



## Stakeholder Report for the United Nations Universal Periodic Review of the Republic of Palau

Submitted by

**Parliamentarians for Global Action (PGA)**

**For the 36<sup>th</sup> Session of the Working Group on the Universal  
Periodic Review (Third Cycle)**

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Parliamentarians for Global Action (PGA) is the largest non-governmental, cross-party, international network of individual legislators with approximately 1,200 members in 134 parliaments worldwide. PGA mobilizes parliamentarians as champions committed to promoting the rule of law, democracy, human security, inclusion, and gender equality. By using a peer-to-peer methodology and country-specific strategies, PGA educates, sensitizes, and builds the technical capacity of parliamentarians to take concrete initiatives and legislative actions to achieve results on PGA's campaign objectives. PGA supports individual parliamentarians in their national contexts and parliaments and then leverages that capacity with international networking to support democracy, human rights, and peace. The organization's vision is to contribute to creating a rules-based international order for a more equitable, safe, and democratic world. PGA is in general consultative status with the Economic and Social Council of the United Nations with headquarters in New York; its office in The Hague, Netherlands, fosters cooperation with The Hague-based International Organizations, including the International Criminal Court.

## Introduction

1. With this submission, Parliamentarians for Global Action (PGA) wishes to promote the ratification/ accession and implementation of the Rome Statute of the International Criminal Court (ICC) and other key instrument on international criminal justice in Palau and raise awareness of key activities it has undertaken to this effect in Palau. PGA believes that the ratification and implementation of the Rome Statute is an essential step to strengthen the rule of law, seek justice for victims, and, most importantly, end impunity for the commission of grave international crimes. To this end, PGA provides the following recommendations and actions to encourage Palau to take the appropriate measures to adopt these essential instruments.

## I. Legal Framework

2. Palau has not signed nor acceded to the Rome Statute of the ICC;
3. Palau has not ratified the Agreement on the Privileges and Immunities of the International Criminal Court (APIC);
4. Palau signed a Bilateral Non-Surrender Agreement with the US on 3 September 2002.
5. Palau is a staunch military ally of the US, which may constitute an impediment to further progress on the accession to the Rome Statute;<sup>i</sup>
6. Palau has not signed or ratified the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
7. Palau has also not ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity; *and*
8. Palau has not implemented any provision on genocide, crimes against humanity or war crimes.

## II. 2016 Universal Period Review

9. During the 2nd Cycle, Cyprus, Estonia, Ghana and the Netherlands recommended to Palau to take all the necessary measures towards acceding to the Rome Statute and implement it. Palau ‘noted’ the recommendations.<sup>ii</sup>
10. Palau has recognized the ICC’s importance as a mechanism for peace and international justice and supported the Rome Statute’s fundamental principles.<sup>iii</sup> However, PGA stresses that, although Palau commented it has sufficient legislation to address grave human rights violations during its presentation at the 2nd Cycle,<sup>iv</sup> the Rome Statute and the Genocide Convention constitute two of the most important legal instruments to prevent and address the gravest human rights violations.

## III. PGA’s Activities

11. In November 2016, PGA delivered a complete technical assistance package on accession to the Rome Statute, along with a draft Cabinet Memorandum, to the Permanent Representative of Palau to the UN, who promised to renew its quest to the central

Government to accede to the Rome Statute.<sup>v</sup> No progress has been reported.

#### **IV. Recommendations**

12. Accede to and implement the Rome Statute. Such step will not only equip the domestic legislation with tools to address grave human rights violations, but it will also serve to express solidarity with victims of mass atrocity crimes. In addition, it will make a powerful foreign policy statement reaffirming Palau's commitment to the respect of human rights and international justice;
13. Ratify the Convention on the Prevention and Punishment of the Crime of Genocide to demonstrate Palau's commitment to the most fundamental principles of the United Nations and provide a basis for action by the State to prevent the crime of genocide;
14. Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity; *and*
15. Ratify the Agreement on Privileges and Immunities of the International Criminal Court;

#### **Endnotes**

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<sup>i</sup> Parliamentarians for Global Action, *Palau*, <https://www.pgaction.org/ilhr/rome-statute/pacific/palau.html>

<sup>ii</sup> Responses to Recommendations & Voluntary Pledges: Palau (01 September 2016), [https://www.upr-info.org/sites/default/files/document/palau/session\\_24\\_janvier\\_2016/recommendations\\_and\\_pledges\\_palau\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/palau/session_24_janvier_2016/recommendations_and_pledges_palau_2016.pdf)

<sup>iii</sup> Report of the Working Group on the Universal Periodic Review (Addendum): Palau (A/HRC/32/11/Add.1) Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review (21 June 2016), para. 14

<sup>iv</sup> *Ibid.*

<sup>v</sup> Parliamentarians for Global Action, *Palau*, <https://www.pgaction.org/ilhr/rome-statute/pacific/palau.html>