

Ministerial Panel: A call to ratify the Kampala amendments on the crime of aggression

United Nations, New York, 27 September 2013

Meeting Summary

The discussions at this second ministerial side highlighted the significant progress made in the ratification process since the first such event in 2012. States welcomed the recent ratifications by Cyprus, Slovenia, Andorra and Uruguay, bringing the total number of ratifications to eleven. Delegates also stated their countries' commitment to ratify and reported progress in their internal processes (incl. Argentina, Brazil, Belgium, Czech Republic, Finland, Georgia, Romania, Spain, Slovakia, and Switzerland). Benjamin Ferencz, as leading civil society representative, underlined the importance of ratifying and implementing this historic agreement.

Panelists

H.E. Ms. Aurelia Frick, Minister of Foreign Affairs, Principality of Liechtenstein (Moderator)

Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs

H.E. Mr. Phandu Skelemani, Minister of Foreign Affairs, Republic of Botswana

H.E. Mr. Urmas Paet, Minister of Foreign Affairs, Republic of Estonia

H.E. Mr. Eduardo Zuaín, Secretary of State for Foreign Affairs, Republic of Argentina

Representatives from the following States spoke from the floor: Slovakia (FM), Georgia (DFM), Trinidad and Tobago (M), Belgium, Austria, Brazil, Switzerland, Slovenia, Uruguay, Australia, Czech Republic, Germany, Luxembourg, New Zealand, Andorra, Finland, Romania, Chile and Spain. Benjamin Ferencz, former Nuremberg Prosecutor, also spoke.

The **UN Secretary-General, Mr. Ban Ki-moon**, addressed the meeting through a message delivered by the **UN Legal Counsel**. He recalled that the act of waging a war of aggression had been prosecuted at both the Tokyo and Nuremberg Tribunals. The 1998 Rome Conference had failed to agree on a definition of the crime of aggression. The 2010 Review Conference in Kampala finally agreed on relevant provisions, thereby completing the work of Rome, but also completing the work of the San Francisco conference more than 65 years ago. The Charter of

the United was founded on the prohibition of the use of force and the suppression of acts of aggression. **Kampala could thus be viewed as completing the Charter architecture, by providing for the punishment of individuals responsible for this crime.**

The **Foreign Minister of Botswana** informed that a workshop for all African States Parties had been held successfully in Botswana in April 2013, thereby promoting ratifications. The **protection provided by the ICC from crimes of aggression was especially relevant for small countries.** The **Foreign Minister of Liechtenstein** recalled that, while war-making had been outlawed successfully, States still needed to do their part to ensure individual criminal responsibility. They should thus ratify the amendments. The **Foreign Minister of Estonia** urged States not to treat genocide and mass murder as statistics; impunity for war making should be ended. The **Deputy Foreign Minister of Argentina** informed that the Argentinian Congress would soon deal with ratification. Argentina had decided to ratify first and then implement the amendments in order to allow for an early activation of the ICC's jurisdiction. He also stated Argentina's intention to host a regional seminar on the Kampala amendments in the near future.

The **Foreign Minister of Slovakia** stated that ratification of the amendments was a priority, as they prohibited the illegal use of force, and was envisaged for the first half of 2014. The **Deputy Foreign Minister of Georgia** noted the amendments' contribution to international criminal accountability and the peaceful coexistence of nations. **Trinidad and Tobago, Uruguay, Luxembourg, Slovenia, Germany and Andorra** underlined their commitment to advocate for ratification after having completed their own national processes. **Belgium, Austria, Switzerland, Australia, the Czech Republic, Brazil, New Zealand, Finland, Chile, Romania and Spain** expressed their intention to ratify and informed about recent national developments in this regard and, where available, timetables for ratification. The importance of the **amendment on war crimes**, criminalizing the use of certain poisons or poisoned weapons in non-international armed conflicts, was also stressed.

Benjamin Ferencz called on States to ratify the amendments without delay. He also reminded States of the importance to incorporate the prohibition of the illegal use of force into national laws, including by outlawing it as a crime against humanity.