Given that the Rome Statute is not a “self-executing” treaty and it depends on the efficient and effective cooperation by sovereign States, PGA actively engages parliamentarians and relevant stakeholders in the preparation, consideration and adoption of implementing legislation to ensure the effectiveness of national jurisdictions in their collaborative relations with the ICC and in the application of the principle of complementarity. In addition, PGA participates in international efforts to increase support for the Rome Statute system and the Court, in particular to secure better cooperation from States in enforcing outstanding ICC arrest warrants. As of *October 2018*, PGA Members have contributed directly to the decision-making and drafting processes that led to the enactment of approximately 36 legislative packages on domestic implementation, including both the provisions on complementarity and cooperation with the ICC. PGA has also made significant contributions to the conclusion of Ad Hoc agreements with the Court, the ratification of the Agreement on Privileges and Immunities of the Court.

**Let me be clear:** impunity for perpetrators of genocide, crimes against humanity, war crimes and the crime of aggression only serves to increase the likelihood of the commission of new atrocities.

We, as Parliamentarians have a duty to play a critical role for the universality and effectiveness of the Rome Statute system, as well as for building and strengthening the Rule of Law, and enhancing victims’ access to justice, truth and reparations.

We must always remember the promise we made after the Second World War: “***Never again***” to genocide, crimes against humanity, war crimes and the crime of aggression with impunity.

We have an individual and collective commitment, as Legislators in our respective States and as citizens of the PGA family, to make sure that the promise made at Nuremberg is honored.

This will be our contribution to fulfilling PGA’s vision, namely “*to contribute to the creation of a rules-based international order for a more equitable, safe and democratic world.*”

Thank you very much for your attention and I wish you a very productive meeting.