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Session 6. Legislative Reforms on the basis of the Rome Statute and the realization of
Human Security

- A. Effective and Comprehensive Implementing Legislation of the Rome Statute.
- B. The reform of national judiciary systems and criminal justice systems, including the issue of training experts familiar in both international and criminal law and the issue to incorporating the Rome Statute minimum standards on victims' rights in domestic systems.

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1. Japan's efforts to join the ICC

It is a great privilege for me to share my thought with these distinguished panelists and audience at this renowned forum. This topic of legislative reforms on the basis of the Rome Statute could not be timelier, as the Japanese Government is in the middle of final preparations for its accession to the Statute. As Prime Minister Abe recently stated at the Diet, the Japanese Government is now working on a new draft legislation to implement the provisions of the Statute, so that the Government can submit the bill to the Diet for its approval early next year and accede to the Statute therefore at the earliest possible opportunity. Both in and out of the Government, including my tenure as Foreign Minister, I have been a strong advocate of Japan's joining the ICC.

2. The significance of the ICC and its current situation

Many panelists in the previous sessions have eloquently demonstrated that

the establishment of the ICC is the long-awaited outcome of the strenuous work of the international community. Since the end of the WWII, the international community has witnessed a lot of efforts made to put an end to impunity for the perpetrators of the most serious crimes, and to create a permanent international tribunal in the field of criminal justice. All those efforts have finally come to bear fruit when the Rome Statute was adopted in 1998. It is now with a certain sense of awe and excitement that we see the ICC embarking steadily on its operations and that we learn the number of States Parties reaching 104 with the recent ratification of Montenegro and Chad.

3. The small number of States Parties equipped with the ICC implementing legislations

Having said that, I would not hesitate to point out that the record is not necessarily impeccable. In this regard, let me draw your attention to the fact that not many States Parties have enacted ICC implementing legislations, despite the fact that they have joined the ICC. According to the Report of Human Rights Watch in February 2003 entitled 'The Status of ICC Implementing Legislation,' only 15 out of then 88 States Parties had enacted domestic legislations to implement and fulfill its obligations under the Rome Statute. I was informed that, currently, about three-fourths of States Parties are yet to be equipped with the ICC legislations. I hasten to add, though, that

Japan is keenly aware of the difficulties and sensitivities involved in preparing such legislations, since Japan itself has taken time in giving very careful and deliberate consideration as to what kind of implementing legislation would be most appropriate.

4. The importance of the ICC implementing legislations

Nevertheless, it should be recalled that the success of the ICC is directly linked to ensuring prompt cooperation on the part of States Parties underpinned by necessary legislations to implement obligations under the Statute. The Statute requires States Parties to comply with requests from the ICC for assistance such as surrendering a suspect, providing information and evidence, and enforcing fines or forfeiture ordered by the ICC. Therefore, by building the network of States Parties with ICC legislations to effect such assistance, the international community can create a system that does not allow perpetrators of serious crimes to go unpunished anywhere in the network. I believe that enlarging this network increases preventive effects on potential criminals in every conflict and eventually contributes to maintaining international peace and security.

In addition, especially in post-conflict states, introduction of new legislations including the criminal code necessary for joining the ICC will lead to ensuring the rule of law in domestic societies. Many post-conflict states are

in need of appropriate judicial system. Without effective judicial system, many criminals are escaping from punishment they must face, and this in turn leaves their victims hopeless without their sufferings and pains healed. By creating a trustworthy judicial system with new legislations and preventing crimes thereby, governments of such states can bring their people much-needed access to justice and peace in life. In this way, legislative reforms upon entry into the ICC can contribute to securing people's lives and dignity, the very aim of 'human security' as Mme. Sadako Ogata stated in her Keynote Address to this Forum.

Furthermore, the challenge of improving the rule of law in each state emanates also from a principle of the Rome Statute. The fundamental principle of the ICC is 'complementarity,' which allows the ICC to exercise its jurisdiction only when individual states fail to investigate or prosecute serious crimes. In light of this, it would be fair to say that the ICC itself envisages the world where every state should provide its people with appropriate criminal code, effective investigations and fair trials satisfying international standards.

5.The importance of capacity building for legal experts

In order to establish a criminal judicial system satisfying international standards especially in post-conflict states, one of the most compelling challenges is to raise a sufficient number of legal experts. The experts who are needed are those familiar with domestic legal systems as well as international criminal justice practices. In this regard, Japan is conducting technical cooperation scheme under which Japan has been receiving legal experts from,

in particular, Asian countries to assist their legislative reform efforts. The 'Visiting Professionals Programme' of the ICC, which is funded mainly by the EU countries is another example of capacity building. By enabling legal experts from various states to stay at the ICC and learn the practices of the Court, this program is helping those states to introduce ICC implementing legislations. These schemes should be further encouraged as they contribute to the strengthening of the rule of law in domestic societies.

6. The ICC and the Human Security

Discussions in the previous sessions today have underscored that the perspective of human security is particularly important in successful peace-building. To bring human security to the people in post-conflict states, effective strategies to offer 'protection from fear' and 'empowerment to combat fear' are indispensable. Strengthening the rule of law in both international and domestic societies based on these strategies contribute to securing people's lives, livelihoods and dignity. Hence the particular importance of efforts such as: increasing the number of States Parties with the ICC implementation legislations, supporting developing states to establish proper judicial systems of their own, and to train legal experts expertise in the international criminal justice. I am convinced that all these will surely make a substantial contribution to the attainment of human security.

I would like to conclude my remarks today by emphasizing this role of the ICC in enhancing human security to the people around the globe.

Thank you.