



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

16.7.2014

B8-0066/2014 }
B8-0067/2014 }
B8-0068/2014 }
B8-0069/2014 }
B8-0070/2014 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 123(2) and (4) of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B8-0066/2014)

S&D (B8-0067/2014)

GUE/NGL (B8-0068/2014)

PPE (B8-0069/2014)

ALDE (B8-0070/2014)

on the crime of aggression
(2014/2724(RSP))

**Andrzej Grzyb, Cristian Dan Preda, Godelieve Quisthoudt-Rowohl, Monica
Luisa Macovei, Eduard Kukan, László Tőkés**

on behalf of the PPE Group

Pier Antonio Panzeri, Elena Valenciano Martínez-Orozco, Josef

Weidenholzer, Ana Gomes, David Martin, Richard Howitt

on behalf of the S&D Group

Marietje Schaake, Marielle de Sarnez, Louis Michel, Jean-Marie Cavada,

Izaskun Bilbao Barandica, Alexander Graf Lambsdorff, Fernando Maura

**Barandiarán, Charles Goerens, Ramon Tremosa i Balcells, Annemie Neyts-
Uyttebroeck**

on behalf of the ALDE Group

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PE536.968v01-00 }
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PE536.971v01-00 } RC1

Helmut Scholz, Marie-Christine Vergiat
on behalf of the GUE/NGL Group
Barbara Lochbihler, Judith Sargentini
on behalf of the Verts/ALE Group

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EN

European Parliament resolution on the crime of aggression (2014/2724(RSP))

The European Parliament,

- having regard to the Charter of the United Nations,
- having regard to the Rome Statute of the International Criminal Court (ICC), and in particular Article 5 relating to the crime of aggression as one of the core crimes under the ICC's jurisdiction,
- having regard to the Kampala Amendments to the Rome Statute, adopted at the Review Conference held in Kampala, Uganda, in 2010, and in particular with regard to Resolution RC/Res. 6, on the crime of aggression,
- having regard to EU Council Decision 2011/168/CFSP and to its reference to the Kampala Amendments,
- having regard to the revised Action Plan adopted on 12 July 2011 in line with Council Decision 2011/168/CFSP,
- having regard to its resolution of 19 May 2010 on the Review Conference on the Rome Statute of the International Criminal Court, in Kampala, Uganda¹,
- having regard to its resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties²,
- having regard to its previous resolutions on the Annual Reports on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy,
- having regard to the Ninth Report of the International Criminal Court to the United Nations for 2012/13,
- having regard to the outcome of the 25th session of the United Nations' Human Rights Council in April 2014,
- having regard to the Latin American Parliament General Assembly Resolution of 19 and 20 October 2013 on the 'Promotion of the International Criminal Court and Ratification of Kampala Amendments' (AO/2013/07XXIX),
- having regard to the resolution of the Assembly of States Parties to the Rome Statute of the International Criminal Court of 27 November 2013 on the 'Strengthening of the International Criminal Court and the Assembly of States Parties', which includes a call on future States Parties to ratify the Statute as amended, a call on all States Parties to consider ratifying the

¹ OJ C 161 E, 31.5.2011, p. 78.

² OJ C 153 E, 31.5.2013, p. 115.

amendments and a recognition of the recent ratifications of the amendments by a number of States Parties (ICC-ASP/12/Res.8),

- having regard to the Ratification and Implementation of the Kampala Amendments to the Rome Statute of the ICC handbook produced by the Permanent Mission of the Principality of Liechtenstein to the United Nations, the Global Institute for the Prevention of Aggression and the Liechtenstein Institute on Self-Determination at Princeton University,
 - having regard to International Justice Day (IJD), commemorated on 17 July, which celebrates progress towards greater accountability for crimes against humanity, war crimes and genocide,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the EU Member States have been staunch allies of the ICC since its inception, providing financial, political, diplomatic and logistical support, while promoting the universality of the Rome Statute and defending its integrity, with the purpose of strengthening the independence of the Court;
- B. whereas on 17 November 2011¹ Parliament welcomed the adoption of the Kampala Amendments to the Rome Statute, including on the crime of aggression, and called on all Member States to ratify them and incorporate them into their national legislation;
- C. whereas on 18 April 2012 Parliament subsequently adopted resolution 2012/0126² and called on the Council and the Commission to use their international authority in the interests of securing and strengthening the universality of the Rome Statute for an internationally agreed definition of acts of aggression in breach of international law;
- D. whereas the ratification of the Kampala Amendments to the Rome Statute on the crime of aggression by at least 30 States Parties and a decision to be taken after 1 January 2017 by a two-thirds majority of States Parties will allow for the establishment of a permanent system of international criminal accountability by penalising the crime of aggression;
- E. whereas 122 countries are States Parties to the Rome Statute of the International Criminal Court;
- F. whereas, thus far, 14 States Parties have ratified the Kampala Amendment on the crime of aggression, including eight EU Member States, namely Belgium, Croatia, Cyprus, Estonia, Germany, Luxembourg, Slovakia and Slovenia; whereas at least 35 States Parties are currently actively working on the ratification of the amendments on the crime of aggression, and others have made commitments towards ratification;

¹ Texts adopted, P7_TA(2011)0507.

² Texts adopted, P7_TA(2012)0126.

- G. whereas on 8 May 2012 Liechtenstein was the first country to ratify the amendments on the crime of aggression together with the amendments on Article 8 (war crimes) adopted at the 2010 Review Conference of the Rome Statute of the ICC, held in Kampala, Uganda;
 - H. whereas states not party to the Rome Statute can ratify the Rome Statute, including the Kampala amendments, and thereby contribute to the activation of the ICC's jurisdiction over the crime of aggression;
 - I. whereas the Kampala Amendments are fully compatible with the United Nations Charter in that they only criminalise the most serious forms of the illegal use of force, namely those that manifestly violate the UN Charter by their 'character, gravity and scale';
 - J. whereas the ICC's jurisdiction over the crime of aggression will contribute to the rule of law at international level and to international peace and security by deterring the illegal use of force and thus proactively contributing to the prevention of such crimes and the consolidation of lasting peace;
 - K. whereas the ratification of both Kampala Amendments by states and activation of the ICC's jurisdiction over the crime of aggression will contribute to ending impunity for the perpetrators of this crime;
 - L. whereas the ratification of the Kampala Amendments and activation of the ICC's jurisdiction over the crime of aggression will contribute to protecting human rights by criminalising the act of aggression that often stands at the beginning of the causal chain of gross violations of human rights and grave breaches of international humanitarian law and international human rights law;
 - M. whereas the criminalisation of acts of aggression will also protect the right to life of combatants who are unlawfully sent to war and those of the attacked state, thus closing a loophole in the Rome Statute and in international humanitarian law insofar as they are currently aimed solely at protecting civilians and other categories of 'protected persons';
 - N. whereas the activation of the ICC's jurisdiction over the crime of aggression will contribute to the universality of the Rome Statute since several states may be interested in ratifying the completed Rome Statute, including the Kampala Amendments, which also serves their national policy goal of deterring the illegal use of force against them;
1. Reiterates its full support for the work of the International Criminal Court in helping end impunity for the perpetrators of the most serious crimes of concern to the international community;
 2. Calls for the EU to adopt a common position on the crime of aggression and the Kampala Amendments;
 3. Underlines the importance of the principle of universality of the Rome Statute and urges the EU to be at the forefront in pushing for the Kampala Amendment on the crime of aggression to enter into force and to support the efforts under way to achieve this goal, and to encourage its Member States to first ratify the amendment and then positively support the one-time

decision by the Assembly of States Parties to the Rome Statute, once the required 30 ratifications are achieved, to activate the ICC's jurisdiction for the crime of aggression;

4. Stresses the need to actively promote support for the ICC, the ratification of the Rome Statute as amended and the ratification of both Kampala Amendments in all EU external actions, including through the EU Special Representative on Human Rights (EUSR) and EU Delegations on the ground, also including technical assistance for states seeking ratification and/or implementation; calls, in this regard, for the EU and its Member States to renew their commitment to and support, including financial, for the ICC;
5. Calls on the EU to commit to the fight against genocide, crimes against humanity, war crimes and the crime of aggression, as well as calling for combating impunity for grave human rights violations to be made a priority for the EU, and for the Member States, in their external actions; encourages the HR/VP to step up efforts in promoting the implementation of and compliance with international humanitarian law standards in general, including by non-state armed groups;
6. Calls on the Member States to swiftly align national legislation with the Kampala Amendments' definitions, as well as other obligations under the Rome Statute, to enable national investigations and prosecutions of the crimes by EU Member States and to cooperate with the Court;
7. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the Vice-President of the Commission / High Representative of the Union for Foreign and Security Policy, the EU Special Representative for Human Rights and the President of the International Criminal Court.