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Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court

Note by the Secretariat

Pursuant to paragraph 4 of resolution ICC-ASP/12/Res.8 of 27 November 2013, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly the report on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court. The present report reflects the outcome of the informal consultations held on the topic with the Court and other stakeholders.

I. Introduction

1. At its fifth session, the Assembly of States Parties adopted, by consensus, 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 (hereinafter "the Plan of action").¹

2. At its twelfth session, the Assembly of States Parties (hereinafter "the Assembly") welcomed the annual report of the Bureau on the implementation of the Plan of action, endorsed the recommendations contained therein² and requested the Bureau to continue to monitor the implementation of the Plan and to report thereon to the Assembly during its thirteenth session.³

3. The Plan of action calls upon States Parties to proactively make use of the political, financial and technical means at their disposal to promote the universality and full implementation of the Rome Statute through bilateral and regional relationships by, *inter alia*, a) direct political and other contacts, b) efforts to seek an agenda item on the Court in any bilateral contacts, c) ratification and full implementation of the APIC and encouragement by others, d) providing technical and financial assistance to States wishing to become Party to the Rome Statute, e) convening and supporting seminars and other events, f) wide dissemination of information about the Court, g) identification of a national contact point on universality and implementation, h) providing information on universality and implementation to the Secretariat of the Assembly (hereinafter "the Secretariat"), i) full and effective implementation of the Rome Statute including the duty to fully cooperate with the Court, and j) active participation in and support for the meetings of the Assembly and its bodies. Furthermore, the Plan of action calls upon the Secretariat to support States in their efforts to promote universality and full implementation of the Statute by acting as a focal point for information exchange, within existing resources, including by collecting and ensuring dissemination of such information. It also requires the Assembly, through its Bureau, to keep the Plan of action under review.

4. Though the Plan of action had been traditionally under consideration by the New York Working Group of the Bureau, since 2013, the Bureau decided that the mandate on the Plan of action be an *ad country* facilitation.⁴ At its first meeting of 2014, on 18 February 2014, the Bureau of the Assembly of States Parties decided to appoint the Republic of Cyprus and Japan as *ad country* focal points to facilitate the implementation of the Plan of action.⁵

5. The reporting period covers the period after the adoption of the previous report (ICC-ASP/12/26, 15 November 2013) until November 2014. During the said period, the facilitators conducted consultations and briefings both in The Hague and New York in order to keep delegates, Court officials, members of civil society and other interested parties up to date on the progress in the discussions on the Plan of action and to receive their suggestions, comments and recommendations. No amendments to the provisions of the current Plan of action were suggested during the reporting period.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November - 1 December 2006* (ICC-ASP/5/32), part III, ICC-ASP/5/Res.3, para. 2, and annex I.

² ICC-ASP/12/20, para 4.

³ *Official Records ... Twelfth Session ... 2013* (ICC-ASP/12/20), vol. I, part III, ICC-ASP/12/20, Annex I, para. 1.

⁴ Bureau of the Assembly of States Parties, first meeting, 12 February 2013, Agenda and Decisions, http://icc-cpi.int/iccdocs/asp_docs/Bureau/ICC-ASP-2013-Bureau-01-12-02-22013.pdf.

⁵ Bureau of the Assembly of States Parties, first meeting, 18 February 2014, Agenda and Decisions, http://icc-cpi.int/iccdocs/asp_docs/Bureau/ICC-ASP-2014-Bureau-01-Add-18-02-2014.pdf.

II. Updates on efforts to promote universality and full implementation of the Rome Statute

A. Informal consultations

6. The co-focal points continued the practice of informal consultations with numerous actors in different *fora*. The informal consultations and briefings during 2014 focused on the mandate and programme of work of the co-facilitator countries, the Republic of Cyprus and Japan, the status of the ratification and implementation of the Rome Statute, the content of the Plan of action and the progress achieved since the adoption of the Plan. Following findings of the previous report on the Plan of action, the co-focal points drew attention to the status of ratifications of the Agreement on Privileges and Immunities of the ICC (“APIC”) and encouraged States, in particular those party to the Rome Statute, to take steps to ratify it. Latest developments, efforts and pledges by States in ratifying the amendments of the Rome Statute were mentioned.

7. In addition to the open meetings, the co-focal points held individual and joint bilateral consultations with representatives of States, members of civil society, international organizations and the Secretariat, at all levels, including the level of their respective Ministers of Foreign Affairs. The consultations were held in The Hague and New York.

B. Activities of the President of the Assembly of States Parties and the President of the Court

8. During the reporting period, the President of the Assembly of States Parties, Ambassador Tiina Intelmann, and the President of the Court, Judge Sang-Hyun Song have continued the practice of the last years in promoting universality of the Rome Statute in their official meetings with high level representatives.

1. Activities of the President of the Assembly of States Parties

9. During the United Nations General Assembly ministerial week in September 2014, President Intelmann met with the Ministers of Foreign Affairs of Jamaica and Ukraine, encouraging them to ratify the Statute.

10. President Intelmann further travelled to Washington D.C. in June 2014 for a Congressional Briefing at the House of Representatives of the United States Congress, where she informed also about the recent judicial developments and work at the Assembly. In March 2014, Ambassador Intelmann briefed embassy staff stationed in Washington DC and civil society promoting the ratification of the Rome Statute by the United States. Throughout 2014, Ambassador Intelmann lectured at several universities, *inter alia* in New York University and Columbia University, and addressed members of the New York Bar Association and of the Union Internationale des Avocats in order to promote awareness about the Court among the general public of States not Parties.

11. President Intelmann also travelled to Kiev, where she met with representatives of all branches of the Government of Ukraine. To raise awareness about the work of the Court and the Assembly, President Intelmann also delivered lectures at numerous universities and academic institutions and engaged with civil society.

12. President Intelmann also participated in high-level events promoting the universality of the Rome Statute organised by Parliamentarians for Global Action. In this context, Ambassador Intelmann interacted with parliamentarians from Cameroon, Iraq, Morocco, Oman, Palestine, Somalia, Togo, Turkey and Yemen. President Intelmann also participated in a seminar on the Kampala Amendments that took place in Brdo, Slovenia, where she raised the issue of ratification with authorities from Armenia.

13. In collaboration with the Court, the President of the Assembly launched the social media campaign to celebrate the Day of International Criminal Justice, #JusticeMatters. The campaign aimed to create awareness about the Rome Statute among the general public and government officials alike, including those from States not Parties. A number of States Parties, including the Republic of Cyprus, also participated actively in the social media campaign with various activities.⁶

14. President Intelmann has kept States Parties informed of her universality activities via press releases, the weekly reports issued by the Court, and social media. The Bureau of the Assembly is constantly informed of her visits and activities.

2. Activities of the President of the Court

15. The Court, under the leadership of the Presidency, contributed actively to universality related efforts in close cooperation with other actors, including the President of the Assembly, the co-focal points on the Plan of Action, States Parties, civil society and regional organizations. At the invitation of the National Assembly of El Salvador, the Court participated in two expert meetings, co-organized by Parliamentarians for Global Action, on the consideration of accession to the Rome Statute and provided clarifications to a large number of detailed questions concerning the legal framework and operations of the Court. The President of the Court continued his persistent efforts to sensitise public opinion in States not Parties to the Rome Statute, e.g. by giving public lectures in the United States.

16. The President of the Court also visited Indonesia and Malaysia, where he urged active consideration of joining the ICC in meetings with a number of cabinet ministers and other key stakeholders. During these discussions, he highlighted the benefits of membership in the Rome Statute system – including legal protection, deterrent effect, global solidarity with victims of the gravest crimes and contribution to the development of international criminal law – and addressed concerns and misinformation about the ICC. These themes featured strongly in a large number of high-level speeches and media appearances by the President.

17. The Court received visits at its seat by government officials, parliamentarians and other stakeholders from a large number of States not Parties including but not limited to Algeria, Angola, Azerbaijan, Brunei, China, Egypt, El Salvador, India, Indonesia, Iran, Iraq, Israel, Jamaica, Laos, Lebanon, Libya, Malaysia, Morocco, Myanmar, Oman, Pakistan, Russia, Rwanda, Sao Tome and Principe, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Thailand, Turkey, Ukraine, United Arab Emirates, United States, Vietnam, Yemen and Zimbabwe.

18. On 4 August 2014, the President of the Court signed an Exchange of Letters between the ICC and the Parliament of the MERCOSUR (PARLASUR) The Exchange of Letters envisages cooperation for the promotion and dissemination of international criminal law, public and political support to the ICC and promotion by PARLASUR among the Parliaments of MERCOSUR member States to encourage full implementation of the Rome Statute.

C. Seminars and other events

1. Seminars and events organized by the *ad country* co-focal points

19. The *ad country* co-focal points, the Republic of Cyprus and Japan, have continued to engage in organizing events to promote the universality of the Rome Statute in The Hague and New York during the reporting period.

⁶ An overview of the participation of States Parties, civil society and others is available at <https://storify.com/TIntelmann/17july-international-criminal-justice-day>.

20. During the twelfth session of the Assembly in The Hague, the Republic of Cyprus, Japan, Romania, the United Kingdom and the Secretariat of the Assembly of States Parties co-organized a side-event entitled “Universality and Full Implementation of the Rome Statute: Progress and Challenges” on 22 November 2013. The side-event was moderated by Professor Claus Kress and the attendees to the event benefited from the presentation of the following eminent speakers: H.E. Dr. Bogdan Aurescu, State Secretary of the Ministry of Foreign Affairs of Romania; H.E. Ambassador Tiina Intelmann, President of the Assembly of State Parties; H.E. Judge Silvia Fernández de Gurmendi, President of the Pre-Trial Chamber I of the Court; Baroness Vivien Stern, Member of the House of Lords of the United Kingdom and Dr. David Donat-Cattin, then Secretary General designate of the Parliamentarians for Global Action (“PGA”). Interventions were also made by Dr. Christian Behrman, EU Focal Point for the ICC and Ms. Kirsten Meersschaert Duchens, Regional Coordinator for Europe of the Coalition for the ICC (“CICC”). The speakers addressed the progress made towards the goal of universality and full implementation of the Rome Statute, the key benefits of the Rome Statute system and its major challenges.

21. An informal roundtable meeting titled “Informal Roundtable on Universality and Full Implementation of the Rome Statute: A Dialogue among African and Asia-Pacific States and the Court” was co-organized by the Republic of Cyprus and Japan, with the kind support of Bangladesh, in The Hague on 14 July 2014. The roundtable was addressed by H.E. Judge Sang-Hyun Song, President of the ICC, and three States Parties and one State not Party made presentations on their experiences on the ratification and full implementation of the Rome Statute or on legal or political impediments to the ratification of the Rome Statute, while representatives from States Parties and not Parties to the Rome Statute from the Africa and Asia-Pacific regions participated in the discussion. The participants shared views on the legal, political and technical obstacles in relation to the ratification and full implementation of the Rome Statute and on the importance of further encouraging States not Parties to ratify the Rome Statute. It was pointed out that in order to promote ratification of the Rome Statute, both legal (or technical) and political impediments must be overcome in States not Parties. It was recalled that legal or technical impediments included the criminalization of the crimes under the Rome Statute at the national legal order and amendments to relevant national laws (e.g. laws on extradition and international judicial assistance in criminal matters) and political impediments included the insufficient publicity of the activities of the Court and the need for awareness-raising, advocacy or outreach activities to convey accurate information of the activities of the Court. Some participants emphasized the fact that some major actors in the international community are still outside the Rome Statute system. The need to carefully analyze the reasons why the pace of ratification had slowed down in recent years was also raised.

2. Seminars and events organized by States Parties

22. On 6 and 7 March 2014, New Zealand, Liechtenstein and the Global Institute for the Prevention of Aggression organized a workshop for the Pacific Region States which took place in Auckland, New Zealand, on the Universality of the Rome Statute and the Kampala Amendments on the Crime of Aggression. The event was well attended by Representatives of Asia-Pacific States, including States not Parties to the Rome Statute.

23. On 15 and 16 May 2014, Slovenia, Liechtenstein and the Global Institute for the Prevention of Aggression organized a seminar in Brdo, Slovenia for the Eastern European States on the Ratification and Implementation of the Kampala Amendments to the Rome Statute: “Turning the Kampala Amendments into reality”. Its aim was to raise awareness about the Kampala Amendments and encourage the States of the Eastern European region to ratify and implement them.

24. On 8 July 2014, the Supreme Court of the Republic of Korea organized a judicial symposium under the title “International Judicial Cooperation for the Rule of Law and Human Rights.” This symposium was held at the Supreme Court in Seoul and its aim was to promote reinforcement of the rule of law and human rights law in Asia. During this symposium, the necessity for international judicial cooperation and missions thereof were

discussed, with the Asian region being the focus. The President of the ICC, Judge Sang-Hyun Song, in his keynote speech, addressed the importance of international cooperation and specifically encouraged more Asian States to ratify the Rome Statute.

25. On 17 July 2014, in the framework of its activities as President of the European Union, the Permanent Mission of Italy to the United Nations organized a High Level Event titled “The United Nations and the International Criminal Court: Partners of Shared Values” at the UN Headquarters in New York to celebrate the Day of International Criminal Justice and to mark the tenth anniversary of the Relationship Agreement between the UN and the ICC (2004-2014). The event was hosted by H.E. Ambassador Sebastiano Cardi (Permanent Representative of Italy to the UN) who referred to universality setting out the general framework in which both the ICC and the United Nations are bound to be partners of shared values. The opening address was delivered by the Secretary-General of the United Nations, H.E. Ban Ki-moon, and the President of the International Criminal Court, Judge Song, the President of the Assembly of States Parties, Amb. Tiina Intelmann, and the Under Secretary-General for Legal Affairs, Miguel de Serpa Soares participated in a panel discussion which emphasized the universality of the Rome Statute as the common challenge of establishing the age of accountability.⁷

26. The Ministry of Foreign Affairs of Romania, the National Commission for International Humanitarian Law and the Romanian Red Cross have organized, on 21 July 2014, an event celebrating the day of international criminal justice, aimed at promoting the activities of the International Criminal Court and the ratification of the Kampala Amendments. The Prosecutor of the International Criminal Court, H.E. Fatou Bensouda, participated to the event as well as the representatives of the diplomatic corps accredited to Bucharest, representatives of ministries in Romania involved in the cooperation with the International Criminal Court, national judges, the academic community, students and practitioners.

D. Activities of international organizations and other organizations

27. During the 18th, 19th and 20th sessions of the Universal Periodic Review (“UPR”), a State-driven process under the auspices of the Human Rights Council of the United Nations, the States under review received recommendations related to the ICC, in particular on the ratification of the Rome Statute, the domestic implementation of the crimes and general principles contained in the Rome Statute and of provisions on cooperation, and ratification of the so-called Kampala amendments and the Agreement on Privileges and Immunities of the Court. The States not Parties in focus were: Angola, Bhutan, Brunei Darussalam, the Democratic People’s Republic of Korea, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Nicaragua, Iran, Iraq, Kazakhstan, Qatar, Viet Nam and Yemen. All of them received round recommendations to ratify and implement the Rome Statute. More than thirty five countries made recommendations on this matter during the UPR of one or more of the afore-mentioned States not Parties to the Rome Statute. Positive signals have been received from Yemen and El Salvador: Yemen accepted the recommendations to ratify the Rome Statute, while El Salvador accepted a recommendation to step up efforts to the ratification of, *inter alia*, the Rome Statute. In addition, several States Parties accepted to fully implement the Rome Statute and/or ratify the APIC and the Kampala amendments: Afghanistan, Albania, Bolivia, Chile, Costa Rica, Côte d’Ivoire, the Democratic Republic of the Congo, the Former Yugoslav Republic of Macedonia, Madagascar, Portugal, San Marino and Vanuatu. President Intelmann repeatedly encouraged States Parties to continue issuing universality-related recommendations, whose coordination was facilitated through the ICC group of friends in Geneva chaired by Estonia. In her correspondence, President Intelmann encouraged the States not Parties that accepted the recommendation to ratify the Rome Statute to implement such recommendation, and encouraged the others to further consider accepting such recommendation. President Intelmann also wrote to the States

⁷ Press Release: http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1031.aspx.

Parties that had issued ICC-related recommendations and gave visibility to these recommendations through social media.

28. The European Union (EU) continued to actively support the ICC, including through the activities to promote the universality and full implementation of the Rome Statute. The strong EU policy in support of the ICC had a firm institutional foundation in a detailed 2011 Council Decision and a 2011 Action Plan on its implementation. On this basis, the EU continued its engagement towards the universality of the Rome Statute and promoting a better understanding of the ICC's mandate. The EU supported the Court, for instance, through demarches with the aim to make the Rome Statute truly universal and once 3rd States have ratified, urge them – if need be – to honour their legal obligation under the treaty. The EU also continued to make every additional effort to further this process with third States and organizations, in particular during its regular human rights dialogues with approximately 40 countries, the Arab League and the African Union; through the organization of dedicated local or regional seminars, through the systematic inclusion of an ICC clause into agreements with third countries, or through financial support to civil society organizations advocating for the universality of the Rome Statute. Since 2003, after the Rome Statute came into force, the EU had also provided funding of more than €30 million to the global ratification campaigns undertaken by civil society organizations and to projects of the ICC. On the basis of the 2005 Agreement between the Court and the European Union on cooperation and assistance, a joint ICC-EU roundtable was established for the first time to ensure regular consultations and exchange of views on matters of mutual interest, including promoting universality of the Rome Statute.

29. The European Parliament has also undertaken initiatives related to the promotion of the Plan of Action. On 17 July 2014, upon the initiative of five different political groups the European Parliament adopted Resolution 2014/2724 on the Crime of Aggression, through which the European Parliament encourages Member States to, *inter alia*, ratify the 2010 Kampala Amendments on the Crime of Aggression.⁸

30. During the reporting period, the Organisation Internationale de la Francophonie (“OIF”) continued to promote the universality of the Rome Statute among its member and observer States, based on the Memorandum of Understanding signed with the ICC in September 2012, which was welcomed by the 14th Summit of the Organisation in Kinshasa, aiming at strengthening and developing cooperation between the two Organisations. The Secretary General of the Organisation, Mr. Abdou Diouf, addressed the opening session of the twelfth session of the Assembly in The Hague in November 2013 as a special guest. Mr. Diouf stressed that the OIF's continued support to the ICC had been given, *inter alia*, via high level training seminars and its dialogue with the African Union (“AU”). In 2014, the Organisation sponsored seminars that were attended also by member states of the Organisation which are not parties to the Rome Statute.

31. The Commonwealth of Nations also continued to support the universality and full implementation of the Rome Statute. During the Commonwealth Law Ministers meeting in Gaborone, Botswana on 5 to 8 May 2014, the Ministers adopted recommendations that the Secretariat continues to disseminate relevant information and assistance to Commonwealth member states, upon their request, in the process of implementing and drafting national legislation for the Rome Statute. The Commonwealth's Secretariat remains committed in developing programs to facilitate the understanding of the foundations and development of the Court and of the universality of the Rome Statute.

32. The Organization of American States (“OAS”) continued to support the ICC, including through the implementation of the "Exchange of Letters for the Establishment of a Framework Cooperation Agreement with the International Criminal Court" signed at the Headquarters of the OAS on April 18, 2011 in the presence of the President of the Court, Judge Sang-Hyun Song, and the OAS Secretary General, Mr. José Miguel Insulza.⁹ In June 2014, the General Assembly of the OAS, meeting in Asunción, Paraguay, adopted the

⁸ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2014-0013+0+DOC+XML+V0//EN&language=EN>.

⁹ http://www.oas.org/dil/esp/corte_penal_internacional.htm.

resolution entitled "Promotion of International Law," document AG/RES. 2852 (XLIV-O/14), which, *inter alia*, reaffirms the support of the OAS to the ICC and calls on member states to consider ratifying or acceding to the Rome Statute, recalls the importance of the implementation of the Rome Statute in national legislation, and requests the Permanent Council to hold prior to the forty-sixth regular session of the General Assembly, a working meeting with support from the Department of International Law, which should include a high-level dialogue session among the permanent representatives of all member states to discuss, among other matters, measures that could strengthen cooperation with the ICC. Also, the OAS General Secretariat has set up a specific fund to "Strengthen Member States' Cooperation with the ICC on legislative matters." Its goal is to contribute to the adoption of domestic laws and to disseminate the work of the Inter-American Juridical Committee, pursuant to the General Assembly mandates that request the Committee to support training in the member states for administrative and judicial officials and academics. As part of its collaboration with the Court, the OAS also invited the President of the Court and the President of the Assembly of States Parties to give keynote addresses at the XLI Course on International Law, held in Rio de Janeiro, Brazil in August 2014. Furthermore, President Sang-Hyun Song was received by the Inter-American Juridical Committee, the advisory body on juridical matters under the OAS Charter, at its headquarters in Rio de Janeiro, during its 85th regular session. The Department of International Law's website posts detailed information on the initiatives and actions undertaken in connection with issues relating to the International Criminal Court¹⁰.

33. Civil society plays a crucial role in the awareness-raising on the Court, the increased ratification of the Rome Statute, promoting the adoption of national implementing legislation, the complementarity principle and cooperation of States Parties with the Court. The NGOs continued their regional and country-based approach in promoting the universality of the ICC. The Coalition for the ICC, the Parliamentarians for Global Action and the Geneva Friends of the ICC Group continued their commendable activities on this field for which they also informed the co-focal points.

E. Bilateral contacts and initiatives

34. The co-focal points recalled the annual *note verbale*¹¹ of the Secretariat requesting States to provide information on actions undertaken to promote the ratification and full implementation of the Rome Statute, and emphasized that the number of responses had been very low. As of 12 November 2014 only six States Parties¹² responded to the Note Verbale of the Secretariat. During the consultations held, the co-focal points encouraged all States Parties that had not yet done so to provide the requested information.

35. Some States Parties have contributed to the Trust Fund for Least Developed Countries, established by ICC-ASP/2/Res.6, which has allowed delegates from States not Parties to participate in sessions of the Assembly.

36. Estonia and Liechtenstein provided the financial support to the ratification campaigns of civil society organizations during the reporting period. Liechtenstein participated in hearings on the ratification of the Rome Statute held by the Legislative Assembly of El Salvador in June 2014¹³.

F. Development and progress of full implementation of the Rome Statute

37. On 1 January 2014, the "Act 104/213 on International Judicial Cooperation in Criminal Matters" and "Act No. 105/2013 of the Collection of Laws of the Czech Republic" entered into force allowing for cooperation with the International Criminal Court.

¹⁰ Ibid.

¹¹ ICC-ASP/13/PA/45, dated 7 July 2014.

¹² Republic of Cyprus, Germany, Italy, Japan, Liechtenstein and Slovakia.

¹³ A member of the Parliament of the Dominican Republic also participated in the hearing.

38. On 1 July 2014, the Swedish Act on criminal responsibility for genocide, crimes against humanity and war crime entered into force thereby fully incorporating these crimes as defined in the Rome Statute in the domestic order. A revision of the Swedish domestic legislation on crimes covered by the Rome Statute crimes was deemed necessary as the results of an investigation of the relevant legislation showed that the Statute was not fully implemented in Swedish law. The Act on criminal responsibility for genocide, crimes against humanity and war crime enacted on 1 July 2014 thus incorporates the requirements of the Rome Statute as well as relevant customary international law.

39. On August 10 2014, the integral criminal code of Ecuador entered into force. The code incorporates into domestic legislation the four crimes contained in the Rome Statute.

III. Findings and challenges

40. During the reporting period, the membership of the ICC remained 122 without any further ratification of the Rome Statute.

41. The perspective of the ICC regional membership representation continues to be on focus and several highlights are worth mentioning. Only a few States are missing for a full representation of the Latin American and Caribbean region (27/33). El Salvador had made significant progress to ratify the Rome Statute by submitting its bill for the ratification of the Rome Statute to the parliament, which is currently under consideration of the matter. The Asia-Pacific region remains the most underrepresented (18/54), and efforts by States Parties, international organizations and civil society were enhanced in order to promote better awareness and understanding of the Rome Statute and address challenges for its ratification and implementation. In July 2013, the Cabinet of the Government of Yemen referred the ratification of the Rome Statute to the House of Representatives. As of 1 September 2014, the Commission on Constitutional and Legal Affairs of the House is considering the matter. The Western European and Other States region is one of the most represented regions and only a small number of States are missing for this region (25/29). Among the Eastern European countries (18/23), on 17 April 2014, Ukraine accepted the jurisdiction of the Court over acts committed on the territory of Ukraine between 21 November 2013 and 22 February 2014, but is still signatory to the Rome Statute. Upon the announcement made by the Registrar of the lodging of the ad hoc declaration, the President of the Assembly issued a press release taking note of the ad hoc declaration and calling Ukraine to also ratify the Rome Statute.¹⁴ The main impediment to the ratification by Ukraine remains the constitutional framework that needs adjustments to recognize the jurisdiction of the Court. The African region continues to be the largest regional group in the membership of the ICC, though a number of States are still not parties to the Rome Statute (34/54).

42. The process of ratification of the amendments to the Rome Statute adopted in Kampala was accomplished by Austria, Belgium, Croatia, Latvia, Poland, Slovakia and Spain during the reporting period. As of 12 November 2014, the Amendments on the Crime of Aggression had been ratified by 18 States and the Amendments to article 8 had been ratified by 21 States. Liechtenstein led efforts to assist countries, including at a technical level, in the process of ratification of the amendments, as highlighted by paragraphs 21-23 of this report. The President of the Assembly has witnessed the deposits of the instruments of ratification or accession, when possible, and given visibility to these actions by States Parties via press releases.¹⁵ Moreover, the bills for ratification of the Kampala Amendments are under consideration in the Parliaments of Chile, Costa Rica, El Salvador, Paraguay and the Netherlands.

¹⁴ http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR998.aspx.

¹⁵ Croatia: http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr976.aspx Slovakia: http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1000.aspx ; Austria : http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1029.aspx; Latvia, Poland and Spain : http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1044.aspx.

43. As of 12 November 2014, the Agreement on Privileges and Immunities of the ICC (“APIC”) had been ratified by 73 States, out of which Ukraine is not yet party to the Rome Statute. Senegal ratified the APIC on 25 September 2014. The co-focal points encouraged initiatives to ratify given the high importance of the agreement for the functioning of the Court.

44. Based on the information provided during the reporting period, the key challenges towards universality that remain to be addressed are: political will to face the legal difficulties in amending the Constitution or the national legislation in order to ratify the Rome Statute, political challenges that hinder the ratification process, lack of expertise and financial resources, and insufficient information on resources and activities relating to the ratification and implementation of the Rome Statute.

45. Besides fostering the political will, stakeholders could enhance their efforts in assisting current or future States Parties with similar legal systems by sharing with them legal expertise and practice. Pro-activeness by States Parties in identifying potential States Parties and building partnerships with them was welcomed. As mentioned, efforts in this sense have been made bilaterally by countries and jointly by regional organizations and civil society, but further activities are needed. It was also highlighted the need to include third parties among participants in the prospective activities or to share with them the outcome with the intention to raise awareness and interest for future ratifications.

46. Given the objectives of the Plan of action, it was highlighted that the States Parties should endeavor to make the information widely available, including by providing the Secretariat with relevant information on the activities undertaken in promoting the universality and the full implementation of the Rome Statute.

IV. Recommendations

A. To the Assembly of States Parties

1. To continue to monitor closely the implementation of the Plan of action.

B. To the States Parties

2. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in their bilateral, regional and multilateral relationships, including enhancing the cooperation between international and regional organizations and the Court;
3. To continue their efforts to disseminate information on the Court at the national, regional and international level, including through events, seminars, publications, courses and other initiatives that may raise awareness about the work of the Court;
4. To continue to provide the Secretariat with updated information relevant to the universality and full implementation of the Rome Statute, including current contact information on national focal points;
5. To continue to promote, as far as possible, the universality and full implementation of the Rome Statute in collaboration with civil society, academia, international organizations and professional organizations;
6. To organize, in conjunction with civil society, academia, international organizations and professional associations seminars, panel discussions and events focusing on promoting the universality and full implementation of the Rome Statute, in New York, in The Hague and in different regions, and to disseminate information about the Court’s work and the provisions of the Rome Statute;
7. To continue to provide, wherever possible, technical and financial assistance to States wishing to become Party to the Statute and to those wishing to implement the Statute in their national legislation;

8. To provide financial and/or other supports, wherever possible, to civil society, academia, international organizations and professional associations that provide technical assistance to overcome the challenges to ratification and implementation identified in this report;
9. To continue to contribute to the Trust Fund for Least Developed Countries to promote the attendance of States not parties to the sessions of the Assembly; and
10. To continue to cooperate with the Court so that it can fulfill its functions accordingly.

C. To the Secretariat of the Assembly of States Parties¹⁶

11. To continue to support States in their efforts to promote the universality and full implementation of the Rome Statute by acting as a focal point for information exchange and by making available updated information on this matter, including on the website of the Court;
12. To compile information on all available resources and potential donors, and post it on the Court's website for easy access by States; and
13. To prepare a matrix to serve the purpose of enhanced information sharing between potential recipients and donors of technical assistance.

¹⁶ These recommendations are to be implemented in line with the ongoing review of the working methods of the Assembly by the Bureau as contained in ICC-ASP/12/59 and endorsed by the Assembly in resolution ICC-ASP/12/20 para. 41.