Sixteenth session
New York, 4 – 14 December 2017

[Draft resolution]
Activation of the jurisdiction of the Court over
the crime of aggression

The Assembly of States Parties,

PP1 Recognizing the historic significance of the consensual decision at the Kampala
Review Conference to adopt the amendments to the Rome Statute on the crime of
aggression, and in this regard recalling resolution RC/Res.6,

PP2 Reaffirming the purposes and principles of the Charter of the United Nations,

PP3 Recalling its resolve to activate the Court’s jurisdiction over the crime of aggression
as early as possible, subject to a decision according to paragraphs 3 of article 15 bis and
article 15 ter,

PP4 Noting with appreciation the Report on the facilitation on the activation of the
jurisdiction of the International Criminal Court over the crime of aggression1, which
summarizes the views of States Parties,

PP5 Recalling paragraph 4 of article 15 bis and paragraph 5 of article 121;

PP6 Recalling that in paragraph 1 of RC/Res.6 the Review Conference decided to adopt,
in accordance with paragraph 2 of article 5 the amendments regarding the crime of
aggression, which are subject to ratification or acceptance and shall enter into force in
accordance with paragraph 5 of article 121; and noted that any State Party may lodge a
declaration referred to in article 15 bis prior to ratification or acceptance of the
amendments;

PP7 Desirous to provide legal certainty regarding the Court’s exercise of jurisdiction and
to respect the views expressed by States Parties in this regard,

OP1 Decides to activate the Court’s jurisdiction over the crime of aggression as of 9
March 2018 subject to the following subparagraphs:

(a) Takes note of the views expressed by States Parties, individually or
collectively, as reflected in the Report on the facilitation2, or upon adoption of this
resolution to be reflected in the Official Records of this session of the Assembly or
communicated in writing to the President of the Assembly by 9 March 2018 that, for
whatever reason, they do not accept the Court’s exercise of jurisdiction over the crime of
aggression unless they ratify or accept the amendments regarding the crime of aggression,

(b) Affirms that in case of a State referral or proprio motu investigation the Court
shall not exercise its jurisdiction in respect of the crime of aggression when committed by
nationals or on the territory of the States Parties referred to in subparagraph (a),

1ICC-ASP/16/24
2Ibid., see Annex II.A.
(c) Notes that the previous subparagraphs shall be without prejudice to a declaration referred to in article 15 bis.

OP2 Requests the President of the Assembly to transmit the Report, the Official Records and written communications referred to in operative paragraph 1, subparagraph (a), to the Court and to all States Parties

OP3 Renews its call upon all States Parties which have not yet done so to ratify or accept the amendments to the Rome Statute on the crime of aggression.