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Parliamentarians for Global Action
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GLOBAL INSTITUTE FOR THE
PREVENTION OF AGGRESSION

Status of Ratification and Implementation of the
Kampala Amendments on the Crime of Aggression
Update No. 23 (information as of 26 June 2016)¹

I. Ratification

A. Ratifications registered with the Depository of the Rome Statute (30 States Parties)

1. The following States have ratified both Kampala amendments:

State	Ratification Date	State	Ratification Date
Liechtenstein	8 May 2012	Latvia ^P	26 September 2014
Samoa ⁱ	25 September 2012	Spain	26 September 2014
Trinidad & Tobago	13 November 2012	Poland ^P	26 September 2014
Luxembourg ⁱ	15 January 2013	San Marino	14 November 2014
Estonia ^P	27 March 2013	Georgia ^P	5 December 2014
Germany ^P	3 June 2013	Malta	29 January 2015
Botswana	4 June 2013	Costa Rica	5 February 2015
Cyprus	25 September 2013	Czech Republic ⁱ	12 March 2015
Slovenia ⁱ	25 September 2013	Switzerland	10 September 2015
Andorra	26 September 2013	Lithuania ^P	7 December 2015
Uruguay	26 September 2013	Finland	30 December 2015
Belgium	26 November 2013	The former Yugoslav Republic of Macedonia ⁱ	1 March 2016
Croatia ⁱ	20 December 2013	El Salvador	3 March 2016
Slovakia ^P	29 April 2014	Iceland	17 June 2016
Austria ⁱ	17 July 2014	Palestine	26 June 2016

ⁱ – has implemented the Kampala Definition of the crime of aggression

^P – has pre-existing domestic laws criminalizing aggression that overlap with the Kampala Amendments

¹ Information compiled from the questionnaire distributed by the Liechtenstein Mission, consultations with government officials, and from the mobilization of the members and the monitoring by the staff of Parliamentarians for Global Action (PGA); additional information provided by the Coalition for the International Criminal Court. **For queries, additions or corrections please contact joern.eiermann@nyc.llv.li**. The latest version of this Status Report, along with the Kampala Ratification and Implementation Handbook, are available for download at www.crimeofaggression.info.

B. Concrete progress

2. According to the information available, government or parliamentary officials in at least the following 28 States Parties are currently **actively working on the ratification** of the amendments on the crime of aggression: **Albania, Argentina, Australia, Bolivia, Brazil, Bulgaria, Burundi, Chile, Dominican Republic, Ecuador, Greece, Honduras, Hungary, Italy, Lesotho, Madagascar, Mongolia, Montenegro, the Netherlands, New Zealand, Panama, Paraguay, Peru, Portugal, Romania, Senegal, Serbia and Venezuela.** In 8 further States Parties the process is in its early stages: **Ghana, Guatemala, Ireland, Japan, Mexico, Moldova, Republic of Korea and Tunisia.**
3. On 13 August 2013, the Government of **Paraguay** sent to the Chamber of Deputies, for its consideration, the bill to ratify the Kampala Amendments.
4. On 3 February 2015 Senator Alberto Airola submitted draft legislation for the ratification of the Kampala Amendments in the Senate of **Italy.**
5. On 31 March 2015 the Senate of **Chile** approved the ratification of the Kampala Amendments, the Chamber of Deputies having previously given its assent and the Constitutional Tribunal having affirmed the constitutional conformity of the Kampala Amendments.
6. On 4 February 2016, the upper house of the parliament of **The Netherlands** began its consideration of the Kampala Amendments. Previously, on 1 December 2015, the lower had voted in favor of their ratification of the Kampala Amendments.

C. Commitments to ratification²

7. At the ninth and tenth sessions of the Assembly of States Parties (ASP; December 2010 and 2011), the following States Parties made **concrete commitments** to ratify the amendments on the crime of aggression: **Argentina, Bolivia, Peru and South Africa.** In addition, the following countries made **positive references** to the amendments: **Brazil, Burkina Faso, Canada, Democratic Republic of the Congo, Denmark, Fiji, Ghana, Hungary, Japan, Jordan, Kenya, Lesotho, Mexico, Nigeria, Norway, Republic of Korea, Senegal, Serbia and the United Kingdom.**
8. On 16 February 2012, at the **Pacific Outreach Roundtable** on the ICC in Sydney, participants from **Australia, Cook Islands, Marshall Islands, Palau, Papua New Guinea, Samoa, Tonga, Tuvalu and New Zealand** agreed that it was desirable for all Pacific Island Countries to become States Parties to the Rome Statute and called upon the region to consider acceding to the Statute as amended in 2010 (i.e. including the amendments on war crimes and on the crime of aggression).

² Previous commitments by States that have already ratified are not listed in this section.

9. On 11 June 2012, the Ministers of Foreign Affairs of the **Union of South American Nations (UNASUR) Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay, and Venezuela** called upon all States Parties to ratify the amendments adopted in Kampala.
10. In the context of the General Assembly **High-Level Meeting on the Rule of Law** on 24 September 2012, the following countries made **pledges** regarding the ratification of the amendments on the crime of aggression: Argentina (asap), Bulgaria (by the end of 2014), Germany (implementation) and the Netherlands (asap).
11. At a side event to the **High-Level Meeting on the Rule of Law** on “Preventing the illegal use of force through judicial accountability”, organized by Liechtenstein on 24 September 2012 in New York, the Minister of Justice of **South Africa**, Mr. Jeffrey Thamsanqa Radebe, announced that South Africa will ratify the amendments before 2017.
12. At the opening of the eleventh session of the Assembly of States Parties (ASP) in The Hague on 14 November 2012, the President of **Senegal**, Mr. Macky Sally, announced that his country will ratify the amendments without delay. Besides Senegal, the following States Parties stated their **concrete commitment** to ratify the amendments on the crime of aggression: **Chile, Ecuador, Panama, Peru and Romania**. Other States Parties made positive references to the Kampala Amendments on the crime of aggression, such as **Bolivia, Ghana, Guatemala, Japan, Jordan and Sierra Leone**.
13. The following States have accepted a recommendation to ratify the amendments on the crime of aggression in the context of the Universal Periodic Review of the Human Rights Council: **Ecuador** (May 2012), **Burkina Faso** (April 2013), and **Montenegro** (April 2013), **Côte d’Ivoire** (April 2014), **Portugal** (April 2014).
14. On 20 October 2013, the **Latin-American Parliament** adopted resolution AO/2013/07, which recognizes the jurisdiction of the ICC over the four core crimes and encourages member states to initiate and/or follow up the process of ratification and implementation of the Kampala amendments. It also calls on all members to submit a report on the implementation of the Rome Statute and the obligations of cooperation with the International Criminal Court as well as the ratification of the Kampala amendments.
15. At the twelfth session of the Assembly of States Parties (ASP) in The Hague on 20 and 21 November 2013, States Parties made positive references to the Kampala Amendments on the crime of aggression, including **Brazil, Democratic Republic of Congo and Guatemala**.
16. In its 2013 submissions regarding the Plan of Action for achieving universality and full implementation of the Rome Statute, **Latvia** informed that it plans to ratify and implement the Kampala amendments in 2014. **Senegal** likewise informed of its plans to ratify the amendments.
17. At the 18th session of the Universal Periodic Review, **Afghanistan, Chile and Dominican Republic** agreed to examine recommendations to ratify the Kampala Amendments.

18. At the same session of the UPR, **New Zealand** committed to taking a formal decision on the ratification of the Kampala Amendments in the first quarter of 2014. Previously, on 5 June 2013, on the basis of a motion tabled by Dr Kennedy Graham MP, member of Parliamentarians for Global Action, and of the Council of Advisers of the Global Institute for the Prevention of Aggression, the parliament of **New Zealand** had unanimously called on the government to ratify the Kampala Amendments to the Rome Statute and to become "one of the 30 ratifying countries needed by 2017 in order to implement this amendment."
19. At a regional seminar about the Kampala amendments for Eastern European States, which took place in Slovenia on 15 and 16 May 2014, **five States of the Eastern European Group (EEG) announced their intention to ratify before the end of the year** (Albania, Czech Republic, Georgia, Macedonia, Poland), while **the remaining nine³ EEG States Parties are working on the ratification process**. The region continues to hold the highest percentage of States that have ratified the Crime of Aggression.
20. On 17 July 2014 the **European Parliament** adopted resolution 2014/2724(RSP), which calls on the European Union to adopt a common position on the Kampala Amendments. It also calls on EU Member States to ratify and implement the amendments and to support their activation. The EU is also encouraged to include the Kampala Amendments in its external actions, including through the provision of technical assistance.⁴
21. On 9 October 2014, the Legislative Assembly of **Honduras** adopted a motion requesting the government to submit a bill on the ratification of the Kampala Amendments. A government response is still outstanding.
22. At the 20th session of the Universal Periodic Review (27 October to 7 November 2014), **Italy** agreed to examine a recommendation to ratify the Kampala Amendments.
23. At the eight session of the Consultative Assembly of Parliamentarians for the ICC and the Rule of Law, organized by Parliamentarians for Global Action and hosted by the Moroccan Chamber of Deputies in Rabat on 04 and 05 December 2014, 148 members of Parliament from 49 countries from all regions of the world adopted the **Rabat Plan of Action** through which they resolved to ensure the ratification of the Kampala Amendments by their countries and to achieve 30 ratifications before 2016. The Plan of Action also calls on parliamentarians to "individually or collectively, submit for consideration of the Nobel Peace Prize committee the results of the Kampala Review Conference and of those individuals that have relentlessly fought to proscribe the illegal use of force among nations."
24. In response to a parliamentary question asked by Dip Garrido (member of Parliamentarians for Global Action) on 5 November 2014, the government of **Argentina** indicated that the Technical and Legal Secretary of the Presidency had recommended ratification of the Kampala Amendments. The bill for such a ratification would be submitted to Congress following the completion of inter-ministerial consultations.

³ Bosnia & Herzegovina, Bulgaria, Hungary, Latvia, Lithuania, Montenegro, Moldova, Romania, Serbia.

⁴ Previous resolutions by the European Parliament that touch on the crime of aggression include Resolution 2011/2109(INI), welcomed the adoption of the Kampala Amendments to the Rome Statute; Resolution 2012/0126, which called on all Member States to ratify these substantive amendments promptly and to implement them in their domestic penal systems, and Resolution 2012/2850(RSP), which called on Iraq to ratify the 2010 version of the Rome Statute.

25. At the thirteenth session of the ASP (December 2014), the following States Parties made **concrete commitments** to ratify the amendments on the crime of aggression: **Albania, Brazil, Chile, Iceland, South Africa** and **Tanzania**. In addition, the following countries made **positive references** to the amendments: **Austria, Estonia, Georgia, Germany, Latvia, Liechtenstein, Luxembourg, Mexico, New Zealand, Slovakia, Slovenia, South Africa, Uruguay** as well as the **European Union** (in a statement delivered by Italy).
26. At the 22nd session of the Universal Periodic Review (4 to 15 May 2015), **Bulgaria, Marshall Islands** and **Maldives** agreed to examine recommendations to ratify the Kampala Amendments. During its presentation to the Human Rights Council, **Mongolia** informed that its ratification procedure is expected to be completed in 2015.
27. At a Side Event during the 4th World Conference of Speakers of Parliament on 1 September 2015, the Presidents of the Parliament of **Senegal** and **Madagascar** pledged to work towards the speedy ratification of the Kampala Amendments by their countries.
28. At the fourteenth session of the Assembly of States Parties (ASP) in The Hague on 19 and 20 November 2015, **Finland** announced that it was in the final stages of ratifying the Kampala Amendments and hoped to conclude the ratification by the end of the year. Other States Parties made positive references to the Kampala Amendments on the crime of aggression, including **Argentina, Botswana, Chile, Costa Rica, Estonia, Samoa, Slovenia, Uruguay** and **Luxembourg on behalf of the EU**. The following States encouraged the early activation of the Court's jurisdiction over the crime of aggression: **Brazil, Czech Republic, Liechtenstein Switzerland**

II. Implementation

A. *Adopted Domestic Legislation*

29. On 27 February 2012, **Luxembourg** adopted a revision to its criminal code and code of criminal procedure that incorporate the Kampala definition of the crime of aggression.
30. On 14 May 2012, the revised criminal code of **Slovenia** entered into force. Article 103 incorporates the Kampala definition of the crime of aggression.
31. On October 2011, **Croatia** adopted the new criminal code containing the Kampala definition of the crime of aggression in Article 89. The criminal code entered into force on 1 January 2013.
32. On 1 January 2014, amendments to the criminal code of the **Czech Republic**, reflecting the Kampala amendments, will enter into force.
33. On 28 January 2014, **Ecuador** adopted a new Criminal Code which includes the Kampala definition of the crime of aggression in article 88. The code will enter into force on 28 August 2014.

34. On 21 October 2014, the parliament of **Samoa** adopted its International Criminal Court Amendment Act 2014, which quotes the Kampala definition.
35. On 24 July 2015, the parliament of **Austria** approved amendments to the criminal code that incorporate the crime of aggression based on the Kampala definition. The new criminal code entered into force on 1 January 2016.
36. On 5 February 2015, the parliament of **Macedonia** (FYROM) adopted amendments to the criminal code that incorporate the Kampala definition of the crime of aggression into Article 403-b.

B. Concrete Progress

37. In **Peru** and **Venezuela**, draft criminal code bills containing the Kampala definition of the crime of aggression are under consideration at the parliamentary level.
38. In June 2012, in **New Zealand**, MP Kennedy Graham tabled a Member's Bill to incorporate the Kampala definition of the crime of aggression in domestic law and to introduce a mechanism to ensure the legality of the use of force by New Zealand's leaders. The bill is under ballot.

C. Commitment to domestic implementation

39. It is to be expected that a number of States Parties that are preparing ratification will also adopt legislation implementing the Kampala definition in domestic law, including **Belgium, Botswana, Chile, Costa Rica, Greece, Guatemala, Honduras, Lithuania, Madagascar and Peru**. In some countries, implementing legislation or possible changes to existing laws are expected to be considered after ratification, e.g. in **Argentina, Germany, Liechtenstein, Switzerland, Trinidad and Tobago and Uruguay**.

D. Pre-existing domestic legislation criminalizing aggression

40. Several States Parties, and some non-States Parties, already had domestic provisions criminalizing aggression prior to the Review Conference that may overlap with the Kampala definition of the crime of aggression. These include **Armenia, Azerbaijan, Bangladesh, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Czech Republic, Estonia, Germany, Georgia, Hungary, Kazakhstan, Kosovo, Latvia, Lithuania, The former Yugoslav Republic of Macedonia, Moldova, Mongolia, Montenegro, Paraguay, Poland, Russian Federation, Serbia, Slovakia, Slovenia, Tajikistan, Timor-Leste, Ukraine, Uzbekistan and Vietnam**.