



N° PRB 12/

The Embassy of Australia presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to refer to the Secretariat's Note ICC-ASP/11/SP/PA/12 of 26 June 2012, in which the Secretariat requested States Parties to convey the information requested under paragraph 6(h) of the *Plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court*.

*Promotion of ratification and implementation*

The Embassy of Australia has the honour to advise that in the period since our last report in September 2011, Australia has been active in promoting the universalisation of the Rome Statute of the International Criminal Court (Rome Statute).

Of particular note was the Government of Australia's co-hosting (with the Government of New Zealand and the Commonwealth Secretariat) of an International Criminal Court Pacific Outreach Roundtable in Sydney in February 2012. The Roundtable brought together representatives of the ICC (HE Judge Sang-Hyun Song, Mrs Fatou Bensouda and Ms Silvana Arbia), the ICC's Assembly of States Parties (Ambassadors Tiina Intelmann and Christian Wenaweser), the Secretary-General of the Pacific Islands Forum (Judge Neroni Slade) and representatives of Cook Islands, Marshall Islands, Micronesia, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu and Vanuatu, in addition to representatives of the Australian and New Zealand Governments. The purposes of the Roundtable were twofold: to provide information to assist Pacific States in their consideration of accession and/or the development and adoption of implementing legislation and to learn more about Pacific States' views on the Rome Statute system and the challenges they face in considering accession and implementation. The aim of the co-hosts of the Roundtable was to see what more can be done to address the status of the Pacific as one of the most underrepresented regions under the Rome Statute.

The Roundtable's discussions were both frank and informative. The particular benefits of accession relevant to Pacific Island Countries were identified. Certain misconceptions about the Rome Statute system were addressed. The reasons why it is imperative for States to adopt legislation implementing Rome Statute obligations were also canvassed.

Discussions at the conclusion of the Roundtable recorded that representatives of Pacific States not yet party to the Rome Statute considered that it is desirable for all Pacific Islands States to become States Parties to the Rome Statute. Representatives of States Parties that have not yet adopted implementing legislation equally agreed that it was desirable to do so as expeditiously as possible. Action plans were developed by Roundtable participants with the aim of addressing, in a coordinated manner, the constraints that currently stand in the way of these goals.

A formal report of the Roundtable has been prepared and circulated to a range of actors active in the promotion of the universalisation of the Rome Statute. Roundtable participants agreed to continue discussions in order to work together to promote the Rome Statute and the ICC.

In addition to the ICC Pacific Outreach Roundtable, in the last 12 months Australia has actively promoted the universalisation of the Rome Statute in the course of our bilateral engagement, particularly within the Asia-Pacific region. Australia also works in partnership with the Council of the European Union's Working Group on the ICC in carrying out demarches on non-States Parties to encourage accession, as well as on States Parties to encourage the full implementation of cooperation obligations.

#### *Technical and other assistance*

The Embassy of Australia has the further honour to advise that Australia has engaged closely with several countries in the Pacific region, at their request, to strengthen criminal justice systems and increase capacity for effective international crime cooperation within the region. Australia has provided technical assistance to several States to revise criminal legislation. Where appropriate, Australia raises the possibility of including offences in these countries' criminal laws that are consistent with the Rome Statute. This work has focused on strengthening broader criminal justice processes, systems and institutions. Australia anticipates that this will enhance the ability of these States to assume obligations under the Rome Statute in the future.

#### *Implementation of Australia's Rome Statute obligations*

The Embassy of Australia has the further honour to advise that, as previously reported, the Australian Government has fully implemented its obligations under the Rome Statute. The *International Criminal Court Act 2002* was especially developed to implement the Statute into Australian law. The legislation in particular establishes the mechanisms for Australia's cooperation with the Court. Other key provisions of the Statute, such as the substantive crimes, were added to the *Criminal Code Act 1995*.

#### *National contact point*

The Embassy of Australia has the further honour to advise that the national contact point for matters related to the promotion of ratification and full implementation of the Rome Statute is the Director of the International Law Section at the Department of Foreign Affairs and Trade. The Embassy of Australia should be copied into all

correspondence with the Department of Foreign Affairs and Trade regarding plans for achieving universality and full implementation of the Rome Statute.

The Embassy of Australia avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties the assurances of its highest consideration.

THE HAGUE  
September 2012  
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