



parliamentarians for GLOBAL ACTION

SEPTEMBER 2002

ROME STATUTE ENTERS INTO FORCE: FIRST PERMANENT INTERNATIONAL CRIMINAL COURT

FINALLY A REALITY!

THE ROME STATUTE OF THE ICC ENTERED INTO FORCE ON 1 JULY 2002, CREATING, FOR THE FIRST TIME EVER, AN INTERNATIONAL CRIMINAL COURT WITH JURISDICTION OVER THE WORLD'S MOST HEINOUS CRIMES. TO DATE, 81 COUNTRIES HAVE RATIFIED THE ROME STATUTE, WELL SURPASSING THE 60 NECESSARY FOR THE ICC TO BECOME A REALITY. PGA HAS BEEN AT THE FOREFRONT IN THE ESTABLISHMENT OF THE COURT FROM THE VERY BEGINNING. THERE REMAINS MUCH WORK TO BE DONE TO MAKE THE ICC TRULY UNIVERSAL AND FULLY OPERATIONAL. BUT FOR THE MOMENT, LET US REJOICE! CONGRATULATIONS!

story on page 3



PGA INFORMAL BRIEFING WITH THE SECURITY COUNCIL, G-77, UN COMMITTEE FOR PGA AND UN OFFICIALS, May 2002, United Nations HQ
Amb. John Hirsch, International Peace Academy, **Ms. Margaret Vogt**, DPA, **Amb. Pierre Schori** (Sweden), **Hon. Chief Mao Ohuabunwa**, MP, ECOWAS Parliament (Nigeria)

story on page 12



PGA at WSSD: PGA WORKSHOP ON CLEAN AIR AND CLEAN WATER, Johannesburg, South Africa, August 2002
Dr. Manto E. Tshabalala-Msimang, Minister of Health (South Africa), **Rep. Dennis Kucinich**, USA Deputy Convenor, Sustainable Development and Population Program, PGA, **Hon. Theresa Ameley Tagoe**, Deputy Minister of Works and Housing, MP (Ghana), Convenor, Sustainable Development and Population Program, PGA

ALSO IN THIS ISSUE

U.N. Security Council Resolution 1422: the integrity of the U.N. Charter in jeopardy

PGA Informal Briefing with the Security Council, G-77, United Nations Committee for PGA and UN Officials on Strengthening United Nations Peace Operations

Francophone Seminar on Ratification and Implementation of the Rome Statute

PGA at the WSSD: Workshop on Clean Air and Clean Water, Johannesburg, South Africa

Over 130 MPs Gather in Madrid to Promote the ICC!



U.N. SECURITY COUNCIL RESOLUTION 1422: THE INTEGRITY OF THE U.N. CHARTER IN JEOPARDY

On 12 July 2002, just a few days after the historic entry into force of the Rome Statute, the U.N. Security Council adopted a resolution that provides U.N. peacekeeping personnel from countries that have not ratified the Rome Statute with a one-year stay from investigation or prosecution by the International Criminal Court (ICC). The adoption of SC Resolution 1422 followed weeks of tense negotiations that saw the United States exercise its veto to prevent the renewal of peacekeeping efforts in Bosnia and Herzegovina, after failing to convince Council members to grant American service members blanket immunity from prosecution by the ICC for genocide, war crimes and crimes against humanity. Regrettably, the U.S. remains unconvinced by the various safeguards incorporated into the Rome Statute - safeguards that have convinced most U.S. allies to join the ICC - and thus pursues actions (e.g. passage of the American Servicemembers Protection Act, the global campaign to obtain bilateral Article 98 agreements, etc.) that may prevent the nascent Court from fulfilling its purpose.

SC Resolution 1422 is a partial rejection of the U.S. government's initial demand for blanket immunity from the Court's proceedings. Nevertheless, it does provide a generalized preventive exemption from prosecution, violating the spirit of Article 16 of the Rome Statute, designed to be used by the Council only on a case-by-case basis under a Chapter VII resolution. Further, though Resolution 1422 only authorizes a one-year stay from prosecution - and not the perpetual immunity that the U.S. Government originally sought - the resolution also expresses the Council's intention to renew the resolution indefinitely, making it, de facto, a perpetual suspension and placing peacekeepers from non-State Parties above the law. The U.N. community firmly opposed

Resolution 1422. General Assembly members, such as Germany and Belgium, stated that the resolution is inconsistent with Article 16 of the Rome Statute. Others also cautioned that the potentially negative consequences of Resolution 1422 might go beyond the ICC - they may imperil the integrity of the U.N. Charter itself! Canada, Brazil, New Zealand and South Africa, expressed their belief that the resolution violates the U.N. Charter because Chapter VII requires the pre-existence of a threat to the peace, breach of the peace or an act of aggression before the Council can take such action. At an open session of the Council on July 10th, Prince Zeid Al-Hussein, Ambassador of Jordan to the U.N., asked in disbelief, "How could the Security Council adopt a Chapter VII resolution on the Court, when the latter cannot by any stretch of the imagination, be considered a threat to international peace and security?"

"Parliamentarians from around the world share the concerns voiced by General Assembly states since Resolution 1422 was adopted," said Senator A. Raynell Andreychuk (Canada), convenor of PGA's International Law and Human Rights Program. "The Council's actions could be detrimental not only to the ICC and international law but more importantly to the Council's own legitimacy as it exceeded its mandate by unlawfully amending a multilateral treaty." PGA member, Rep. Dennis Kucinich (D-Ohio, USA), voiced such concern in a letter to Secretary of State Colin Powell in which he urged the administration "to reaffirm its commitment to peacekeeping in Bosnia-Herzegovina and to stop the current negotiations, which are both detrimental to the cause of justice and accountability as well as the credibility of the UN Security Council and its peace-keeping and peace-making efforts throughout the world". PGA members and other parliamentarians

from around the world now have a duty to discuss the implications of Resolution 1422 and join together to prevent its renewal. To facilitate such discussions, PGA members can work with the International Law and Human Rights Program to:

- {1} fully understand and disseminate information pertaining to the facts and consequences of Resolution 1422 on the ICC and the U.N. system;
- {2} encourage their parliaments to support their respective government in questioning the need, merit and legality of Resolution 1422; and
- {3} redouble their efforts to bring about the ratification and/or effective implementation of the Rome Statute in every country, thus promoting the universal nature of the ICC.

PGA launched a campaign for a permanent international criminal court back in 1989 when A.N.R. Robinson, former convenor of PGA's International Law program and then Prime Minister of Trinidad & Tobago, introduced the ICC in the U.N. General Assembly agenda. "Now, thirteen years later, parliamentarians remain committed to the fight against impunity and will work to preserve the integrity of the Rome Statute and that of the U.N. system," said Sen. Andreychuk. *

PGA INFORMAL BRIEFING WITH THE SECURITY COUNCIL, G-77, UNITED NATIONS COMMITTEE FOR PGA AND UN OFFICIALS ON UNITED NATIONS PEACE OPERATIONS -INTERNATIONAL PARLIAMENTARY INPUT



(l-r) **Amb. Stefan Tafrov** (Bulgaria), **Mr. Jean Marie Guehenno**, Under Secretary-General, DPKO, **Sir Kieran Prendergast**, Under Secretary-General, DPA, **Amb. Jeremy Greenstock** (UK), **Hon. Kenneth Dzirasah**, MP (Ghana), PGA President, **Amb. Kishore Mahbubani** (Singapore), **Ms. Shazia Rafi**, Secretary-General, PGA

The Report of the Panel of Experts on United Nations Peace Operations was commissioned by the Secretary-General in August of 2000 as the starting point for a proactive attempt to prepare the UN for future challenges by reflecting on past experiences. The report, along with successive United Nations resolutions and reports, spawned much dialogue and debate on the future shape of UN peace operations.

The international response to this report that became more widely known as Brahimi report has resulted in a general consensus that the role of national parliaments and parliamentarians is an increasingly important factor in the success of such operations, though it remains an area that is woefully understudied.

With the goal of filling this gap, Parliamentarians for Global Action (PGA) conducted a series of regional conferences to address issues related to the dynamics of parliamentary peacemaking. The focus of these series was to understand the unique role of national parliaments and parliamentarians in establishing an effective international regime of conflict prevention.

The regional Seminars on Strengthening United Nations Peace Operations: International Parliamentary Input, held between January and March 2002 in Accra (Ghana), Cairo (Egypt) and New Delhi (India) concluded with a meeting held on May 24, 2002 at the United Nations in New York. The New York meeting provided a venue for reflection and exchange of findings from each

regional seminar between the participants of each seminar, members of the Security Council, members of the Group of 77, as well as senior officials from Department of Political Affairs (DPA), Department of Peace-Keeping Operations (DPKO), UN Development Programme (UNDP), UN Population Fund (UNFPA), UNICEF, and Office of the High Commission for Human Rights (OHCHR), and the International Labour Organization (ILO). Participating PGA members sought to elicit opinions from the UN on ways to move the debate forward.

During the first session of the daylong event held, chaired by H.E. Mr. Kishore Mahbubani, Ambassador of the Republic of Singapore to the United Nations, H.E. Mr. Jeremy Greenstock, Ambassador of the United

Kingdom to the UN commended PGA initiative and expressed the full support of his country's government towards the projects of similar nature. With parliamentarians providing the necessary linkage between the U.N. agencies, individual governments and the public, "these conferences are the most effective way of getting information about the U.N. to the regions, while receiving valuable information from each region," he explained.

In response to the substantive briefings on the regional seminars provided by PGA President Hon. Kenneth Dzirasah, MP (Ghana), Dr. Amin Mobarak, MP (Egypt) and Dr. Margaret Alva, MP (India), Sir Kieran Prendergast, Under-Secretary General, DPI pointed out that although the Brahimi Report recommended a regime of structural versus



(l-r) **Mr. Chico Francisco**, MP (Mozambique), **Amb. Aldo Ajello**, Special Representative of the EU for the Great Lakes Region, **Amb. Pierre Schori** (Sweden), **Hon. Kenneth Dzirasah**, MP (Ghana), PGA President, **Dep. Molle Molle**, MP (Côte d'Ivoire)



operational prevention, concerns about intrusiveness, questions of sovereignty, and states not wanting their conflicts internationalized all inhibit preventive action from being the cornerstone of UN policy. In his turn, Mr. Jean-Marie Guéhenno, Under-Secretary General, DPKO stressed that peacekeeping missions as they require substantial financial resources and carry various risks, need the full support of the people and parliamentarians. He lamented that aside for a few cases of the U.K. troops going into Sierra Leone, and Canadian and European peacemakers participating in missions to Eritrea and Ethiopia, most peacekeeping troops come from the developing world.

During the second section of the conference, involving the Group of 77 and United Nations Committee for PGA, Hon. Mollé Mollé, Deputy Speaker (Côte d'Ivoire) and a PGA member, stressed out that PGA parliamentary missions to his country, held 2001-2002 were a prime example of the power of preventive diplomacy. PGA member Hon. Chico Francisco, MP (Mozambique) reflected on the reasons for success in Mozambique's peace process that led to a ten-year anniversary of the country's peace agreement.

During the panel on The Role of Parliamentarians in ECOWAS/United Nations Relations - Implementation of the Report of the Panel on United Nations Peace Operations Chairman of the Foreign Affairs Committee of the ECOWAS Parliament, Hon. Chief Mao Ohuabunwa, MP (Nigeria) stressed the role of parliamentarians in legitimization of peacekeeping efforts. Dr. Margaret Vogt, DPA has also emphasized the value of the progressive relationship between ECOWAS Parliament and the U.N. that is particularly effective in the development of peace and security. She also stressed out the role of the regional organizations, such as the ECOWAS Parliament in providing the venue for the civil society to express concerns.



Ms. Beatrice Kiraso, MP (Uganda), Mr. Tony Worthington, MP (UK),
Sen. John Connor (Ireland)

(l-r) **Hon. Amin Mobarak**, MP (Egypt), **Dr. Margaret Alva**, MP (India), **Sen. Marcelo Lopez Arias** (Argentina), **Dep. Molle Molle**, MP (Côte d'Ivoire), **Ms. Elsa Papadimitriou**, MP (Greece), **Mr. Kapil Sibal**, MP (India), **Mr. Boris Dittrich**, MP (The Netherlands)

(l-r) **Hon. Amin Mobarak**, MP (Egypt), **Dr. Margaret Alva**, MP (India), **Sen. Marcelo Lopez Arias** (Argentina), **Dr. Louis Phillipe Tsitsol-Meke**, MP (Cameroon)

participants. The importance of cross national collaborations between MP's, especially on issues related to peace has been numerously asserted during the discussion. Mr. Salman Ahmed, DPKO, provided valuable input from the UN perspective. As the interaction between academic institutions and practitioners, exemplified by this joint project between PGA and Columbia University, are important in strengthening conflict prevention, Professor Andrea Bartoli, Director, Center for International Conflict Resolution, Columbia University commended PGA for playing a role in cross-fertilization of ideas.

The importance of the convocation of the International Criminal Court (ICC) to peace-keeping operations has received a special attention in the presentation of H.E. Mr. Atoki Ileka's, Ambassador of the Democratic Republic of Congo (DRC) to the UN. He has emphasized the importance of the internal legislation in harmonizing the vision of the ICC, for which parliamentarians have been important in pushing this important process forward. During the panel on Strengthening UN/Parliamentary Peacemaking, PGA members Mr. Boris Dittrich, MP (The

However, parliamentarians are at the heart of many conflicts in Africa, asserted H.E. Mr. Teniola Olsegun Apat, Deputy Permanent Representatives of Nigeria to the UN during the subsequent discussion. Violence is a result of competition for political power, and there is a need to establish concrete rules for political competition. Ms. Beatrice Kiraso, MP (Uganda), reflected on the role of resources in conflict situations.

The Interactive panel discussion with members of the Security Council, Member Representatives of the Group of 77, the United Nations Committee for PGA, senior UN officials and PGA member parliamentarians has garnered feedback on the issue of parliamentary involvement in peace operations from the



Amb. Atoki Ileka (Democratic Republic of Congo), **Amb. Daudi Mwakawago** (Tanzania), **Dr. Andrea Bartoli**, Columbia University.

Netherlands) offered an overview of his country's participation in several UN peace operations, especially its role in Srebrenica massacre.

The presentations elicited a lively discussion. H.E. Mr. Koumtog Laotegguelnodji, Ambassador of Chad, posited that many African conflicts stem from ethnic divisions and the oppression of all opposition parties that result from the traditional politics focused on developing consensus. Other ways to bring

about justice beyond the court system were also presented. As it is unrealistic to expect that all perpetrators will be tried, and victims may not be helped by the court process, as vividly exemplified by the example of Sierra Leone, the need for the court system and a Truth And Reconciliation Commission working together has become increasingly clear, stressed the participants.

An assessment report on the UN mission to Bosnia released by the Secretary General in 1999, asserted that the UN has failed in many ways during this mission, but the real responsibility was with those who carried out the massacres and they have not yet been brought to justice, noted Mr. Salman Ahmed, DPKO. Furthermore, he continued, the policy of safe heavens, as in the case of Srebrenica, has no precedent in international law and creates expectations that often cannot be met. Parliamentarians can help to promote such novel strategies by providing political and economic support.

Mr. O'Flaherty, OHCHR, has also hailed PGA for its success in promoting the ICC, as half of the states ratifications have been attributed to the PGA's intervention. He stressed that the ICC will have the power to receive reports from governments or individuals on crimes against humanity and genocide and yet remain highly selective due to its mandate to deal exclusively with these crimes. He also pinpointed that those states of Latin America, Asia, West Africa and the European Union that have ratified the Rome Treaty have a great strategic leverage as well as interest in issues related to international law. Other participants stressed the importance of the need to foster accountability in governments. They noted



**Hon. Theresa Tagoe, MP (Ghana), Dr. Moises Kamabaya, MP (Angola),
Dr. Almerindo Jaka Jamba, MP, (Angola)**



**Mr. Salman Ahmed, DPKO, Ms. Ameerah Haq,
Deputy-Director, UNDP**



Mr. Karl Goran-Biorsmark, MP (Sweden), Dr. Maj-Britt Theorin, MEP (Sweden), Mr. Paul Keetch, MP (UK)

that these conference series would do much to move forward this debate and provide the information necessary for progress.

The meeting has been generally acknowledged as a great success. In follow-up to the event H.E. Patricia Durrant, Ambassador of Jamaica to the United Nations wrote, "All of us who participated benefited from the discussions and certainly better appreciated how parliamentarians can further assist the United Nations in carrying out its Charter obligations." *

FRANCOPHONE SEMINAR ON RATIFICATION AND IMPLEMENTATION OF THE ROME STATUTE

As part of its ICC Campaign for ratification and implementation of the Rome Statute, Parliamentarians for Global Action (PGA), in collaboration with L'Agence Intergouvernementale de la Francophonie (AIF), organized a Seminar, targeting 10 Francophone countries from the Indian Ocean (Comoros, Madagascar, Mauritius and Seychelles), Central-Eastern Africa (Burundi, Rwanda and Djibouti) and North Africa (Egypt, Tunisia and Morocco) that took place in Mauritius on 27-29 May 2002. As AIF secured the participation of the governmental representatives, including Ministers of Justice, and PGA invited parliamentary delegations, the current absence of parliamentary institutions in Comoros and Madagascar, and concerns relating to the National Assembly of Djibouti limited PGA invitations to MPs from the remaining 7 countries.

As in the case of other PGA ICC Campaign initiatives, this Seminar aimed to build political leadership in favor of the ICC and facilitate the processes of ratification and implementation of the Rome Statute. The success of this conference was ensured by the partnership with AIF, the dedication of both the Ministry of Justice and the National Assembly of Mauritius who jointly hosted the event, the contributions of the governments of Canada and France, as well as the sponsorship of the European Commission, which supports PGA's ICC Campaign financially, allowing adequate programming of PGA initiatives in promoting international justice and the fight against impunity.

The opening session, extensively covered by Mauritius national media, saw the participation of an impressive number of local legislators and the inspired interventions of the Hon. Speaker of Mauritius, Mr. Premnath Ramnath (PGA member) and of the Minister of Justice and Human Rights, Mr. Emmanuel J. Jeung Shing, who at the end of the Seminar decided



(l-r) **Mr. Pasterur Nzinahora**, Director of Judicial Cooperation, Agence Intergouvernementale de la Francophonie, **Mr. Abdi Ismael Hersi**, Secretary General, Ministry of Justice (Djibouti), **Minister Jean de Dieu Mucyo**, Minister of Justice and Institutional Relations (Rwanda), **Minister E.J. Jeung Shing**, QC, Minister of Justice and Human Rights (Mauritius), **Hon. S.E. M. Dr. Iskandar Ghattas**, Under-Secretary of State for Justice (Egypt), **Hon. Brahim Rachidi**, Deputy Speaker of national Assembly (Morocco), **Dr. David Donat-Cattin**, Senior Programme Officer, International Law & Human Rights Programme, PGA

to join the PGA network. In his address, Mr. Jeung Shing stressed that the new international rule of law must rest on a new understanding of the concept of national sovereignty: "The ICC is a landmark institution that reshapes these concepts on the basis of the need to protect the highest values of human dignity and human rights", he said.

Mr. Pasteur Nzinahora, director of Legal and Judicial cooperation at the AIF, shared with participants the policy decisions in support of the nascent ICC taken by the AIF since the Moncton Summit of 1999. Mr. Léopold Miburo, MP (Burundi), represented PGA and made a strong appeal for international criminal justice in countries in transition from war to democracy, taking his country, Burundi, as an example.

The Seminar continued with technical sessions



Hon. Premnath Ramnath, Speaker of the National Assembly (Mauritius)

on the obstacles to ratification; in fact, of the countries represented, only Mauritius had ratified the Rome Statute prior to the Seminar. While certain national “reports” brought little evidence of upcoming developments, as in the case of Egypt and Rwanda, delegations benefited from the presence of prominent experts such as Ambassador Philippe Kirsch (Canada) and Ms. Marie-Claire Gerardin (France) to further their understanding of the ICC and to

stituents as well as their fellow members of parliament.

In Seychelles, the new PGA members Mr. Shelton Jolicoeur, Deputy Speaker (majority) and Mr. Bernard Georges (opposition) agreed to launch a parliamentary initiative on the ICC, in order to address issues of constitutional compatibility that were mistakenly raised in a memo circulated by their government. In Djibouti, shortly after the Seminar, the



Dep. Leopold Miburo, MP (Burundi)



(l-r) **Dr. David Donat-Cattin**, Senior Programme Officer, International Law & Human Rights Programme, PGA, **Ms. Claire d'Urso**, Magistrat, Ministry of Justice (France), **Mr. Koffi Kumelio A. Afande**, TPIR-ICTR, **Mr. Pasterur Nzinahora**, Director of Judicial Cooperation, Agence Intergouvernementale de la Francophonie, **Amb. Philippe Kirsch**, Chair of the ICC PrepComm (Canada), **Hon. S.E. M. Dr Iskandar Ghattas**, Under-Secretary of State for Justice (Egypt), **Ms. Patricia Dunberry** (Canada), **Ms. Amrie-Claire Gerardin** (France), **Ms. Karin Zidelmal** (Belgium)

arrive at possible solutions to their current technical (legal and/or constitutional) or political obstacles to ratification of, or accession to, the Rome Statute.

In the Mauritius Declaration, participating parliamentarians agreed to work towards the ratification and implementation of the Rome Statute by encouraging the executive powers in their respective governments to engage in the process as soon as possible. Moreover, parliamentarians recognized the importance of maintaining international public support for the ICC and expressed their commitment to raise awareness on this issue among their con-

Secretary General of the Ministry of Justice, Mr. Abdi Ismael Hersi announced that the ICC dossier had re-appeared on the list of priorities for his government.

While many of the States represented at the Seminar face challenging technical, logistical and political obstacles to ratification and implementation of the Rome Statute, the Seminar contributed to bringing these issues to the forefront and enabled the participants to deepen their understanding of the ICC system and appreciate its potential to uphold international justice and protect human rights. *

PGA AT THE WORLD SUMMIT FOR SUSTAINABLE DEVELOPMENT JOHANNESBURG, SOUTH AFRICA

PARLIAMENTARIANS THINK GLOBALLY, ACT LOCALLY

Lawmakers from around the world meeting here as part of the World Summit on Sustainable Development urged their counterparts to develop concrete legislation at the national level to accomplish global goals embodied in the Johannesburg Action Plan and Agenda 21, the program agreed at the Rio Earth Summit 10 years ago. In parallel to the Summit Parliamentarians for Global Action in cooperation with the South African Ministry of Health and the South African Ministry of Water Affairs and Forestry have organised a two-day Parliamentary Workshop on Clean Air and Clean Water. Collaborating nongovernmental organizations included the IUCN, the Natural Resources Defense Council, the Waterkeeper Alliance, the Business Council for Sustainable Energy, the FTSE Group, and Innovest.

The workshop has resulted in a declaration

calling for effective national legislation to reduce air and water pollution. Workshop participants agreed that legislators everywhere can address global issues of energy consumption, water and sanitation by tackling pollution problems at home. Lack of political will and effective governance were acknowledged to be the main obstacles to successful implementa-



LAUNCH OF PARLIAMENTARY IMPLEMENTATION WATCH

Mr. Jacob Scherr, Natural Resources Defence Council, **Mr. Suresh Keswani**, Parliamentarian Network on the World Bank, **Mr. Mats Karlsson**, VP, External & UN Affairs, The World Bank, **Mr. Mark Malloch-Brown**, Administrator, UNDP

Dr. Amin Mobarak, MP (Egypt), **Mayor Jerry Brown**, Mayor of Oakland, California (USA), **Dr. Evelyn A. Mauss**, Senior Science Consultant, NRDC, **Dr. R.K Pachauri**, Director General of TATA Energy and Research Institute, Chair, UN Intergovernmental Panel on Climate Change, **Dr. Kobus Gaus**, MP (South Africa), **Ms. Fatima Hajaig**, MP (South Africa)



tion of laws governing pollution. "Science isn't lacking, just the political will," railed Mayor Jerry Brown of Oakland, California. The former California governor warned that advances won't be "generated by talk, but by confronting those doing the damage." Professor Koh Kheng Lian noted that Singapore's success in improving its air quality is due in part to "continuous political will" as Singapore has had just two prime ministers in the past 40 years. Professor Koh and several other workshop speakers are members of the IUCN Commission on Environmental Law (CEL).



Prof. Koh Kheng Lian, Director, APCEL, Faculty of Law, National University of Singapore, **Dip. Arnold Ricalde de Jager**, City of Mexico, **Hon. Mercy Almona-Isei**, MP (Nigeria)



Delegation of Iranian parliamentarians to the Workshop.



Congressman Jim Greenwood (USA), President, GLOBE International



Congressman George Miller, MP (USA)

Congressman Earl Blumenauer (USA), **Dr. Hoda Rezkanna**, MP (Egypt), **Dr. Grethel Aguilar**, Costa Rica; Member, IUCN Commission on Environmental Law, **Mr. Adolfo Taylhardat**, (Venezuela) VP of the Environment Committee of Parlamento Latinoamericano



Good governance emerged as an important theme in sustaining effective legislation. "Governance makes legislation work," said U.S. Congressman James Greenwood, a Pennsylvania Republican. "Legislators need to be partners in the process of creating international treaties," he said, and as they sometimes fail to understand the process of implementing international treaties, "legislators must use domestic legislation to ensure that treaties are implemented on a local level."

On the local level in Egypt, Dr. Hoda Rezkanna, MP (Egypt), noted that water access and quality problems are caused not only by "lack of law enforcement and insufficient information dissemination" but also by the "lack of institutional coordination." Successful implementation depends on "different components of government working collaboratively," noted Professor Mobane, a representative of the South African Ministry of Water Affairs and Forestry. He attributed the "collaborative work of various government departments" as key to South Africa's ability to combat a cholera epidemic that sickened more than 50,000 people in 2000 and 2001.



Hon. Gilbert Parent, Ambassador for the Environment and Sustainable Development (Canada), **Mr. Tony Colman**, MP (United Kingdom)

Chief Mercy Almona-Isei, Chair of Nigeria's House Committee on the Environment suggested that governments need to "focus on joint legislation profitable for their societies. Constant synergy between parliaments needs to exist for sufficient legislation to be in place." "The way forward will depend on strengthening existing policies and implementation and instituting regional agreements and cooperation," continued the discussion Dr. Rajendra Pachauri of India, chair of the Intergovernmental Panel on Climate Change and director general of the TATA Energy and Research Institute.

Elissavet Papadimitriou, MP, Greece, agreed with the need for regional cooperation in order to solve trans-boundary pollution problems. She said that Greece "alone cannot implement its obligations" to preserve the Evros River watershed and wetlands, which straddles the border between Greece and Turkey. "Where water systems are shared, contracting parties need joint implementation." Reporting on the

status of earlier negotiations between Greek and Turkish parliamentarians on this issue brokered by Parliamentarians for Global Action, Papademetriou stated that the conflict resolution process has "accelerated the pace of government in maximizing transparencies on environmental and water issues." The discussion has established the Evros as a "fully protected wetland, and created an unbreakable link between the two countries."

However, cooperative legislation is only the first step of the process cautioned Asya Manafova, MP, Azerbaijan. "International monitoring, as well as information exchanges are key to solving international pollution problems," she said, and noted that in the absence of joint regulation, Azerbaijan has not been able to maintain clean water quality in the Caspian Sea.



Ms. Elissavet Papadimitriou, MP (Greece), **Prof. Michael Kidd**, University of Natal, (South Africa); **Mr. John Scanlon**, Head, IUCN Environmental Law Programme



Ms. Asya Manafova, MP (Azerbaijan)



Ms. Hermine Nagdhalyan, MP (Armenia)



Prof. Antonio Benjamin, Environmental Public Prosecutor and Director, Law for a Green Planet Institute, Sao Paolo, Brazil



Mr. Bertrand Charrier, Executive Director, Green Cross International, **Ms. Margaret Catley-Carlson**, Chair, Global Water Partnership, **Ms. BP Sonjica**, MP (South Africa), Prof. Mobane, representative of Ministry of Water Affairs and Forestry (South Africa)

"Enforcement is just as important as legislation," declared Professor Antonio Benjamin, Associate Director of the Green Planet Institute in Sao Paolo, Brazil and a member of the UN Legal Expert Group on Environmental Crimes and the IUCN Commission on Environmental Law. Reflecting the summit's focus on multi-stakeholder partnerships, Professor Benjamin acknowledged the crucial need for cooperation among groups to create effective enforcement mechanisms. "Enforcement in the environmental context is now a combination of public and private actions, and it's hard to see where the role of the state begins and where the role of citizens,

NGOs and even corporations ends," the Brazilian professor noted. "There is no perfect system addressing air pollution or pollution of any type," Benjamin continued. "The best system is a non-system because you need a mix of instruments including market oriented approaches and powerful educational tools throughout civil society."

The engagement of civil society emerged as a vital element for success in combating pollution problems. Margaret Catley-Carlson, Chair of the Clean Water Partnership, noted that since "it costs a lot less to prevent water pollution than to clean it up afterwards, members of parliament need to help communities take initiative to learn how they can change patterns of consumption and learn to be partners in resource management." "Communities are often not consulted," said Yoshio Yatsu, Chair of the Asian Forum of Parliamentarians on Population and Development. "Community involvement needs to be the cornerstone of legislative and enforcement practices." Yatsu pointed to the fact that women, who are often household managers, are rarely asked for advice when governments consider water allocation

policies.

Underscoring the connection between conservation and public education, Dr. Grethel Aguilar, a Costa Rican environmental law specialist who is also a CEL member, noted that by paying the farmers not to cut down trees and maintain the remaining forests, her country "takes initiatives to encourage individuals to value their resources."

U.S. Congressman Earl Blumenauer, an Oregon Democrat who serves on the House Committee on International Relations, suggested that water agencies should include money in their budgets to develop components for a school curriculum to educate children. Regardless of which steps legislators take to implement globally negotiated agreements or initiatives between government, civil society and business groups, it is clear that, as Congressman Greenwood declared, "The key to saving human lives in no small part is in the hands of national legislators." *

OVER 130 MPs GATHER IN MADRID TO PROMOTE THE ICC!



THE INAUGURAL SESSION OF PGA CONFERENCE IN MADRID, SPAIN, June 2002

Amb. Juan Antonio Yáñez-Barnuevo García, ICC Ambassador (Spain), Mr. Jose Maria Michavila Nunez, Secretary of State for Justice (Spain), Sen. Alfredo Prada Presa, President of Madrid Conference (Spain), Sen. Marcelo Lopez Arias (Argentina), Mr. Manuel Cervero, Secretary General of the Senate (Spain)

On June 27-28, the Senate of Spain, with the collaboration of PGA, organized the "Euro-Iberoamerican Conference on the Ratification and Implementation of the Rome Statute of the International Criminal Court (ICC)." Over 130 members of parliament - representing 39 Latin American and European countries, as well as inter-parliamentary bodies - met in Madrid for the event, making this the largest parliamentary conference ever specifically on the ICC! About 30 PGA members, mostly from Latin America, made up the PGA delegation.

Held just a few days before the historic entry into force of the Rome Statute, the Madrid Conference was an occasion to celebrate the global achievements that have made the ICC a reality. Parliamentarians, however, also looked at the future and discussed the important work that lies ahead to make sure the Court is truly effective and universal. The entire conference was presided by Sen. Alfredo Prada Presa, First

Vice-President of the Senate of Spain, while PGA Executive Committee member Sen. Marcelo Lopez Arias, VP of the Senate, (Argentina) and International Council member Dip. Gabriel Ascencio, MP, (Chile) respectively opened and closed the Conference.

Each of the three discussion sessions was preceded by an expert presentation. Ambassador Juan Antonio Yáñez-Barnuevo, Spain's Ambassador for the ICC and a foremost authority on the subject, talked about the worldwide status of ratifications and the obstacles to reaching universality. Sen. José Antonio Viera-Gallo (Chile), President of the Human Rights Commission of the Parlatino (Latin American Parliament) who recently became a PGA member, presented the importance of sound implementation of the Rome Statute into national legal orders. Lastly, Dip. Felipe Michelinini (Uruguay) and On. Emma Bonino (MEP), both PGA members, discussed the role of parliamentarians in following and appropriately supporting the operations of the nascent Court.



THE CHILEAN DELEGATION TO THE CONFERENCE

Dip. Gabriele Ascencio, Amb. Mariano Fernandez Amunategui, Ambassador to Spain, Sen. Jose Antonio Viera-Gallo



DISCUSSING THE ROLE OF MPS IN PROMOTING THE ICC

Amb. Juan Antonio Yáñez-Barnuevo García, ICC Ambassador (Spain), Hon. Emma Bonino, MEP (Italy), Sen. Alfredo Prada Presa, President of the Conference (Spain), Dip. Felipe Michelini (Uruguay), Mr. Manuel Caverro, Secretary General of the Senate (Spain)

The conference gave participants the opportunity to celebrate a number of landmark achievements, notably a surge of ratifications as countries tried to meet the July 2nd deadline for full participation in the first session of Assembly of States Parties. The Uruguayan delegation - comprised of PGA members Dip. Michelini, Dip. Felix Laviña and Sen. Juan Adolfo Singer - announced the ratification of its country, in which parliamentarians led a decision-making process that was not promoted by the Executive. So did Sen. Guido Camacho of Bolivia, who worked tirelessly on the ratification bill. Namibia's ratification was also announced during the conference, one year after the PGA Windhoek Conference.

Be that as it may, there was also room for sadness, alarm and caution. The Colombian delegation, comprised of various PGA members from both the Senate and House of Representatives, regretted the country's tragic

conflict and expressed their hope that the ICC may help bring peace. Participants were particularly alarmed by the negative actions of the U.S. Government and called for an intensified peer-to-peer dialogue with American counterparts to reach a common understanding. Lastly, parliamentarians warned that though the Rome Statute has entered into force, much work remains to be done for the Court to be truly effective: universal ratification, implementing legislation, the election of judges and the prosecutor, and financial and political support for the Court were discussed among others.

In this last context, PGA's 24th Annual Parliamentary Forum for 2002 entitled "An Informal Parliamentary Assembly for the ICC and the Promotion of the Rule of Law," to be held in Ottawa in the Parliament of Canada on November 4-5, was recognized as a critical effort to maintain parliamentary action on the ICC.

The comprehensive Madrid Declaration, adopted at the conclusion of the conference, reflects all the above points and is indicative of the overwhelming success of the event. The declaration was presented to the media shortly after the closing ceremony, while the entire conference proceedings were broadcasted live on the Internet.

For a copy of the Madrid Declaration in Spanish, English or French, please contact Juan Kim,

Tel: +1-212-687-7755 x103

Fax: +1-212-687-8409

E-mail: juan.kim@pgaction.org



PGA WELCOMES

34

NEW MEMBERS

FROM 20 COUNTRIES

Albania: Mr. Fatmir Madiu; **Belgium:** Sen. Dubié Josey; **Bolivia:** Sen. Guido Camacho; **Chile:** Sen. José Antonio, Viera-Gallo Quesney; **Colombia:** Mr. Luis Fernando R. Almario, Sen. Omar Armando Baquero; **Dominican Republic:** Sen. Jesús Antonio Vásquez; **Ecuador:** Ms. Cecilia Calderon, MP; **Guatemala:** Sen. Gladys Anabella De León Ruiz; **India:** Shri. Murli S. Deora, MP; **Mauritius*:** Mr. Madan Dulloo, MP, H.E. Emmanuel Jean Leung Shing, MP, Dulloo Madan, MP; **México:** Sen. Sadot Sánchez Carreño; **Morocco*:** Dep. Ahmadou El-Baz, Hon. Brahim Rachidi; **Paraguay:** Sen. Diógenes Martínez, Sen. Luis Manuel Guanes Gondra, **Russia:** Mikhail Grishanakov, MP, Mikhail Margelov, MP; **Senegal:** Dep. Thieyel Diallo, Khalifa Ababacar Sall, MP, Papa Babacar M'baye, MP; **Seychelles*:** Hon. Bernard Georges, MP, Dr. Shelton Jolicoeur, MP; **Spain:** Sen. José Macias; **Tanzania:** Teddy Louise Kasella-Bantu, MP, Dr. Batilda Burian, MP, Dr. Hassy H.B. Kitine, MP, Mr. Peter Kabisa, MP, Hon. Jenisia Mhagama, MP; **United Kingdom:** Mr. Michael Fallon, MP; **Venezuela Members Of A Regional Latin/Andean Parliament*:** Dr. Adolfo Taylhardat, Dip. Adela Muñoz De Liendo.

**Denotes Countries Not Yet Approved By The Board*

PGA STAFF

Secretary-General: **Ms. Shazia Z. Rafi**

Senior Program Officer, International Law & Human Rights: **Dr. David Donat-Cattin**

Program Officer, International Law & Human Rights: **Ms. Marie-Claire Leman**

Program Officer, Sustainable Development & Population: **Ms. Katie Tell**

Program Officer, Peace & Democracy: **Ms. Eva Dunn**

Project Officer, Peace & Democracy: **Ms. Nebiyat Woldemichael**

Program Associate, International Law & Human Rights: **Mr. Juan Kim**

Junior Professional Officer (**Nigeria**) **Mr. Niklas Enander**

Junior Professional Officer (**Mali**) **Ms. Ulrika Broback**

Administration & Finance Director: **Mr. Michael Agbeko**

Development Associate: **Ms. Anna Gekht**

Administrative & Membership Associate: **Mr. Brian Kett**

Executive Officer: **Ms. Fatimé Dam**

PARLIAMENTARIANS FOR GLOBAL ACTION

Parliamentarians for Global Action is an international network with over 1300 members drawn from 103 legislatures. The goal of the organization is to promote international peace, security, democracy, and development through global cooperation and the strengthening of international institutions, treaties and laws.

Photo credits: **PGA staff and consultants**

Desktop Publishing: **YDESIGN**

www.YDESIGN.TV

(Subscriptions may be requested)

Address correspondence to:

The Editor

PARLIAMENTARIANS FOR GLOBAL ACTION

211 East 43rd Street, Suite 1604

New York, NY 10017

USA

Tel: **212 687-7755**

Fax: **212 687-8409**

info@PGAAction.org

www.PGAAction.org

Non-profit Org.
U.S. Postage
PAID
New York, NY
Permit No.
1436