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*Workshop for the Universality of the Rome Statute of the International Criminal Court
and the Kampala Amendments on the Crime of Aggression in the Pacific Region*

6 and 7 March 2014

Auckland, New Zealand

Summary Report

Executive Summary

A Workshop for the Universality of the Rome Statute of the International Criminal Court and the Kampala amendments on the Crime of Aggression in the Pacific Region was held in Auckland, New Zealand on 6-7 March 2014. The purpose of the Workshop was to promote the universality of the Rome Statute and the ratification of its Kampala amendments among the Asia-Pacific region. This Report provides a summary of the Workshop sessions, an outline of the reasons for ratifying the Rome Statute and the Kampala amendments and of the technical assistance that is available for that purpose.

During discussions on **universality**, it was noted that the Rome Statute was a project that historically enjoyed strong support from small and mid-sized States. The ICC had become a central part of the international justice system, and States not yet party to the Rome Statute were encouraged to join in order to help fill the existing impunity gap. Turning to the Rome Statute's specific **relevance to the Pacific Region**, the importance of the fight against impunity as part of a Pacific region's commitment to the rule of law and human rights was emphasized. In discussing the **achievements and challenges of the ICC**, participants discussed the Court's first verdicts and its revolutionary system for victims' participation. On the other hand, criticism levelled at the Court was also debated, including the perception of a disproportionate focus on Africa by the Court. In addressing **implementation and complementarity**, participants considered different options with regard to implementation, including on the basis of the Commonwealth Model Law, as well as different approaches to the question of head of state immunity.

The **Kampala amendments** were also identified as being of interest to the region. Participants considered the history and adoption of the **amendments on the crime of aggression**, and noted that thirty ratifications would be needed for the amendments to be activated after 1 January 2017. The **amendments to article 8** made certain weapons, already illegal in international armed conflicts, also illegal in non-international armed conflicts.

As part of the discussion, a number of **reasons for ratifying the Rome Statute** and the Kampala amendments were advanced. These included the positive contribution to the rule of law that States would make and the rights they would gain in the Assembly of States Parties, including the possibility to nominate candidates for judicial positions. It was also noted that the ICC does not interfere with domestic jurisdictions, but rather promotes the role of national judiciaries, and that the US no longer opposes its allies joining the ICC. Regarding the Kampala amendments on the crime of aggression, panellists highlighted that the amendments complement the provisions on the prohibition on the use of force in the Charter of the United Nations by providing for individual criminal responsibility and complete the Rome Statute. There was agreement that States not yet party to the Statute should join the most up-to-date version, namely, the version of the Statute including the Kampala amendments.

It also became clear that a range of **technical assistance** was available for States considering ratification or implementation the Rome Statute and the amendments. The work of Parliamentarians for Global Action, the Commonwealth Secretariat, the Pacific Islands Forum Secretariat, the European Union and Amnesty International was highlighted in this regard. Liechtenstein and the Global Institute for the Prevention of Aggression (GIPA) can also offer technical assistance specific to the Kampala amendments.

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Summary of discussions

The Rome Statute and universality

The discussion of the genesis of the Rome Statute noted in particular the key role played by small and medium States, including from the Pacific region. Adherence to the rule of law was considered important for, and giving security to, small States. While some larger powers were not parties to the Statute, they accepted its role and some of them supported its activities on a case-by-case basis. **There was an acknowledgement of the role that the International Criminal Court (ICC) plays in the system of international justice.**

Achieving universality of the Rome Statute was emphasised as an important goal. Universality would help ensure that there are no gaps which could lead to impunity for those committing genocide, war crimes and crimes against humanity. A compelling argument for universality was that serious international crimes continued to occur in the world, but remained unpunished. **The existence of the ICC helped to ensure that perpetrators of the gravest crimes face justice.** Perpetrators should be held accountable by their own national courts and, failing that, by the ICC.

The quest for universality was also recognised as a practical issue. Universal ratification of the Court's Statute would not only widen the jurisdiction of the Court, but would also increase the number of States obligated to cooperate with the Court, thus rendering the Court more effective.

The view was expressed that **ratifying the Rome Statute was an exercise of sovereignty**, which is strongly reflected in the principle of complementarity. The primary jurisdiction for the prosecution of international crimes remained with domestic courts. Only if a State was unwilling or unable to investigate and prosecute international crimes would the ICC step in. This ensured that, as long as States were willing and able to undertake the necessary investigations and prosecutions, they remained in control of the judicial process. Hence the ICC has often been referred to as a court of last resort.

It was recognised that the Asia-Pacific region was under-represented among the parties to the Rome Statute. There was a call for increased adherence by Asia-Pacific States to the Rome Statute and the Kampala amendments. No region, including the Asian Pacific region, was immune to armed conflict and international crimes. There had been indications of interest by some Pacific States in ratification of the Rome Statute prior to the Workshop.

Relevance of the Rome Statute to the Pacific Region

The discussion underscored that the work of ICC was as relevant to small States as it was to the larger global players. International crimes did not stop at national frontiers, but had implications for

all States. **Human rights and the rule of law could not be respected where impunity existed.** The Pacific Island Forum's Pacific Plan envisaged a region of peace, security and economic prosperity,¹ principles which were aligned to the ICC principles of peace and security. Forum Leaders have called on members of the Pacific Islands Forum to consider ratifying the Rome Statute.²

For many countries in the Pacific, the relevance of the ICC lay in the idea that the Pacific should not be a 'safe haven' for international criminals. Pacific States are at the forefront of global issues, such as climate change. **By joining the ICC, Pacific States can demonstrate their commitment to the rule of law as responsible members of the international community.**

The issue of climate change was of the utmost relevance to Pacific States. It was noted that the ICC would have greater relevance to the Pacific States if it dealt with issues of crucial importance to the region, such as climate change or transnational organized crime. The jurisdiction of the ICC did not cover these areas and, while its mandate could potentially be broadened, there was currently no impetus to expand the range of crimes covered by the Statute. States Parties did, however, have the right to submit proposals for amendments to the Rome Statute.

Achievements and Challenges of the ICC

The Rome Statute was presented as a historic achievement. It not only created an independent permanent international criminal court, but its adoption led to an entirely new paradigm of international criminal accountability. **Over its first 12 years it had developed into a fully-functioning judicial institution.** To date there have been two convictions and one acquittal. It was noted that an acquittal was just as important as a conviction to international criminal law, as it ensured that convictions will only be entered where the necessary evidential threshold is met. The most important achievement of the ICC to date has been its development of a body of jurisprudence on fundamental legal issues. It was emphasised that the cases before the Court were very complicated and were likely to take longer than domestic criminal cases.

One of the most significant innovations of the Rome Statute is the rights accorded to victims, who are entitled both to reparations and to participate in trials. The restorative justice model that was adopted could help communities overcome violent pasts and move towards a more stable future. Even before trials were complete, the Trust Fund for Victims could and did provide specific assistance to victim communities. While greatly appreciated by many victims, it was noted that dealing with victim participation in practice had not always been easy. The process of ensuring that victims are

¹ Available online:

http://www.forumsec.org/resources/uploads/attachments/documents/Pacific_Plan_Nov_2007_version.pdf

² See "Forty-third Pacific Island Forum, Raratonga, Cook Islands, 28-30 August 2012: Forum Communiqué", paragraph 60. Available online:

<http://www.forumsec.org/resources/uploads/attachments/documents/2012%20Forum%20Communique,%20Rarotonga,%20Cook%20Islands%2028-30%20Aug1.pdf>

heard can be expensive and difficult. Nevertheless, there had been significant advances in ensuring victims' rights; over 7,500 victims had been represented in trials.

The ICC is facing a number of challenges. Mention was made of the perception that the Court was selective in the cases it initiated. It was noted, however, that although all country situations under investigation by the ICC are African countries, in five situations (the Democratic Republic of the Congo, Uganda, Mali, Côte d'Ivoire, and the Central African Republic) the respective Government itself had sought the intervention of the Court. In two situations (Sudan and Libya, which are non-State parties), the UN Security Council referred the cases to the Court. In only one instance (Kenya) was the investigation initiated by the Prosecutor himself (*proprio motu*). The reality, therefore, did not bear out the perception that sometimes existed with regard to case selection.

The role of States Parties in safeguarding judicial independence and in cooperating with the Court was emphasised. **Cooperation was considered the cornerstone of the ICC's ability to fulfil its mandate.** The ICC had no enforcement mechanism of its own and it required the cooperation of States in areas such as access to crime scenes, obtaining documentary evidence, locating witnesses, and arresting and surrendering suspects. While States generally cooperated with the Court, lack of cooperation, especially in the execution of the Court's arrest warrants, could reduce the Court's effectiveness and diminish the ability to deliver justice.

The view was expressed that in the face of opposition, the ICC had to demonstrate its continued relevance and legitimacy. The Assembly of States Parties had a role to play in assisting the Court in meeting its challenges. There was an expectation that States Parties should support and cooperate with the Court. In turn there was an expectation that the Court would deliver justice.

It was considered that the Court's achievements had outweighed its challenges. **The ICC was more than a Court – it lay at the heart of a system of international justice designed to fight impunity.**

Rome Statute implementation and complementarity

Complementarity was of immense significance for the system of international criminal justice. The Rome Statute recognised that genuine national proceedings had priority over proceedings before the ICC. **A first step towards the fulfilment of the complementarity principle was the implementation of the Rome Statute crimes into domestic legislation.** Ratification and implementation was also an opportunity to strengthen criminal law generally through domestic criminalisation of the Rome Statute's core crimes: genocide, crimes against humanity and war crimes.

It was underscored that while implementation of the Rome Statute crimes was desirable, creating the legal basis for cooperation with the ICC was mandatory for State Parties. To meet this requirement, domestic procedures for cooperation with the Court should be put in place. These might include cooperation between the investigative and prosecutorial authorities in country and the

ICC Office of the Prosecutor and defence counsel, as well as more specific cooperation such as the tracing and freezing of assets and, where appropriate, their transfer to the Trust Fund for Victims.

The Commonwealth Model Law was regarded as being of particular value as it was developed with the participation of experts in international criminal law. It dealt effectively with the issue of complementarity. The Model Law also covered the important area of cooperation with the ICC, recognising that this can cover a number of situations (investigation, protection of victims, surrender or extradition) and thus ensured that countries that ratified the Rome Statute are able to cooperate with the ICC. While the Model Law did not deal with the crime of aggression, this could be considered at a later stage. It was noted in this regard that, following the activation of the crime of aggression amendments, all States Parties needed to be able to cooperate with the Court in investigations concerning that crime, regardless of whether they had ratified the amendments.

There was some discussion of the important issue of immunities for Head of State and Governments. The Rome Statute specifically provides that **immunities do not apply in cases before the ICC.**³ Some considered that this might be an impediment to ratification where the role of a Head of State and his/her immunity from prosecution was set out in the State's constitution or domestic legislation. Various options were suggested to address this issue, including by including a provision in domestic legislation that immunities would not apply in cases where serious international crimes have been committed. A further option was not to address this issue through legislation at the time of ratification, given the low likelihood that the issue would arise in the future. One justification for this is that a future ICC case in small States without militaries was exceedingly unlikely. Such an approach is also possible on the understanding that, under the principle of complementarity, any possible case of a leader enjoying national immunities for Rome Statute crimes would simply be directly addressed by the ICC.

The timing of ratification of the Rome Statute, and whether implementing legislation was necessary prior to ratification, was also discussed. While this depended on each country's domestic processes, **early ratification is preferable** to waiting for implementing legislation to be passed. In order for a vote of the Assembly of States Parties on the question of aggression to take place as soon as possible after 1 January 2017, the threshold of 30 ratifications should ideally be reached by 1 January 2016. This discussion showed that **there was a choice as to when and how to legislate.**

Kampala amendments

In 1998, the international community decided that genocide, war crimes, and crimes against humanity would be included in the Rome Statute. While the crime of aggression had also been included alongside the other core crimes, agreement on definition and the conditions under which the Court could exercise its jurisdiction over aggression were postponed. The crime of aggression,

³ See Rome Statute, article 27.

therefore, which was at the heart of the trials in Nuremberg and Tokyo, was included as a placeholder pending a later decision by the Assembly of States Parties. The Kampala amendments on the crime of aggression, adopted in 2010, developed a system wherein individuals could be held accountable for committing the most serious forms of the illegal use of force against a State. The amendments complemented the prohibition on the illegal use of force in the UN Charter.⁴

. At Rome, in subsequent negotiations and at Kampala, the role of the UN Security Council was one of the most controversial aspects. The dilemma facing negotiators was that the UN Security Council had competence under Article 39 of the UN Charter to make a determination that an act of aggression had been committed. The permanent members of UN Security Council felt that this provision provided exclusive competence of the Council and that such a determination should be a necessary prerequisite for an ICC case concerning the crime of aggression. Others opposed making the Court's jurisdiction conditional on a political decision and rejected the argument that the UN Charter afforded the Security Council exclusive competence in this regard.

The compromise reached at the Review Conference in Kampala was to mirror the jurisdictional arrangements of the other crimes as closely as possible. Investigations can thus commence based on a UN Security Council referral, a State Party referral, as well as on the initiative of the Prosecutor, provided certain requirements were met. Under the compromise reached, a Security Council determination of an act of aggression was a sufficient but not a necessary condition for an investigation concerning the crime of aggression to proceed. Should the Council not make a determination whether or not an act of aggression had occurred, the ICC's Pre-Trial Division could also authorise the Prosecutor to proceed.

However, the Kampala amendments on the crime of aggression could not be activated before 2017 and until thirty States Parties had ratified them. At the time of the Workshop, there had been thirteen ratifications,⁵ while many other countries were finalising domestic legislative processes.

The Kampala amendments included a non-exhaustive list of acts that qualify as acts of aggression, as well as a threshold requirement that the act of aggression, in order to qualify as a crime under the Rome Statute must, "by its character, gravity and scale", constitute a "manifest violation" of the UN Charter. This was regarded as a useful threshold requirement which would limit the Court's jurisdiction. Ultimately an incontrovertible breach of Article 2(4) of the UN Charter was required.

In addition to the amendments on the crime of aggression, the Review Conference adopted amendments to Article 8 of the Rome Statute, which **extend the prohibition on the use of certain weapons to non-international armed conflict**. The amendments cover three types of weapons which were added to the list of prohibited weapons in Art 8(2)(e):

- (xiii) Employing poison or poisoned weapons;

⁴ Contained in its Article 2(4).

⁵ Since the Workshop, Slovakia became the fourteenth State to ratify.

- (xiv) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices; and
- (xv) Employing bullets which expand or flatten easily in the human body, such as bullets which a hard envelope which does not entirely cover the core or is pierced with incisions.

The prohibition on the use of such weapons was already part of customary international law, but their specific prohibition in the Rome Statute strengthened the rules of international humanitarian law that protect civilians and combatants in armed conflict and contributed to the process of harmonisation of law between international and non-international armed conflict.

Reasons for ratifying the amended Rome Statute

The discussion at the Workshop highlighted the manifold reasons for ratifying the Rome Statute, as amended following the 2010 Review Conference. Below is a non-exhaustive list of the key considerations.

Ratification of the Rome Statute

- Ratification of the Rome Statute is an **important contribution to the rule of law**. This is particularly important for small States, which have limited ability to influence world events outside a framework based on the rule of law.
- Ratification of the Rome **Statute demonstrates a commitment to law-based solutions** on issues of global concern, and would bolster calls from Pacific countries for global action on issues such as climate change.
- **No region is immune from being affected by Rome Statute crimes**. Ratification of the Rome Statute means that the Court will have jurisdiction over Rome Statute crimes that are alleged to have been committed on a State Party's territory. The State and its population would also be protected from such crimes by the Court's **deterrent effect**, with perpetrators liable for arrest in 122 States.
- States Parties can **participate in the Assembly of State Parties**, including in decision-making on budget, administration and amendments to the Rome Statute. States Parties are also able to **nominate and elect candidates** for judicial positions. Small States have historically been influential in the development of the Court and the Statute. Samoa was actively involved in the negotiation of the Rome Statute and a Samoan national (Tuiloma Neroni Slade) was elected to serve as a judge of the Court from 2003 to 2006. State Party nationals receive **preferential treatment in the recruitment of staff**. Being a State Party does not entail onerous financial contributions or reporting obligations.⁶
- There is no reason to fear overreach on the part of the Court. **The Court does not interfere with domestic judiciaries**. In fact, a case will be inadmissible in the ICC if a State with jurisdiction is genuinely investigating or prosecuting the case.
- Ratification of the Rome Statute signals that the **State will not permit its territory to be used as a 'safe haven' for alleged war criminals**. A State similarly signals that it will not permit perpetrators of the worst crimes under international law to keep their assets in its financial system.
- The **United States no longer opposes any country joining the ICC**.
- The Court needs as many State Parties as possible as it is reliant on their **cooperation**.

⁶ The contribution for a Least Developed State to the 2014 budget would be 0.0016% of the budget total, or €1,898, as well as a €118 advance to the Working Capital Fund. A payment of €2,480 to the Court's Permanent Premises Project would also be required.

- Implementation of the Rome Statute gives States a **good opportunity to update their laws with respect to international crimes**. It is a good idea to ‘leapfrog’ into the 21st century with regard to the core crimes, whether or not a State has previously ratified instruments such as the Genocide Convention or the Additional Protocols to the Geneva Conventions.

Ratification of the Kampala amendments

- The Kampala amendments on the crime of aggression emanated from a mandate given by the Rome Statute; **they effectively “complete” the Statute**.
- Every ratification is a step toward the activation of the ICC’s jurisdiction over the crime of aggression, which **requires at least 30 ratifications, ideally by the end of 2015** (in addition to a one-time activation decision by States Parties, which will be made no earlier than 1 January 2017).
- The amendments on the crime of aggression are a **complement to the United Nations Charter**, which already prohibits the illegal use of force by providing for individual criminal liability.
- Activating the Court’s jurisdiction over this crime will help **deter the illegal use of force**, as leaders will have to take the Court’s jurisdiction into account when taking relevant decisions. By contributing to the activation of the Court’s jurisdiction over the crime of aggression, ratifying States also serve their own national interest of **detering the illegal use of force** against them.
- Ratification of the amendments helps to **cement the Kampala definition** as the definitive definition of the crime of aggression. It is therefore more than simply a good basis for domestic implementing legislation.
- Ratifying States also make an important contribution to the protection of **human rights**. Acts of aggression typically bring with them countless violations of human rights and international humanitarian law, affecting in particular the most vulnerable individuals during conflict, such as women and children. The effective criminalization of aggression will contribute to the prevention of such acts by targeting the very behaviour that stands at the beginning of the causal chain – the behavior of the decision-makers who unleash the illegal use of force.
- The criminalization of aggression through the Rome Statute, once fully activated, will also **protect the right to life of individual soldiers**. Currently, the Rome Statute does not protect the life of combatants who are unlawfully sent to war, nor the right to life of the soldiers of the victim State.
- The aggression amendments deal with a **potential disparity between front line soldiers and the leaders** – if soldiers are to be subjected to criminal liability, provision should be made for leaders to likewise be held accountable.
- The definition of the crime of aggression in Article 8 *bis* leaves no doubt that the use of force in lawful self-defence, as well as the use of force authorized by the Security Council, cannot

qualify as an act of aggression. Great care was taken to ensure that **the amendments on the crime of aggression would not adversely affect the legitimate security interests of States.**

- The amendments also show that the **Statute can be amended to expand jurisdiction where there is an agreement to do so.** There is potential for the Rome Statute to expand in the future to meet new challenges.
- Regarding the Article 8 amendments, ratifying **strengthens the rules of international humanitarian law protecting civilians and combatants in armed conflicts.** It is also a contribution to the harmonization between international and non-international armed conflicts. It should be noted that these amendments **will not adversely affect law enforcement,** and will make very little practical difference to States, who are already prohibited from using such weapons in international armed conflicts.

Technical assistance

The Workshop also discussed the technical assistance that was available to assist in ratification and implementation efforts. It was considered that the greatest assistance to Pacific States was in the provision of model legislation and drafting assistance.

The role of **Parliamentarians for Global Action (PGA)** was highlighted as a vehicle through which parliamentarians can promote the rule of law and universality of the Rome Statute. PGA empowers parliamentarians from around the world to connect with likeminded members. It is an NGO network of 1100 legislators and 139 parliaments. After the Workshop, it provided technical assistance for the ratification of the amended Rome Statute to a Pacific State.⁷

The **Commonwealth Secretariat** provides technical assistance in accordance with the Commonwealth Charter and the Commonwealth Secretariat Strategic Plan. The Secretariat can also assist countries under its Strategic Plan on capacity building and good governance and has a history of working with small States. The following are examples of the work of the Commonwealth Secretariat in recent years in the field of international criminal law:

- The **Commonwealth Revised Model Law** is available for States considering ratification of the Rome Statute.⁸ The Revised Model Law will address the issue of the crime of aggression in due course. The Samoan experience is a useful example of how the Secretariat's model legislation can be used to advance ratification efforts in the Pacific context;
- Resources have been made available on a wide range of criminal issues:
 - Criminal Law and international criminal law materials, including best practice guides on victim protection, disclosure, and model legislation, are available through the Commonwealth Law Team and the resources section of the Secretariat's website.
 - The criminal law library on CommonLii is a free online legal database facilitated by the Secretariat.⁹
 - A handbook for young lawyers on international criminal law will be published before the end of June 2014.
- Engagement, collaboration, and capacity building:
 - The Commonwealth Network of Contact Persons is a useful resource for countries wishing to share experiences and to be connected to international experts.¹⁰ The

⁷ See www.pgaction.org. For more information, contact Leyla Nikjou, Senior Programme Officer (leyla.nikjou@pgaction.org).

⁸ The Model Law is available online: [http://secretariat.thecommonwealth.org/files/238381/FileName/LMM\(11\)17PICCStatuteandImplementationoftheGenevaConventions.pdf](http://secretariat.thecommonwealth.org/files/238381/FileName/LMM(11)17PICCStatuteandImplementationoftheGenevaConventions.pdf).

⁹ See <http://www.commonlii.org/>.

Secretariat also liaises with other international networks and has established, for example, the Pacific Prosecutors Association.¹¹

- The Secretariat pro bono mentoring and placement scheme enables countries to request assistance and be matched with experts in the field.
- The Secretariat works directly with National Human Rights Institutions (NHRIs) on training and capacity building projects.
- The Secretariat will launch a Commonwealth moot competition for young lawyers, starting with the African region. Winners will receive a week-long funded internship to the ICC. The Secretariat could explore developing this in the Pacific region.

Participants were encouraged to consider including provision in domestic legislation for other core international crimes, such as torture; extrajudicial, summary or arbitrary executions; and enforced disappearances. States were also encouraged to consider providing for universal jurisdiction for these crimes. **Amnesty International can provide a checklist to States considering the incorporation of these crimes in their domestic legislation.**¹²

The Pacific Islands Forum Secretariat (PIFS) offers partnership opportunities to its members. It operates a **legislative drafting facility** and this can be undertaken for a wide range of PIFS activities.¹³ Whilst PIFS does not have specific expertise with regard to the Rome Statute, it can provide **financial support for consultancy positions where necessary**. At present, the PIFS and the European Union are engaged in a project focusing on the ratification and implementation of international human rights instruments, including the Rome Statute. PIFS hosts the Pacific Islands Forum Regional Security Committee, which is engaged on security issues, and works with partner organizations to deliver assistance and training on international treaties of priority concern to Forum Members. There are also a number of other relevant legal networks in the region such as the Pacific Judicial Conference and PILON (the Pacific Island Law Officers Network). The Pacific Judicial Conference is a collegiate forum of Chief Justices from the Pacific region, which meets biennially to discuss issues of common interest to jurisdictions in the region.¹⁴ PILON is a network of government law officers (such as Attorneys General, Solicitors General, Directors of Public Prosecutions, and others) which meets on an annual basis and is supported by a Secretariat. While the PILON Secretariat does not

¹⁰ See <http://secretariat.thecommonwealth.org/subhomepage/165671/>

¹¹ For more information, see

http://www.pilonsec.org/index.php?option=com_content&view=article&id=114&Itemid=105

¹² Available online: <http://www.amnesty.org/en/library/info/IOR53/009/2010>.

¹³ See <http://www.forumsec.org/pages.cfm/political-governance-security/legislative-drafting/>. For more information, contact Lorraine Kershaw, International Legal Adviser (lorraineek@forumsec.org) or Filipino Masaurua, Human Rights Adviser (filiptom@forumsec.org.fj).

¹⁴ See, for example, the website for the 2014 Pacific Judicial Conference: <http://pjc2014.org.nz/welcome/>

itself provide technical assistance to Members, it maintains a database of technical assistance providers on legal issues.¹⁵

The **European Union** can provide political, financial and technical support to States considering ratification of the Rome Statute and the Kampala amendments. It also maintains a **list of experts who may be mandated to provide technical assistance on ICC matters** and to participate in seminars and conferences. With regard to financial assistance, since 2003 the EU has contributed 30m Euros to a global ratification campaign. Its commitment to continue providing direct or indirect assistance in a coordinated manner was confirmed at the Workshop.¹⁶

Liechtenstein and the Global Institute for the Prevention of Aggression can provide technical assistance in the **ratification and implementation of the Kampala amendments on the crime of aggression**. Both in-house expertise and a world-wide network of experts can be called upon to give States assistance in drafting relevant documents.¹⁷

¹⁵ See www.pilonsec.org/

¹⁶ Contact point: Christian Behrmann, European External Action Service <Christian.BEHRMANN@eeas.europa.eu> or Petra Hagelstam, European Commission (Petra.PEREYRA@ec.europa.eu).

¹⁷ See www.crimeofaggression.info or contact René Holbach (rene.holbach@nyc,ilv.li).

Conclusion

The Rome Statute and the Kampala amendments continue to be of interest to States in the Asia-Pacific region. Whilst non-States Parties must consider a range of issues when considering ratification of the amended Rome Statute, such as capacity and technical expertise, relevance, and Head of State immunity, it should be noted that none of the States represented at the Workshop were negatively inclined toward the aims of the Rome Statute, its contents or to ratification.

Numerous resources are available for State considering ratification of the Rome Statute and/or the Kampala amendments. While the sheer diversity of sources of assistance may, at first glance, seem overwhelming, the Workshop also made it clear that several organisations can serve as an initial point of contact for States.

The Workshop concluded with a review of the outcomes from the Workshop. A number of participants expressed interest in ratifying the Rome Statute as amended at Kampala. The benefit of follow-up to the Workshop was highlighted as being of particular importance in the future.