

OBJECTIVE

The **Rome Statute of the International Criminal Court (ICC)** protects not only civilian population during armed conflict but also, through the jurisdiction over crimes against humanity, from crimes committed in a widespread or systematic manner during peace-time. Moreover, civilian populations are protected from attacks by other nation-states through the deterrent effect stemming from the prohibition of the crime of aggression (Art. 5 and Art. 8 bis of to the Rome Statute).

The universality of the ICC is the main prerequisite to achieving lasting effectiveness and global deterrence against the repetition of the most serious crimes of international concern, genocide, crimes against humanity, war crimes and the crime of aggression, which shall not be left unpunished.

While emphasizing the vital importance of the ICC in the international system for the rule of law, as the only permanent international criminal jurisdiction with a mandate to address impunity for international crimes, this Roundtable will have the following objectives:

1. **Analyse the main issues** directly and indirectly **hindering the accession** of Pacific Islands States to the Rome Statute system in the Asia-Pacific region and propose ways to overcome them.
2. **Review current implementation processes** of the Rome Statute in Vanuatu, with the purpose of identifying the most effective means to moving these respective processes forward.
3. **Sensitization** of the members of the Parliament of Vanuatu and selected members of the Parliament of Kiribati, Tuvalu, Tonga, Solomon Islands and other countries of the region, on the Rome Statute accession and domestic implementation.
4. **Identifying, addressing and overcoming existing fears and potential obstacles** towards accession and effective implementation of the Rome Statute, as well as concerns that may lead to the postponement of the ICC Dossier, through:
 - o Information and sharing of experiences towards the ratification and implementation of the Rome Statute by ICC officials, and
 - o Discussion on how ratifying the Rome Statute can help to sustain peace and stability in the region and address the global environmental crisis.
5. **Increase the level of general knowledge, understanding and support** for the work of the ICC and the impact of the "Rome Statute system" on international relations and the domestic and international Rule of Law

6. **Identify the main benefits of joining the ICC and analyse the Court's relevance for Pacific Island States:** awareness of the protective and deterrent effect of the Rome Statute, international networking and career opportunities offered by the ICC; understanding how States Parties can contribute to shaping the future of international criminal law, including through opportunities to raise the particular challenges faced by Small Pacific Islands, including those related to oceans and climate, at the Assembly of States Parties, the ICC's legislative body.

PARTICIPANTS

The Roundtable will benefit from high-level participation, consisting of:

- i) Representatives of the Legislative and/or Executive Power of Fiji, Kiribati, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.
- ii) Representatives of the ICC.
- iii) Experts, academics and members of civil society.

LEGAL & FACTUAL BACKGROUND

+ The Rome Statute of the International Criminal Court (ICC) was adopted on 17 July 1998 and entered into force on 1 July 2002. As of today, [122 States \[1\] ratified or acceded to the Rome Statute](#), and approximately 78 States worldwide have implemented its provisions in National Law. PGA Members made direct contributions to the ratification by 76 of current States Parties and played a proactive role in the national implementing legislation processes of 37 States.

+ The institutional legal framework governing the relations between the African, Caribbean and Pacific Community (ACP) and the European Union (EU) has supported the universality and effectiveness of the Rome Statute system to end impunity for the most serious international crimes: The importance of the ICC as a mechanism for peace and international justice has been reflected by ACP and EU States in the Preamble and in Article 11.7 of the [revised Cotonou Agreement of 2005 and 2010](#), which entails the commitment to fight impunity for mass atrocity crimes through the ratification and implementation of the Rome Statute.

[1] That remain legally valid up to date

+ Of the 16 independent and self-governing states that comprise the Pacific Islands Forum (PIF), **eight are States parties to the Rome Statute**, namely Australia, the Cook Islands (a State in free association with New Zealand), Fiji, the Marshall Islands, Nauru, New Zealand, Samoa, and Vanuatu. The remaining eight, namely Kiribati, Micronesia, Niue (a State in free association with New Zealand), Palau, Papua New Guinea, The Solomon Islands, Tonga, and Tuvalu are not parties to the Rome Statute of the ICC. Apart from Australia and New Zealand, all PIF member states are members of the African, Caribbean and Pacific Community (ACP) and signatories of the revised Cotonou Agreement with the European Union (EU).

+ Out of the eight States Parties to the Rome Statute, **only three are considered to have effectively implemented the provisions of the Rome State on complementarity and cooperation with the International Criminal Court.**