



Parliamentarians for Global Action

REPORT ON PGA JAPAN STUDY SESSION ON THE INTERNATIONAL CRIMINAL COURT THE NATIONAL DIET OF JAPAN, TOKYO 25 MARCH 2002

On 25 March 2002, PGA Japan hosted a *Study Session on the International Criminal Court* for the purpose of raising awareness and political support for the Rome Statute. All PGA Japan members – a total of 57 Members of Parliament from both majority and opposition – as well as others interested in the ICC were invited to the event. Due to the busy parliamentary schedule, only five parliamentarians were able to attend personally. Another seven MPs sent their personal advisers to the event.

Three brief presentations were made before the floor was opened for discussion:

(1) In view of Spain's current presidency of the European Union, Spain's Ambassador to Japan, **HE Juan Leña** presented the June 2001 EU Council's Agenda, as well as other EU initiatives currently being undertaken. The Ambassador was pleased to announce that later that same day he would be meeting on behalf of the European Union with Japan's Ministry of Foreign Affairs, encouraging Japan to expedite the ICC accession process. The Ambassador highlighted the good relations enjoyed by Japan and the EU and his wish to see this spirit of friendship reflected in their views on the ICC.

(2) **Mr. Hidehisa Horinouchi**, Director of the Legal Affairs Division, Treaties Bureau of the Ministry of Foreign Affairs, explained Japan's position on the Court. Japan indeed views the ICC as a monumental international mechanism to investigate and prosecute perpetrators of violations of international law. Progress towards accession has been obstructed by the need to criminalize the conducts enumerated under the Rome Statute. At present, war crimes, genocide, and crimes against humanity have not been criminalized in Japan and this would need to occur prior to accession. Mr. Horinouchi announced that the Ministry intends to initiate the inter-ministerial task of drafting legislation but did not indicate when this would be completed and subsequently sent to the Diet (Parliament) for consideration and approval. He explained that the criminalization and accession process will be a laborious task, though one that Japan is determined to complete.

(3) Lastly, PGA Secretariat presented on the status of worldwide ratifications, i.e. that the crucial number of 60 ratifications would be reached in early April and the implications of this important feat on entry into force and the first session of the Assembly of States Parties. PGA highlighted the benefits of prompt accession and how Japan would miss out on the opportunity to participate fully at the first sessions of the ASP where important decisions regarding the ICC will be made. Finally, PGA proposed follow-up work that could be hosted by PGA Japan in the future, namely a two-day conference – regional or national in scope – for MPs and other key decision-makers to discuss in greater depth ICC ratification and the imminent establishment of the Court.

The discussion that followed the presentations indicated that MPs found the study session very informative, especially given that information to the Diet has been limited. MPs seemed particularly interested in the ICC/counter-terrorism link in light of the attacks of September 11th. They also expressed interest in seeing Japan as a leader on the ICC for the Pacific Asia region through participation at the ASP and the presence of a Japanese judge on the ICC bench. Some MPs wondered if the Ministry had a timetable for completing the process. Mr. Horinouchi explained that though acceding to the Rome Statute is a priority, it is not the only priority of the Ministry. Consequently, he estimates that Japan would become a State Party within one or two years' time.

FOLLOW UP ACTION

To facilitate and hopefully expedite the process in Japan, PGA is committed to conduct follow up work. A report of the ICC study session will be prepared in Japanese and sent to all PGA Japan members. PGA has also contacted Amnesty International-Japan Section to ensure that documents about the ICC in Japanese are available to members of the Diet. Indeed, lack of information in Japanese has presented many difficulties. Lastly, PGA will assess the value of organizing a larger national or regional conference on the Court, as was proposed at the study session.

It seems clear that things have moved forward within the Japanese Government, but the lack of a deadline for the work of the Executive caused by the fact that the ICC is not perceived as a 'priority matter' requires continued political action from decision-makers, civil society groups and citizens. In this respect, some members of the PGA Japan National Group¹ - which already hosted an ICC briefing in mid-2000 - are advocating with majority and minority forces in Japan the need to finally discuss in Parliament the ICC Dossier, thus allowing Japan to join the Rome Statute and enact effective implementing legislation.

¹ Members of PGA Japan hold leadership position in the International Relations Committee of the Senate and important positions in the Lower House. Additional information on the initiatives of PGA Japan is available at the PGA Secretariat in New York (Juan Kim, Programme Associate, International Law & Human Rights).