



**THE IMPLEMENTATION OF THE
ROME STATUTE OF THE INTERNATIONAL
CRIMINAL COURT IN AFRICAN
COUNTRIES**



The Implementation of the Rome Statute of the International Criminal Court (ICC) in African Countries

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1. Introduction

According to Odinkalu:

African states generally have a poor record of compliance with obligations under international human rights treaties. The reasons for this poor record are, on closer examination, much more complicated than a straightforward absence of will on their part to take these norms seriously, although this is clearly a factor. It is conceivable that far from being involved in deliberately subverting the relevant instruments, many of the states genuinely lack the skills, personnel and resources required

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**BOTSWANA**

[no implementing legislation]

Botswana both signed and ratified the Rome Statute on 8 September 2000, becoming the 18th State Party. However, Botswana has not signed the Agreement on Privileges and Immunities, although it has signed an Executive Bilateral Immunity Agreement on 30 June 2003. Botswana has not yet commenced with the process of drafting implementing legislation.

**BURKINA FASO**

[draft implementing legislation]

Burkina Faso signed the Rome Statute on 30 November 1998, and ratified on 16 April 2004, becoming the 93rd State Party.³⁰ Burkina Faso also signed the Agreement on Privileges and Immunities on 7 May 2004 and ratified it on 10 October 2005. Burkina Faso signed a Bilateral Immunity Agreement on 25 May 2004. During July 2006, Burkina Faso is reported to have started drafting implementing legislation.

**BURUNDI**

[draft implementing legislation]

Burundi signed the Rome Statute on 13 January 1999 and ratified it on 21 September 2004. Burundi has not signed the Agreement on Privileges and Immunities. As far as the Bilateral Immunity Agreement is concerned, the US granted a waiver on 29 November 2004.³¹ Burundi currently has some form of draft implementing legislation but only in respect of its complementarity obligations.

**CAMEROON**

[no implementing legislation]

Cameroon signed the Rome Statute on 17 July 1998 but has not signed the Agreement on Privileges and Immunities. The Bilateral Immunity Agreement was signed on 1 December 2003 in Yaoundé.³² Currently there is no implementing legislation since Cameroon is not a State Party.

Law reform processes have begun with a view towards implementation of the Rome Statute. In addition, the International Justice Program of Lawyers Committee for Human Rights is working in collaboration with the government of Cameroon and a number of NGOs in order to assist them with implementation.

**CAPE VERDE**

[no implementing legislation]

Cape Verde signed the Rome Statute on 28 December 2000 but has not signed the Agreement on Privileges and Immunities. However, Cape Verde has signed a Bilateral Immunity Agreement. Since Cape Verde is not a State Party to the Rome Statute, it has not commenced drafting implementing legislation.

³⁰ Ratification of international treaties and agreements is addressed in Title XIII, Articles 148, 149, 150, 151 of the Constitution of Burkina Faso.

³¹ Taken from website of the Coalition for an International Criminal Court – Regional and Country Information, accessible at www.iccnw.org.

³² This is possibly an executive agreement.