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CONSULTATION

ON

THE IMPLICATIONS FOR COUNCIL OF EUROPE MEMBER STATES OF THE RATIFICATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

PROGRESS REPORT

JAPAN

Council of Europe, Athens (Greece) 14-15 September 2006 The ICC is the culmination of the international community's endeavours after WWII to create a permanent international tribunal in the field of criminal justice. Japan attaches great importance to this enterprise. Japan has consistently supported the establishment of the ICC and has actively participated in ICC-related meetings, including the Rome Diplomatic Conference of 1998 which adopted the Statute creating the ICC. Although Japan has not yet acceded to the Statute of the ICC, it fully recognizes the importance of becoming a State Party so that it will be able to effectively support the Court with a view to eradicating and preventing the most serious crimes, and thereby strengthening the rule of law in the international community.

The Government of Japan is redoubling its efforts to prepare the national implementing legislation required for accession to the Statute. This necessitates very strenuous legal work, as it involves wide-ranging legal issues involving criminal justice and, *a fortiori*, very careful considerations regarding basic human rights.

Another delicate aspect is the financial implications. Accession will entail a substantial financial obligation for Japan in the form of annual contributions. This obviously needs to be carefully assessed against the background of Japan's serious fiscal deficits. It is estimated that the annual contributions will amount to more than 17 million euros when Japan joins the ICC. This large amount of contributions is one of the hurdles that the Government of Japan will have to clear in order to accede to the Statute. This is particularly so as Japan currently bears an extremely large portion of the financial contributions to international organisations, including the UN and international courts such as ICTY and ICTR. The assessed contributions of Japan to the ICTY and ICTR combined alone amounted to 56 million US dollars in 2005.

Emphasis should be given to Japan's position concerning the scale for assessing contributions to the ICC. The principle of the maximum assessment rate (i.e. ceiling) of the UN scale of assessments for the regular budget should be applied to the scale for assessing contributions of States Parties to the ICC. To confirm this principle is simply a matter of interpreting the Rome Statute and is a minimum condition for advancing its consideration on accession to the Rome Statute. Valuable support from States Parties for a resolution in the next Assembly of States Parties would be highly appreciated.

The Government of Japan is in a serious process of doing its homework, both legal and financial, so that Japan will be able to accede to the Rome Statute as soon as possible.