



Parliamentarians for Global Action
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

Stakeholder Report for the United Nations Universal Periodic Review of the Republic of Namibia

Submitted by

Parliamentarians for Global Action (PGA)

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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 Namibia and raise awareness of key activities it has undertaken to this effect in Namibia. 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 Namibia to take the appropriate measures to adopt this essential instrument.

I. Legal Framework

2. Namibia signed the Rome Statute of the ICC on 27 October 1998 and ratified it on 25 June 2002, becoming the Court's 70th member;
3. In addition to the Rome Statute, Namibia has ratified the Agreement on Privileges and Immunities of the ICC (APIC) on 29 January 2004ⁱ;
4. Namibia, however, has not ratified the Amendments to the Rome Statute adopted by the 2010 Review Conference (Kampala Amendments) on the crime of aggression and the use of certain weapons in armed conflict not of an international character;
5. Namibia has not ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

II. 2016 Universal Periodic Review

6. During the 2nd Cycle of the Universal Periodic Review of the Human Rights Council, Estonia and Liechtenstein recommended Namibia to ratify the Kampala amendments to the Rome Statute to contribute to the activation of the ICC jurisdiction over the crime of aggression, which was 'noted' by Namibia. It also 'noted' the recommendations to implement the Rome Statute (Czech Republic) and to reconsider the country's position on a possible withdrawal as a State Party (Austria).ⁱⁱ

III. PGA's Activities

1. PGA contributed to Namibia's ratification of the Rome Statute through different activities and is aware that the process of incorporating it into domestic law competes against other priorities on the national agenda.
2. During the 2002 "Euro-Iberoamerican Conference on the Ratification and Implementation of the ICC Statute" organized by the Senate of Spain with the collaboration of PGA, Namibia announced the ratification of the Rome Statute.
3. In 2015, the Namibian Cabinet approved a recommendation by the ruling Swapo party to withdraw the country from the ICC and in 2017, Namibia supported Africa's collective withdrawal as they argued that domestic remedies were enough.

4. Despite the recommendations made by States during the 2nd Cycle and having ratified the Rome Statute, Namibia has not yet taken any step towards implementing it in its national legislation.

IV. Recommendations

5. PGA thus, recommends the Republic of Namibia to prioritize the full implementation of the Rome Statute and implement the general principles of international criminal law into its domestic legislation to ensure full cooperation with the Court, effective investigations, and enable national courts to fight impunity against the most severe crimes;
6. Ratify the Kampala Amendments to the Rome Statute; *and*
7. Ratify the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity.

End Notes

ⁱ UN Treaty Series: Rome Statute:

https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-10&chapter=18&lang=en

ⁱⁱ Responses to Recommendations & Voluntary Pledges: Namibia (01 September 2016): https://www.upr-info.org/sites/default/files/document/namibie/session_24_janvier_2016/recommendations_and_pledges_namibia_2016.pdf