

Appendix II

Explanatory Note on Pledges

A. Introduction

The first Review Conference of the Rome Statute to be held in Uganda in 2010 (the "Conference") is a significant milestone for the International Criminal Court (the "ICC"). It will be a unique opportunity for States to assess and reflect on the progress of the Rome Statute and the ICC, and reaffirm their commitments to combat impunity for the most serious crimes of concern to the international community, namely genocide, crimes against humanity and war crimes.

The Conference will include a high-level segment where States Parties, Observer States and other States¹ can reaffirm their commitment to the fight against impunity. States Parties and those who are willing to do so would likely wish to reiterate, among others, their commitment to the national implementation of the Rome Statute, their willingness to provide assistance or support to such efforts in other States, or their ongoing commitment to cooperate with the ICC, including enforcement of sentences rendered by the ICC.

The stocktaking part of the Conference will involve a review of international criminal justice more broadly, focused on four topics: 1) Complementarity; 2) Cooperation; 3) The impact of the Rome Statute system on victims and affected communities; and 4) Peace and Justice.² Such a broad focus on stocktaking should include an assessment of progress of ratification and implementation of the Rome Statute and other treaties of international humanitarian law, the Geneva Conventions and their Additional Protocols.

The unique opportunity that the Conference presents for States Parties to affirm their commitments to the Rome Statute must be seized.

A suggested process for pledges is hereby presented to ensure that the outcome of the Conference is as concrete as possible, with precise benchmarks and commitments by States, individually and collectively.

B. Content of Pledges

Pledges are a means by which States can make tangible their outcome from the Conference. These pledges can take the form of national pledges by individual States or joint national pledges by two or more States underlining their commitment to work together towards a common goal. Regional or other groups can also choose to make joint pledges.

Pledges should be specific, achievable, action-oriented and should indicate in measurable terms the objectives to be reached within a concrete period of time. Pledges in this context are political commitments which may relate to treaty obligations or extend beyond these, and are not primarily financial commitments. It is suggested that the content of pledges should be focused on the first three stocktaking topics, namely: 1) Complementarity; 2) Cooperation; and 3) The impact of the Rome Statute system on victims and affected communities.

¹ Taking into account rules 1, 12 and 71 of the Draft Rules of Procedure of the Review Conferences (resolution ICC-ASP/6/Res.2)

² Paragraph 5 of resolution ICC-ASP/8/Res.6.

The content of the pledges could consist of the following:

- a) States can pledge to reaffirm their intention to take steps to ratify/accede to the Rome Statute;
- b) States can pledge to reaffirm their intention to take steps to ratify/accede to the Agreement on Privileges and Immunities of the International Criminal Court;
- c) States can pledge to adopt specific national measures implementing the Rome Statute;
- d) States can pledge to adopt specific national measures implementing the Agreement on Privileges and Immunities of the International Criminal Court;
- e) States can pledge to work actively with other States on specific initiatives to promote universality and implementation of the Rome Statute;
- f) States can pledge to express their commitment to work with other stakeholders, including international and regional organizations, in the implementation of the complementarity regime at international and national levels;
- g) States can pledge to reaffirm their commitment to have national structures able to efficiently follow the implementation process of the Rome Statute, including national committees on international humanitarian law;
- h) States can pledge to express, in view of the fundamental principle of complementarity, their willingness to provide other States with technical assistance to include crimes set out in articles 6, 7 and 8 of the Rome Statute, as punishable offences under their national laws, to establish jurisdiction over these crimes, and to ensure effective enforcement of those laws;
- i) States can pledge to organize various events, seminars, conferences promoting the ICC and supporting ratification and implementation of the Rome Statute and other treaties of international humanitarian law;
- j) States can pledge to adopt national policies directed towards the mainstreaming of ICC support across ministries and within regional and international organizations, including with regard to support for the enforcement of court decisions;
- k) States can pledge with regard to cooperation, including contributions to arrest operations and the execution of arrest warrants (e.g., judicial assistance, extradition, surrender, adoption of legislation or promulgation of regulations, designation of officials or departments, adoption of policies/procedures, training, etc.);
- l) States can pledge to engage in a process to conclude agreements with the ICC on enforcement of sentences, protective measures for witnesses including witnesses relocation, and/or interim release of defendants;
- m) States can pledge with regard to victims and affected communities (e.g. adoption of legislation or promulgation of regulations concerning reparations or other subjects, creation of policies and programs, consultation processes, etc.);
- n) States can pledge to contribute to the Trust Fund for Victims; and
- o) States can pledge to contribute to the Trust Fund for the participation of the least developed countries and other developing States in the sessions of the Assembly of States Parties.

In addition to these, States may present their own proposal for pledges in connection with any of the three areas of stocktaking identified above.

C. Registration of Pledges

1. Prior to the Review Conference

States should submit their pledges in writing and electronically to the Secretariat of the Assembly of States Parties (email: asp@icc-cpi.int or fax: +31-70-515 8376) by 14 May 2010, using the enclosed draft "Pledge registration form" (attachment I). States may also consult the draft "Sample Pledges" (attachment II) for further guidance on pledges concerning specific areas.

States are encouraged to move beyond general statements of intent to specific action they plan to undertake. The pledges submitted will not be announced (unless otherwise requested) until the Conference. States may wish to announce their pledges during the general debate at the Conference.

2. During the Review Conference

Pledges officially submitted could be compiled and included in the outcomes of the Conference, for example in an annex to the high-level declaration or the stocktaking outcome documents.

3. Follow-up on Pledges

In order to ensure appropriate follow-up of the pledges, it is suggested that:

- a) Information on the pledges made by States are included in the Conference report;
- b) States are invited to designate a focal point who will be in charge of following up and reporting on the implementation of their pledges; and
- c) States are invited to report on their pledges at future sessions of the Assembly of States Parties.

The making of pledges at the Review Conference should not be seen as a single and final step. States may wish to agree to an ongoing process of implementing pledges, which may include subsequent amendments to pledges already made at the Conference as well as new pledges pursuant to ongoing work by the Assembly of States Parties.

D. Contact information

Should there be any questions about pledges, please do not hesitate to approach the focal points for pledges: Ms. Ceta Noland, Permanent Mission of the Netherlands to the United Nations (cd.noland@minbuza.nl); and Mr. Gonzalo Bonifaz, Permanent Mission of Peru to the United Nations (gbonifaz@unperu.org).

In addition, in relation to the Plan of action for achieving universality and full implementation of the Rome Statute of the ICC: Ms. Eva Šurková (facilitator on the Plan of Action), Permanent Mission of Slovakia to the United Nations (eva.surkova@mzv.sk).

Attachment I

**Review Conference
Rome Statute of the International Criminal Court
Pledge registration form**

(Name(s) of State(s)) hereby pledges (max. 10 lines):

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(Note: Pledge should include specific dates)

Proposed implementation steps (in 2011 or if later, please specify - ____):

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Sponsor(s) of the pledge: (name of State(s)):

Contact information for responsible official(s):	
Full name:	Date:
Title/organization:	Place:
Email:	Signature:
Additional contact information for person/service/institution in charge of follow-up:	
.....	

Return Information:

Please submit this Pledge registration form to the Secretariat of the Assembly of States Parties (email: asp@icc-cpi.int or fax: +31-70-515-8376).

Attachment II

I. Sample Pledge (A)

Review Conference

Rome Statute of the International Criminal Court

Pledge registration form

REPUBLIC OF ELBONIA hereby pledges (max. 10 lines):

TO PRESENT TO PARLIAMENT BY **30 JUNE 2011** A DRAFT LAW FOR THE AMENDMENT OF DOMESTIC PENAL LEGISLATION TO INCLUDE ALL ROME STATUTE CRIMES, AS WELL AS OTHER GRAVE BREACHES AND SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.

(Note: Pledge should include specific dates)

Proposed implementation steps (in 2010 and 2011):

- ➔ Inter-ministerial working group under the lead of the Minister of Justice to be established (by September 2010).
- ➔ Completion of working draft law (by December 2010)
- ➔ Consultations on working draft law (inter-ministerial, academic and outside experts) (by February 2011)
- ➔ Completion of draft for submission (by May 2011)

Sponsor of the pledge: REPUBLIC OF ELBONIA

Contact information for responsible official(s):

Full name:	Date: 1 May 2010
Dr. Abdul Vladamir Mercado	
Title/organization:	Place: Centreville, Elbonia
Ministry of Foreign Affairs & International Trade	
Email: Mercado.Abdul@gov.el	Signature:
	XXXXXXXXXXXXXXXX

Additional contact information for person/service/institution in charge of follow-up:

Dr. Alma Singh-Abdou, Director, Legislative Drafting, Ministry of Justice, Singh-Abdou.Alma@gov.el, Private Bag 146, Ministry of Justice, Government House, Centreville, Elbonia. Direct line: + 399 649 7577

Return Information:

Please submit this Pledge registration form to the Secretariat of the Assembly of States Parties (email: asp@icc-cpi.int or fax: +31-70-515-8376).

II. Sample Pledge (B)

**Review Conference
Rome Statute of the International Criminal Court
Pledge registration form**

REPUBLIC OF SHOULDERIA hereby pledges (max. 10 lines):

TO PROVIDE TECHNICAL ADVICE, PURSUANT TO A REQUEST FROM THE REPUBLIC OF ELBONIA, IN SUPPORT OF THEIR PLEDGE CONCERNING A DRAFT LAW FOR THE AMENDMENT OF DOMESTIC PENAL LEGISLATION TO INCLUDE ALL ROME STATUTE CRIMES, AS WELL AS OTHER GRAVE BREACHES AND SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

(Note: Pledge should include specific dates)

Proposed implementation steps (in 2010 and 2011):

- ➔ Experts from Shoulderia to take part in a drafting workshop in Elbonia with experts of Elbonia's inter-ministerial working group (by November 2010)
- ➔ Experts from Shoulderia to contribute to consultations on a working draft law (by February 2011)
- ➔ Experts from Shoulderia to provide comments on further draft law (by April 2011).

Sponsor(s) of the pledge: Shoulderia

Contact information for responsible official(s):	
Full name:	Date: 2 May 2010
Dr. Sara Sing-Amatete	
Title/organization:	Shoulderton, Shoulderia
Permanent Secretary	
Ministry of Foreign Affairs & Regional Integration	
Email: ssing-amatete@gov.sh	Signature:
	XXXXXXXXXX
Additional contact information for person/service/institution in charge of follow-up:	
Col. Mwalimu Chang-Alvarez, Chair, National Inter-Ministerial IHL Committee, c/o Legal Services, Department of Defence. PO Box 4700, Shoulderton, Shoulderia	
MChangAlvarez@gov.sh DoD main switchboard: + 445 28787 424242	

Return Information:

Please submit this Pledge registration form to the Secretariat of the Assembly of States Parties (email: asp@icc-cpi.int or fax: +31-70-515-8376).