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*Dear Colleagues,*

Thank you for your letter of 19 March 2013 expressing concerns regarding the clause on the International Criminal Court ("The ICC clause") in the Partnership and Cooperation Agreement with Thailand ("PCA Thailand").

The negotiations on the PCA Thailand started in 2004 and had stalled since 2009 over a number of issues, in particular the ICC clause. The recent visit of the Thai Prime Minister Mr Yingluck Shinawatra to Brussels on 5-6 March provided the political impetus on the Thai side for completing the long-running negotiations, which led to a successful conclusion of the PCA negotiations.

Consistent with the EU position towards the ICC, as expressed in the Council Decision of 21 March 2011, and with the PCAs with other countries in the region, the ICC clause in the Thai Agreement (Article 4) reaffirms the parties' commitment that the most serious crimes of concern to the international community as a whole should not go unpunished and that their prosecution should be ensured by taking measures at the national or international level.

The ICC clause is further developed in a Joint Declaration which acknowledges the importance of the ICC for the international justice system. I would like to underline that the Joint Declarations annexed to the Agreement form an integral part of the Agreement and consequently enjoy the same legal nature and binding character as any other PCA provisions (Article 51).

Moreover, Thailand has signed the Rome Statute of the ICC. According to the Vienna Convention on the law of treaties, as a signatory of the Rome Statute, Thailand is obliged to refrain from acts which would defeat the object and purpose of the Rome Statute and to take steps towards its ratification. The Philippines is another country in the region which has also been a signatory of the Rome Statute when negotiating the PCA and has ultimately ratified it. Its example is particularly reassuring.

Please be assured of the importance my services attach to furthering the EU position towards the ICC and to ensuring consistency in the EU approach.

Yours sincerely,

  
Catherine Ashton