



Parliamentarians for Global Action

A Parliamentary Assembly for the International Criminal Court (ICC) and the Promotion of the Rule of Law

With support from:

The European Commission, European Union
The Department of Foreign Affairs and International Trade (DFAIT), Canada
Sida– Swedish International Development Agency
CIDA – Canadian International Development Agency
The Ministry of Foreign Affairs - The Netherlands
The Government of Switzerland
The Ford Foundation

Venue: *Department of Foreign Affairs and International Trade*
Ottawa, Canada
November 4, 5, and 6 2002

DAY ONE

Registration: 8.30 - 9.00

Opening Ceremony: 9.00 - 10.15

➤ **Welcoming Remarks**

Hon. Kenneth Dzirasah, MP (Ghana), PGA President
Hon. Mr. Peter Milliken, Speaker of House of Commons (Canada)
Hon. Mr. Dan Hays, Speaker of the Senate (Canada)
Sen. Raynell Andreychuk (Canada), Convenor, PGA Int. Law & Human Rights Programme
Dr. Irwin Cotler, OC, MP (Canada), President of PGA's Canadian National group

➤ **Opening Address**

Hon. Mr. Bill Graham, Minister of Foreign Affairs (Canada): "The State's Responsibility to Protect as the new governing principle of international affairs"

Coffee Break: 10.15 - 10.30

Session I: 10.30 - 11.15

The Responsibility of States to Protect: discussion of the Report of the International Commission on Intervention and State Sovereignty

Chair: Ms. Birgitta Alqvist, MP, Sweden

Presentation: Mr. Lloyd Axworthy, Director and CEO, the LIU Center, University of British Columbia

Interventions: Senator Khariat Abdul-Razaq, Nigeria
Mr. Chico Francisco, MP, Mozambique

Session II: 11.15 – 12.15

Entry into force of the Rome Statute of the ICC and first Assembly of States Parties – achievements and prospects for the future

The objective of this session is to bring everyone up-to-date on the developments pertaining to the International Criminal Court and more specifically, the outcome of the first Assembly of States Parties (ASP). Parliamentarians will discuss the issues of concern to them relevant to the debates emerging from the first ASP.

Chair: Mr. Jean-Jacques Viseur, MP, Belgium

Interventions: H.E. Ambassador Philippe Kirsch, Canadian Ambassador to Sweden
Mr. Edmond Wellenstein, Director General & Head of the ICC Task Force, Dutch Ministry for Foreign Affairs
H.E. Ambassador Svend Roed Nielsen, Ambassador of Denmark to Canada on behalf of the EU
Mr. William Pace, Convenor of the NGO Coalition for the ICC (CICC)

Lunch: 12.30 - 14.00

Session III 14.00 – 16.00

A Parliamentary Assembly for the ICC: Role and Feasibility

a) The Role of Parliamentarians in supporting the effective functioning of the ICC:

- (i) the election of judges and the Prosecutor,
- (ii) financing the Court,
- (iii) the establishment of a Trust Fund for Victims, and
- (iv) the adoption of implementing legislation

b) The Feasibility of such a Parliamentary Assembly; budgetary implications for national parliaments of financing such an Assembly

c) Formation of a Parliamentary Assembly on the ICC

Chair: Mr. Gerrit van Oven, MP, The Netherlands

Interventions: Honorable E.J. Ieung Shing, MP, Attorney General & Minister of Justice & Human Rights, Mauritius
Dip. Felipe Michelini, MP, Uruguay
Professor Irwin Cotler, MP, Canada
Professor Mr. Cherif Bassiouni, De Paul University School of Law; President, International Association of Penal Law (AIDP, Paris) and Instituto Superiore Internazionale di Scienze Criminali (ISISC) *Via video-link from Chicago at 3:00 PM*

Discussion

Coffee Break: 16.00 – 16.15

Session IV: 16.15 - 17.45

Status of Worldwide Ratification: identifying and addressing obstacles to ratification and accession

The objective of this session is to illustrate and discuss some of the most common obstacles to ratification in countries that are not yet parties to the Statute. In particular, attention can be given to political or legal obstacles to ratification, including constitutional issues. The ICC's success will be enhanced by worldwide ratifications enabling the Court to extend further its jurisdiction over crimes committed in the territories of States Parties or by nationals of States Parties. Parliamentarians can discuss ways to provide legal assistance to parliamentary committees working on the issue of ratification. (Country-reports and action-plans)

Chair: Senator Alfredo Prada Presa, Vice-President of the Senate, Spain

Interventions: Senator Yoshitake Kimata, President, Foreign Relations Committee, Japan
Mr. Mikhail Grishankov, MP, President, Foreign Affairs Committee, Russia
Hon. Amos Wako, MP, Attorney General & Minister of Justice, Kenya
Mr. Fatmir Mediu, MP, Albania
M. Martin Sindabizera, MP, Burundi
Ms. Loretta Ann Rosales, MP, Chair of the Human Rights Committee, Philippines

6th Annual Defender of Democracy Awards Dinner – 20h00 – Chateau Laurier for confirmed participants

DAY TWO

Session V: 9.00 – 10.30

Universal Representation in the ICC System: Legal and Political Implications of Security Council Resolution 1422 and Non-Surrender Bilateral Agreements at US Initiative

As a result of in-depth negotiations surrounding the extension of UN peacekeeping mandates, Security Council Resolution 1422 of 12 July 2002 was adopted providing a 12 month “suspension” of any potential investigation before the ICC for individuals from non-State Parties involved in UN peacekeeping or UN “authorised” operations. By July 1, 2003, the resolution will be considered for renewal before the Council. Should the resolution not be renewed, the ICC jurisdiction would be fully re-established, in line with the letter and spirit of the Rome Statute. Since August 2002, the US has been approaching all States with which it entertains diplomatic relations for the purpose of entering into bilateral agreements aimed at barring the surrender of US Nationals and Government employees (including foreign contractors) to the ICC. The proposed agreements are said to be based on article 98(2) of the Rome Statute, but legal experts of the EU, Canada and other countries stated that they would violate the letter & spirit of the Statute, including its article 98. To date, 13 States have signed the agreements, but none have yet submitted them to Parliament for approval or an authorisation of ratification.

Chair: Dr. Maj-Britt Theorin, MEP

Interventions: Mr. Richard Dicker, Human Rights Watch
Prof. Edward Luck, Columbia University
Professor Errol Mendes, Professor of International Law, University of Ottawa

Discussion

Coffee Break: 10.30 – 11.00

Session VI: 11.00 - 13.00

Obligations of States Parties to cooperate with the ICC and the Duty to Prosecute International Crimes and to Eliminate Safe-Havens for Alleged Perpetrators: Universal Jurisdiction and other Jurisdictional Bases to Fight against Impunity

The objective of this session is to discuss how the Court will rely on States Parties to effectively carry out its mandate. Indeed, to a certain extent, the Court will have to rely on States Parties to carry out in their own territories such activities as arrest, surrender, collecting and preserving evidence, and the enforcement of sentences. This session will also be devoted to an analysis of national jurisdictional loopholes and possible remedies thereto. Panelists will give full consideration to the relationship between (a) the duty to prosecute envisaged in the Rome Statute Preamble, (b) the prohibition of “immunities” under article 27 of the Statute and (c) the most recent developments on universal jurisdiction in international law & practice as well as in domestic legislation.

Chairs: Senator Longin Pastusiak, President of the Senate, Poland

Interventions: Senator Alain Destexhe, Belgium
Mr. Jonathan O'Donohue, Amnesty International, International Secretariat, London
Ms. Fiona McKay, Lawyers Committee for Human Rights

Discussion

Lunch: 13.00 - 15.00

Session VII: 15.00 – 16.00

The ICC as a complement to national systems: the need to codify international crimes at the national level

The objective of this session is to discuss the role of the Court in relation to national courts. According to the principle of complementarity, the ICC will exercise its jurisdiction only in cases where the State is unwilling or unable to do so. Parliamentarians can explore this concept and the need to ensure the State's ability to investigate and prosecute those crimes under the Rome Statute through effective national implementation of the Statute. Therefore, legislative techniques to incorporate the ICC crimes and the general principles of international criminal law in domestic legal orders will be discussed.

Chair: Senator Marcelo Lopez Arias, Argentina

Interventions: Dip. Margarita Stolbizer, MP, President, Legislation Committee, Argentina
Dip. Antonio Pannunzio, MP, Brazil
Mr. M. Masutha, MP, South Africa

Discussion

Coffee Break: 16.00 – 16.15

Session VIII: 16.15 – 17.00

The impact of the ICC on the development of international criminal justice and international human rights law; how can the ICC offer protections to victims (women, children, minorities, etc)

Chair: Senator Anthony Johnson, Jamaica

Interventions: Mr. Bruce Broomhall, Open Society Institute, Budapest
Senator Loren-Legarda Leviste, Philippines
Professor Rhonda Copelon, City University of New York Law School;
Women Caucus for Gender Justice

Discussion

Session IX: 17.00 - 17.45

Where do we go from here? The contribution of Parliamentarians for Global Action to International Criminal Justice, the Promotion of Human Rights and the Rule of Law

Chair: Senator Raynell Andreychuk, Canada

OPEN DISCUSSION

Closing Session 18.00 – 18.30

Discussion and Adoption of the Final Document of the Forum

**Speaker's Reception – 18h30 – *Speaker's Salon, Room 216-N, Center Block, Parliament Hill*
for invited guests**

DAY THREE

**Special Session on the Responsibility to Protect:
The Role of Parliamentarians**

Opening Session: 9.00 – 10.00

- *Welcome address by Hon. Kenneth Dzirasah, Deputy Speaker, Ghana, President, PGA*
- *Remarks by H.E. Mr. Paul Heinbecker, Ambassador of Canada to the United Nations*
- *Rep. Dennis Kucinich, (D-Ohio) USA*

Session I: 10.00 – 11.00

Introduction

- Presentation by DFAIT on work to date
- Role of PGA parliamentarians in the process: legislative and legal mechanisms for regional and international intervention

Interventions: Ms. Marie Gervais-Vidricaire, Director General, Global Issues Bureau
DFAIT
Mr. Ed Mortimer, Director of Communications & Chief Speechwriter,
United Nations Executive Office of Secretary General

Discussion

Coffee break 11.00 – 11.30

State Responsibility to Protect: Prevent, Intervene and Rebuild

Session II: 11.30 – 13.00

Responsibility to Prevent - Role of Parliamentarians

- Good governance, the rule of law and respect for human rights
- PGA rapid deployment missions
- Inter-parliamentary dialogues through parliamentary bodies
- International/Regional collaborative partners
- *Case studies: Azerbaijan/ Armenia, Greece/Turkey, Zimbabwe, Tanzania*

Chair: Mr. Tony Worthington, MP, United Kingdom

Interventions: Ms. Elissavet Papademetriou, MP, Greece
Mr. David Coltart, MP, Zimbabwe
Mr. Hamad Rashid Mohamed, MP, Tanzania

Discussion

PGA Board and Council working lunch: 13.00 – 15.00

Session III: 15.00 – 16.30

Responsibility to Intervene - Role of Parliamentarians

- Authorization of military intervention: role of the legislature
- Policy development: criteria for protecting threatened populations from mass killings, genocide, ethnic-cleansing and war-related deaths – ethical and legal concepts of justice
- Collaborative partners: United Nations and beyond – parliamentary input into reforming peace operations within the United Nations
- *Case Studies: Burundi, Côte d'Ivoire, Haiti*

Chair: Mr. Svend J. Robinson, MP, Canada

Interventions: Mr. Yves Rocheleau, MP, Canada
Hon. Mollé Mollé, Speaker of the National Assembly, Côte d'Ivoire
Dep. Lamine Thiam, Senegal
Dep. Norbert Ndiwokubwayo, Burundi
Dip. Marco Ameglio Samudio, Panama

Discussion

Session IV: 16.30 – 18.00

Responsibility to Rebuild - Role of Parliamentarians

- Rights and responsibilities of legislators in national reconciliation
- The International Criminal Court and legal instruments in consolidating peace and human rights
- Legislative initiatives by parliaments to promote order and stability
- International collaborative partners: United Nations, National and International Civil Society Organizations
- *Case study: East Timor, Afghanistan, Kosovo, Sierra Leone, South Asia*

Chair:

Hon. Mr. Justice E. Cowan, Speaker of Parliament, Sierra Leone

Interventions:

Ms. Sally Armstrong, Journalist and UNICEF Representative to Afghanistan

Dr. Simon Chesterman, Senior Associate, International Peace Academy

Mr. Ibrahim Sorie, MP, Sierra Leone

Mr. K.B. Krishnamurthy, MP, India

Discussion

Session V: 18.00 – 18.30

Closing Session

- **Closing Remarks** - Hon. Kenneth Dzirasah, Deputy Speaker, Ghana; President, PGA

<p>Reception - hosted by Canadian Foreign Minister Hon. Bill Graham – 18h30 <i>9th Floor Dining Room, DEAIT building</i></p>
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revised November 4, 2002

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