



Cour
Pénale
Internationale
International
Criminal
Court



MEMBERSHIP IN THE ROME STATUTE – WHY AND HOW?

Workshop on the International Criminal Court

Side event of the 48th Pacific Islands Forum, 8 September 2017 (Apia, Samoa)

1. What is the International Criminal Court (ICC)?

The ICC is an **independent judicial institution** with the mandate to investigate and prosecute the most serious crimes under international law – **genocide, crimes against humanity and war crimes** – when national jurisdictions are unable or unwilling to do so. As a permanent court of **last resort**, the ICC plays a key role to end impunity for the perpetrators of these atrocious crimes, ensure justice to victims and contribute to the **prevention** of such crimes.



The ICC was created by a **multilateral treaty**, the Rome Statute, in 1998. Today, the Rome Statute has **124 States Parties**, including 8 Member States of the Pacific Islands Forum - Australia, Cook Islands, Fiji, Marshall Islands, Nauru, New Zealand, Samoa and Vanuatu.

2. What are the main benefits of becoming a member of the Rome Statute family?

- *Strengthening international peace and security:* joining the ICC is a powerful contribution to the joint efforts of the international community to ensure international peace and security, and to promote the rule of law, the protection of human rights, and, by association, development. It is also a strong statement of solidarity with victims of the gravest crimes everywhere in the world.
- *Rule of law as protection for small States, their interests and their populations:* as recently noted by a diplomat from the region, “the rule of law is our army”. It is noteworthy that more than 70% of small island states from other regions have joined the Rome Statute.
- *Reciprocity of international cooperation:* contributing to the resolution of global challenges – in this case impunity for the gravest international crimes – strengthens States’ international profile and their call for joint action on other issues, such as climate change or maritime environmental protection.
- *Membership allows States to participate in elections and decisions of the ICC Assembly of States Parties*, as well as to put forward candidates for various elected positions in the Assembly and the Court.
- *Strengthening domestic justice systems:* joining the Rome Statute may open possibilities of international cooperation and assistance for judicial and legal reform and help States’ adherence to international standards.



3. What happens if we decide to join?

- *Financial costs:* for most PIF States, contribution to ICC budget would be **less than 3,500 USD per year** at current levels. Furthermore, there are **no reporting requirements** under the Rome Statute.
- *Support in terms of technical assistance for ratification / accession process:* Many resources are currently available, including **Parliamentarians for Global Action (PGA)**, which has extensive experience in supporting Rome Statute ratification/accession and implementation processes at the request of governments. The **Commonwealth Secretariat** has produced a Commonwealth Model Law on the ICC, and may provide technical assistance at the request of Member States. **Other States** (including in the region) that have already joined the Rome Statute may also be willing to exchange experiences and provide technical assistance.