PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
NEW YORK

The Global Institute for the Prevention of Aggression

*Workshop on the Ratification and Implementation of the Rome Statute Amendments on the Crime of Aggression*

Monday, 25 June 2012

# Programme

(Lester Pollack Colloquium at New York University, 245 Sullivan Street, Manhattan, NY 10012)

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| 8:30 a.m. – 9:00 a.m. | **Registration** |
| 9:00 a.m. – 9:15 a.m. | **Opening**<br>*Donald Ferencz, Global Institute for the Prevention of Aggression*<br>*H.E. Ambassador Christian Wenaweser, Permanent Representative of Liechtenstein to the UN*<br>*Philip G. Alston, John Norton Pomeroy Professor of Law, NYU School of Law*<br>*José Enrique Alvarez, Herbert and Rose Rubin Professor of International Law, NYU School of Law* |
| 9:15 a.m. – 11.00 a.m. | **Session 1: Why, when and how? Policy considerations and legal implications of ratification and/or implementation**<br>*Moderator: Donald Ferencz, Global Institute for the Prevention of Aggression*<br><br>*H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of Jordan to the UN*<br>*David Donat-Cattin, Senior Director, Parliamentarians for Global Action*<br>*Stefan Barriga, Deputy Permanent Representative of Liechtenstein to the UN*<br><br>- *Why should States be interested in ratifying? (judicial protection by the Court, promotion of the rule of law, contributing to activating the Court's exercise of jurisdiction after 1 January 2017 incl. for SC referrals)*<br>- *Under which conditions would the ICC in the future exercise jurisdiction over crimes of aggression? (entry-into-force mechanism; 30 ratifications requirement; activation clause; opt-out declaration; exclusion of non-States Parties; SC referrals; ad-hoc jurisdiction under Art. 12.3)*<br>- *To what extent does the 2010 Rome Statute require implementation of the crime of aggression at the domestic level? (requirement to implement the definition; requirement to adapt national cooperation laws; consequences of the 2017 activation)*<br><br>*Q&A and sharing of experiences by participants* |
| 11.00 a.m. – 11.15 a.m. | Coffee break |

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| 11:15 a.m. – 1:00 p.m. | **Session 2: Criminalizing the crime of aggression at the domestic level – the definition**<br>*Moderator: Hans-Peter Kaul, Judge - International Criminal Court*<br><br>*Astrid Reisinger Coracini, Lecturer University of Graz*<br><br>- *Description of the main elements of the definition (individual act; leadership clause incl. for secondary perpetrators; State act; GA resolution 3314; list of acts; threshold clause; Elements of Crimes)*<br>- *Challenges for domestic implementation (pre-existing legislation; principle of legality; );*<br>- *Options for implementing the Kampala definition in the domestic criminal code and their consequences (Kampala definition "as is"; narrower definition, e.g. "war of aggression"; wider definition, e.g. without threshold clause; open/closed list; variations to the leadership clause; integration with pre-existing general part of domestic criminal code)*<br><br>*Q&A and sharing of experiences by participants* |
| 1:00 p.m. – 2.00 p.m. | Lunch |
| 2:00 p.m. – 3:30 p.m. | **Session 3: Criminalizing the crime of aggression at the domestic level – jurisdiction**<br>*Moderator: Stefan Barriga, Deputy Permanent Representative of Liechtenstein to the UN*<br><br>*Roger S. Clark, Professor of Law, Rutgers University School of Law*<br>*Michael P. Scharf, Professor of Law, Case Western Reserve University School of Law*<br>*Kennedy Graham, MP New Zealand, Parliamentarians for Global Action*<br><br>- *What are possible jurisdictional approaches? (domestic jurisdiction as aggressor State; domestic jurisdiction as victim State; forms of universal jurisdiction) What types of jurisdiction are allowed or required under international law, in particular the Rome Statute and customary international law?*<br>- *To what extent could immunities be an obstacle to domestic jurisdiction? What could be the consequences for the drafting of domestic legislation?*<br>- *Policy considerations for different types of jurisdiction*<br>- *What are possible additional domestic jurisdictional requirements? (authorization by executive branch; reference to determination of aggression by UN organs or the ICC)*<br><br>*Q&A and sharing of experiences by participants* |
| 3:30 p.m. – 3:45 p.m. | Coffee break |
| 3:45 p.m. – 5:00 p.m. | **Closing (remaining questions, progress reports, resources for further assistance, outlook)**<br><br>*Felipe Michelini, MP Uruguay, Convenor, Parliamentarians for Global Action*<br>*Deborah Ruiz Verduzco, Senior Programme Officer, Parliamentarians for Global Action*<br>*Stefan Barriga, Deputy Permanent Representative of Liechtenstein to the UN* |