



Parliamentarians for Global Action

PGA's 28th Annual Forum on Human Security
& IV Consultative Assembly of Parliamentarians for the International Criminal
Court (ICC) & the Rule of Law
Parliamentary Museum, Tokyo, National Diet of Japan -- December 4-5, 2006

Tokyo Resolution on Human Security, the Rule of Law & the International Criminal Court

PREAMBLE

Recognizing that the international community continues to be confronted with significant challenges threatening the existence, welfare and dignity of humanity, including conflict, poverty, disease, environmental degradation and climate change, violations of human rights and international humanitarian law, gender inequality, international organized crime and terrorism, conventional arms proliferation and forced migration;

Taking note of the imperative need to protect people from such threats and to strengthen their ability to address these threats, within the general framework of enhanced Human Security;

Acknowledging that post-conflict peace-building necessitates the elaboration and implementation of a comprehensive strategy, encompassing all stages of the process from the point of immediate conflict resolution itself, up to, and including stabilization and nation building; the promotion of reconciliation; trials of those implicated in the commission of international crimes; and the establishment or re-establishment, as the case may be, of the Rule of Law;

Recognizing that impunity for perpetrators of international atrocities provides a fertile ground for the commission of new, equally horrendous crimes and may lead to the escalation of violence in internal or international armed conflicts;

Noting the fact that, in the four years since the entry into force of the Rome Statute of the International Criminal Court, the ICC has commenced operations and begun investigations and criminal proceedings regarding the situations of the Democratic Republic of Congo, Northern Uganda, and Darfur, Sudan;

Applauding the fact that 104 States have, to date, ratified, or acceded to, the Rome Statute;

Regretting, however, that the regional distribution of States Parties remains uneven, with under-representation in Asia, the Middle East, North Africa and the Commonwealth of Independent States (CIS);

Commending the recent announcement by the Government of Japan that legislation allowing for the accession of Japan to the Rome Statute of the ICC will be submitted to Parliament in early 2007;

Reaffirming that **States Parties** to the Rome Statute have a duty to cooperate fully with the Court and implement legislation aimed at enabling their respective national judicial systems to bring to justice perpetrators of international crimes;

Recalling that **All States** – including those that are not yet Parties to the Rome Statute – have a duty to prosecute or extradite suspected perpetrators of international crimes and protect the rights of victims, so that the principle of ‘no impunity’ is given full and complete effect in each judicial system;

Recognizing that the gender justice principles incorporated in the ICC Statute must be utilised not only in the implementation of substantive and procedural norms relating to international crimes, but should also inspire the modification of other laws, as appropriate, in order to ensure the highest possible level of protection for victims of such crimes;

Expressing sincere appreciation to the Organizing Committee of PGA's 28th Annual Forum for the successful organization of this Forum;

WE, MEMBERS OF THE IV CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS FOR THE INTERNATIONAL CRIMINAL COURT (ICC) & THE RULE OF LAW, FOLLOWING THE DELIBERATIONS HELD IN TOKYO, JAPAN FROM 4-5 DECEMBER 2006 UNDER THE AUSPICES OF PARLIAMENTARIANS FOR GLOBAL ACTION (PGA) 28TH ANNUAL PARLIAMENTARY FORUM ON HUMAN SECURITY, AGREE AS FOLLOWS:

[1] On Conflict Prevention, Conflict Management, Post-Conflict Peace Building, Crisis Recovery and Reconstruction

- *We recognize* the inextricable linkage between the challenges posed by Conflict Prevention, Conflict Management, Post-Conflict Peace Building, Crisis Recovery and Reconstruction, and *the necessity* to address them through shifting the paradigm from the narrow approach of National Security to the broader notion of Human Security, which provides comprehensive strategies to ensure respect for human rights and promotion of equitable and sustainable development;
- *We undertake* to urge our governments to adopt Human Security as a cornerstone of our respective foreign and domestic policies, thereby implementing preventive mechanisms to deter conflict, providing adequate reconstruction support to post-conflict societies and mobilizing broad-based international cooperation for the provision of effective relief to refugees and other victims of forced migration;

[2] The Rule of Law, Justice and Reconciliation as integral components in Peace Building and Reconstruction Plans

- *We undertake* to consider and support existing best practices in addressing the long-term necessity for proper accounting for international crimes, ending impunity, breaking the cycle of violence, ascertaining and disclosing the truth, providing reparations to victims so that reconciliation and long-term, sustainable political and societal stability can be achieved;
- *We recognize* that the establishment or re-establishment of the Rule of Law is a *conditio sine qua non* in the effective realization of Human Security in Peace Building processes and reconstruction plans;
- *We recognize also* the important role that the International Criminal Court has to play in complementarity with the national judicial mechanisms of individual countries, in particular in upholding the principle of no-impunity;

[3] On the impact of the ICC in the emerging system of international criminal justice and its universality

- *We welcome* the first three years of judicial practice of the ICC and its ongoing investigations and criminal proceedings regarding the situations in Northern Uganda, the Democratic Republic of Congo and in Darfur, Sudan, including the issuance of appropriate arrest warrants;
- *We commend* States and Organizations that have assisted the ICC in the carrying out of its mandate, and *we urge* all States and Organizations, including members of the Security Council, to provide, or continue to provide, meaningful support to the ICC in the conduct of its vital work;
- *We acknowledge* the substantive contribution of the ICC as a permanent, independent instrument of deterrence of the commission of serious international crimes through the effective exercise of its mandate;
- *We recognize in particular* the importance of upholding and protecting the rights of victims of international crimes and their families and *we shall seek* to ensure that these rights are upheld and protected in each national system;
- *We shall endeavor to cooperate with and to facilitate*, as appropriate, the work of the ICC to the fullest extent possible within our respective parliaments, so as to enhance the overall effective functioning of the Court;
- *We shall redouble our efforts, individually and collectively, to inform* our respective citizens of the work of the ICC as an institution, in particular its importance as a complementary international legal entity and its rejection of impunity for perpetrators of serious international crimes: These initiatives shall include advocating for ratification of/accession to the Rome Statute to increase its universality, seeking promulgation and enactment

of adequate domestic laws implementing the Rome Statute of the ICC and raising awareness of the important complementary role of the ICC within our respective constituencies and among the population at large;

[4] On the Effective Implementation of the Rome Statute of the ICC

- *We recognize* that the ICC, by virtue of its existence and in the exercise of its mandate, contributes in a significant way to strengthening the Rule of Law worldwide, and, in turn, the realization of Human Security;
- *We shall take steps to urge and assist our governments* to establish those domestic legislative mechanisms and implementing systems that are necessary for the realization of the purposes of the ICC Statute, with due regard to the historical and traditional reconciliation methodologies of our respective countries;
- *We therefore commit*, as legislators, to intensify our efforts to ensure full cooperation with the ICC in our own countries and institutions by promoting the drafting and adoption of comprehensive national implementing legislation and/or any administrative or budgetary measure that would facilitate the effective and independent operations of the Court, including the allocation of adequate resources to strengthen the Rule of Law, investigate international crimes through national Courts and provide reparations to the victims of crimes set out in the Rome Statute, including through budgetary appropriations to the ICC Trust Fund for Victims;
- *We shall also urge* our Governments to ratify the *Agreement on Privileges and Immunities of the ICC (APIC)*, and to transmit it with urgency to Parliament for consideration and approval, if required under national law;
- *We shall use our best efforts* to ensure that the application of the law will not lead to double standards and that the higher standards of protection of human rights, including the rights of victims, shall prevail, particularly with respect to the domestic criminalization of offences against women and children;
- *We shall endeavor*, through parliamentary advocacy and other measures, as appropriate, to ensure that the integrity of the Rome Statute is protected at all times;

[5] Increasing the Number of State Parties to the ICC through parliamentary leadership

- *We shall endeavor* to engage actively and involve ourselves personally in encouraging all countries, including permanent members of the United Nations Security Council, to ratify or accede to the Rome Statute, and in the process focus, in particular, on the Asia and Oceanic regions;
- *We shall further endeavor* to support the establishment of effectively functioning domestic judicial and law enforcement systems, and *we shall strive* to raise awareness among members of the legal communities of the importance of no-impunity as a pre-requisite for lasting political and societal stability;
- *We formally commit ourselves*, within the PGA Global Network, to liaising regularly with each other so as to follow-up and share important respective experiences and lessons learned;
- We welcome the initiative of PGA to convene the *Consultative Assembly of Parliamentarians for the ICC & the Rule of Law* to facilitate discussion and action of parliamentarians from all regions of the world to promote and support a universal, independent, fair and effective ICC, and *we invite* PGA to organise the *fifth* session of the Consultative Assembly in the year 2008 at a date and venue to be determined through consultations between PGA and interested Parliament(s).

Done in Tokyo on December 5, 2006

Acknowledgement

PGA's 28th Annual Parliamentary Forum on Human Security and the IV Consultative Assembly of Parliamentarians for the ICC & the Rule of Law has been made possible by the individual and collective mobilisation of Members of Parliaments who convened in Tokyo, upon invitation of the National Group of PGA Japan and Parliamentarians for Global Action, and with the indispensable support of the European Commission (EU), the Governments of Belgium, the Netherlands and Switzerland, the core support of the Governments of Denmark and Sweden, the cooperation of the Ministry of Foreign Affairs of Japan, as well as the contribution of numerous private entities and organisations supporting PGA in Japan.