



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
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CHECK AGAINST DELIVERY

**WORKSHOP ON RATIFICATION AND IMPLEMENTATION OF THE KAMPALA AMENDMENTS TO THE
ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT
STATEMENT BY H.E. MR. CHRISTIAN WENAWESER, PERMANENT REPRESENTATIVE OF
LIECHTENSTEIN TO THE UNITED NATIONS**

Excellencies, distinguished colleagues, ladies and gentlemen,

It is a great pleasure for me to be here today to discuss a matter which I believe is essential for the further development of the International Criminal Court: The ratification of the amendments on the crime of aggression and also on the issue of war crimes.

I wish to thank all of you for coming here for this discussion – and in particular, I would like to thank the two key partners without whom we would not be here today: first, the Government of Botswana, which has once again shown its leadership role on matters pertaining to the Court by allowing us to host this conference here in Gaborone and by leading by example – as the first State of the region to ratify the amendments. We are confident of course that many of you will follow suit soon, and we hope that this workshop can make a contribution to

this end. Second, I want to thank our partner and supporter in our ratification campaign: Don Ferencz, the Director of the Global Institute for the Prevention of Aggression (GIPA), without whom neither this conference nor our global campaign would be possible. Many thanks, Don, for enabling us to move forward with what we have worked on together for so long.

We have organized a number of smaller events in the framework of our campaign, but this is the first larger event dedicated to one particular region. It was important to us to begin our ratification campaign in Africa: it is after all in Africa, at the Review Conference in Kampala where our discussions originate, with the consensual adoption of the amendments on the crime of aggression in the early morning hours of the closing of the review conference over which I had the honor to preside. Also, African States are the biggest constituency making up the ICC family: 34 of the 122 States Parties are from Africa, African States have been instrumental in having the Rome Statute adopted, in securing its entry into force and in securing the Kampala consensus. I am confident that they will also play this leading role in the activation of the Court's regime over the crime of aggression. That Botswana is leading the charge in this process is of course a particular pleasure for me. We will thus soon have six States who have ratified the Kampala amendments, from all regions of the world – and more are on the way, including hopefully many from the African region.

The crime of aggression has been at the forefront on the discussions on the International Criminal Court since the very beginning: many States were of the view that there should not be an International Criminal Court without jurisdiction over what has been called “the supreme crime”. At the Rome Conference, an

agreement on all aspects of the crime of aggression was elusive. Nevertheless there was agreement on the essential importance of the crime. It was therefore included in the Statute, and the first Review Conference given the task to find an agreement on definition and exercise of jurisdiction. Over the following years, we moved forward step by step, in particular in informal discussions in the framework of the Princeton process, which allowed us to agree on a definition before the Review Conference began. The discussions in Kampala were not easy, but they resulted in what not many had believed was possible: A consensual agreement on all aspects relating to the crime of aggression including on the jurisdictional aspects which had been particularly difficult. We will have an opportunity to examine these provisions in depth over the next couple of days, so I will simply present here its most important features:

- the definition of the act and a crime of aggression are firmly rooted in international law, as was the case for the other crimes over which the Court has jurisdiction: GA resolution 3314 in particular was used for this purpose
- only persons in leadership positions can be held accountable for committing the crime of aggression
- it is only the most egregious forms of the illegal use of force that qualify as acts of aggression and therefore lead to criminal responsibility
- The Kampala regime preserves the role of the Security Council in determining an act of aggression, in accordance with the UN Charter

- At the same time and just as importantly, the Kampala consensus gives the Court independence in its judicial findings – an aspect of particular importance for African States

This is the solution which allowed us to reach consensus in Kampala. Part of the consensus was also the agreement to delay the activation of the regime until 2017. And, importantly, to make activation conditional on the ratification of 30 States. This seemed to be the appropriate level of political acceptance by States to move forward with a regime that represents such a significant advance for international law.

With five States having ratified – and now very soon six – our goal is to have the remaining 24 that are necessary, and if possible many more, deposit their instruments of ratification as soon as possible. We are in fact aiming to have these ratifications in place no later than at the end of 2015. This will allow us to prepare properly for the decision by States Parties to activate the regime in 2017.

The crime of aggression poses both a political and legal challenge – the legal aspects in particular are complex. So there is a need to thoroughly explain the provisions adopted in Kampala in order to assist in the ratification process that many of you will embark upon soon. As part of our campaign, we have produced a handbook to this end that we hope will be helpful to you. We are also prepared to offer assistance to States beyond the conclusion of this workshop, if they require help on technical aspects in their ratification work.

The ratification campaign not only completes the Rome Statute, it also complements the Charter of the United Nations at the heart of which is the

prohibition of the illegal use of force. Together, we can finally ensure that those who violate this core provision of international law can no longer do so with impunity.

I thank you.