



## Parliamentarians for Global Action

### **Mission of Chilean Parliamentarians to the ICC and other institutions, The Hague 7 – 9 October 2007**

Having signed the Rome Statute of the International Criminal Court in 2002, Chile has yet to ratify it. Upon a decision by the Chilean Constitutional Tribunal, the Rome Statute, with 105 States Parties as of 1 October 2007, can only be ratified by Chile once Congress adopts an amendment of the Constitution. Multi-party support for such amendment has been stalled since 2005.

In March 2007, on the occasion of the ICC President's visit to Chile, Members of Parliaments (MPs) from Dominican Republic and Mexico belonging to the PGA network established contacts with their Chilean colleagues and promoted the idea of organising a mission of Chilean legislators to The Hague in order to facilitate knowledge and understanding of the Rome Statute. After fruitful dialogue between peers, and upon request of concerned Chilean lawmakers, mainly from the opposition, PGA organized a mission to The Hague aiming at allowing these stakeholders to share, discuss and clarify their concerns on the possible ratification by Chile of the Rome Statute. The mission was also aimed at strengthening the role of Parliamentarians in consolidating a universal, independent and effective International Criminal Court.

The participating parliamentarians, **Sen. Carlos Cantero** (Renovacion Nacional, opposition), **Dip. Maximiano Errazuriz** (RN), **Dip. Marta Isasi** (Indep., opposition) and **Dip. Tucapel Jiménez** (Indep., majority) accompanied by former PGA member and Senator **César Jaúregui** (leader of the parliamentary process that led to the ratification of Mexico in 2005), met with President of the Court Judge **Phillipe Kirsch** and Prosecutor **Luis Moreno Ocampo**. These high level meetings held at the ICC Premises allowed the participants a first-hand opportunity to better understand the mandate of the Court and to discuss important concerns related to the sovereign process required in Chile to make ratification possible. Both ICC officials explained that the Court and the Rome Statute are respectful of whatever internal process is required to make possible Chile joining the ICC. The ICC officials also clearly restated the principles of the Rome Statute of the ICC, including non-retroactivity, complementarity and the instrumentality of States' cooperation to enforce any order or measure decided by the Court.

The Chilean delegation had two separate working-group sessions hosted by **H.E Jorge Lomónoco**, Ambassador of Mexico in The Netherlands, and by **Amb. Paul Wilke**, Head of the Dutch ICC Task Force respectively. Both sessions concentrated on sharing with the law-makers the experiences of other States Parties in joining the ICC system. Concerning ratification, Amb. Lomónoco and César Jauregui (Vice-President of the Mexican Senate between 2000 and 2006) illustrated the experience of the constitutional amendment process in Mexico and the interesting multi-party dynamics in Congress that made possible the ratification with nearly unanimous approval. The Dutch ICC Task Force shared the strategy through which the Netherlands, the Host State of the ICC, has maintained an important and positive relationship with the United States notwithstanding continued deep American ambivalence on the ICC, which did not have, however, any negative consequences on their bilateral and multilateral relations.

The MPs also met with two experts, **Dr. Paul Seils** from the Office of the Prosecutor and **Dr. Héctor Olásolo** of the ICC Chambers, who shared some technical knowledge on ICC policy and criteria to select investigations, the checks and balances built into the ICC procedural law and judicial progresses in Chambers as well as issues relating to the effective implementation of the Rome Statute into national legislation (e.g. the case of Spain).

As a closing activity, the delegation of Chilean MPs was received by a multi-party group of peers at the Dutch Parliament, who, in a special meeting of the Standing Committee on Foreign Affairs, engaged in dialogue to facilitate and discuss strategies to generate the required political will for ICC ratification by Chile. **Mr. Henk Jan Ormel**, MP (CDA), President of the Committee, **Mr. Coskun Coruz**, MP (CDA), **Ms. Kathleen Ferrier**, MP (CDA), **Ms. Chantal Gill'ard** (PvDA) and **Mr. Hans van Baalen**, MP (Liberal) shared with their Chilean counterparts the vision of international justice and the Rule of Law that has brought unity of views and wisdom in the Dutch Parliament in support of the ICC and the fight against impunity for the most serious violations of human rights and international humanitarian law.

The delegation was also received by Chilean **Ambassador, H.E. Cecilia Mackenna** who, in a working lunch at the premises of the International Court of Justice, was able to convey the international implications of the ICC and the importance of ratification for Chile's overall foreign policy.

An outlook on a hearing conducted at the International Criminal Tribunal for the former Yugoslavia, as well as the fruitful discussions with the individuals mentioned had the immediate results of having all participating MPs joining voices in favour of the ICC, and conveying that beyond ideological positions, the ICC is in the interest of all States seeking a world free of conflict and crime. This support was expressed by Senator Cantero (now a PGA member) in a position published on the website of the Senate of Chile at the outset of the Mission to The Hague.

**The participating MPs will have the opportunity of continuing these discussions in Santiago on October 25, 2007, in a Seminar for law-makers with ICC President Philippe Kirsch, organised by Sen. Cantero at the headquarters of the Senate of Chile.**

In addition to this current activity, PGA's Secretariat and its Membership remain engaged in and committed to finding adequate solutions to adopt multi-party support for the necessary constitutional amendments that will make possible Chile's membership of the ICC system.

### *Acknowledgement*

*PGA remains indebted to the each of its partners for their collaboration, to the Chilean Ministry of Foreign Affairs through their Embassy in The Netherlands for their interest in this activity of PGA and to the European Commission and the Governments of The Netherlands and Switzerland, whose indispensable support for the PGA ICC Campaign made this initiative possible.*

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PGA is a non-partisan network of members of parliaments from 117 countries from all regions of the world who participate in their individual capacity in finding solutions to global problems. PGA has conducted a successful

Campaign on the ICC since 1998, having contributed, through its members, to the universality and implementation of the Rome Statute in more than 50 countries worldwide, including in Argentina, Uruguay, Dominican Republic, Mexico, Comoros, Chad, and Japan. PGA is member of the Steering Committee of the Coalition for the International Criminal Court. PGA has a UN based Secretariat in New York and has recently opened its International Justice office/Secretariat in The Hague.