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ICC CONFERENCE TAKES STEPS TO END AGGRESSION

WASHINGTON, DC- Representatives from nations around the world joined together in the early hours Saturday morning to applaud their historic decision to put The Hague's international criminal court (ICC) on the path to become the first permanent court to try individuals for the crime of aggression.

"This agreement by state parties is an historic step in the right direction," stated Don Kraus, CEO of Citizens for Global Solutions. "For the first time we have a clear definition of aggression and a process to move forward to ensure that this crime can be prosecuted in the future."

This decision came after two weeks of intense meetings in Kampala capping eight years of negotiations by parties to the ICC. The United States was voluntarily absent from the earlier negotiations. Despite having decided not to become a member of the ICC at this time, the United States participated fully in the negotiations in Kampala. The American delegation there was led by Ambassador-at-Large for War Crimes Issues Stephen J. Rapp and State Department Legal Adviser Harold H. Koh.

Ariela Blätter, CGS Director of Policy and Programs, attending the conference said "The Obama administration should be applauded for its policy of constructive engagement with the Court. The deal they struck here serves U.S. national security interests and will help prevent aggressive war and foster peace in the future."

The agreement in Kampala establishes an historic precedent. In the future, those who initiate aggressive wars may find that they find themselves going right from the throne to the slammer. The negotiations among the 84 nations present in Kampala required compromises, such as requiring seven years to pass and an affirmative agreement by two-thirds of states. Before the meetings scheduled for 2017, the international community and civil society must use this time to reach broad agreement on prosecuting aggression and maintaining the independence of the ICC in prosecuting individuals for all of the crimes under the Rome Statute.

The crime of aggression, the act of one state waging unlawful war against another, has been a central concern for the United States for decades. In 1974 the U.S. joined in the U.N. General Assembly decision to ban the planning for or executing an unlawful war. The United Nations Security Council, which will remain the primary authority over determining when states have undertaken unlawful war, will likely one day work in tandem with the ICC, to determine who is legally responsible for making that fateful decision.



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The agreement in Kampala shows the need for another review conference in 2017, when the entry into force of the crime of aggression will be addressed. In the Kampala agreements, the U.S. succeeded in including provisions to exempt future coalition-based military operations and good-faith humanitarian interventions.

Citizens for Global Solutions is concerned that this new agreement may over-broaden the powers of nations who have not joined the ICC by making a blanket exemption for their national leaders to commit aggressive acts, including on the territory of a nation party to the ICC. The compromise also provides that nations party to the ICC may file a declaration to opt out of the prohibitions on aggression. However, the results of the Kampala conference strengthen the ICC's capacity to hold the world's worst criminals accountable for their actions and gives the world a new means to stave off the trauma of unjust wars.

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Citizens for Global Solutions is a national membership organization which envisions a future in which nations work together to abolish war, protect our rights and freedoms, and solve the problems facing humanity that no nation can solve alone. This vision requires effective democratic global institutions that will apply the rule of law while respecting the diversity and autonomy of national and local communities.