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**Sixteenth session**

New York, 4 – 14 December 2017

**Report of the Working Group on Amendments****Addendum****Annex VII****Explanation of Position by Germany**

1. Germany has continuously expressed its concerns regarding the proposed amendments to article 8 of the Rome Statute.
2. Germany was one of the first States Parties to ratify the amendments to article 8 which were adopted in Kampala in 2010, also at the initiative of Belgium. So far, these amendments have been ratified by only 35 States Parties. This number does not even represent one-third of the States Parties to the Rome Statute.
3. The new amendments to article 8 introduce further specific weapons and weapons categories into the Rome Statute. We still wonder whether this is the right moment to propose further detailed amendments. We have doubts regarding the necessity of these amendments. Instead of listing various weapons, we should focus on the effect of their use. The Rome Statute as it currently stands provides a solid basis for doing so.
4. We fear these amendments could trigger a practice of routinely amending the Statute every time new weapons or weapons categories are developed or used. And we worry this could lead to a more fragmented Rome Statute. The relatively low number of States Parties to ratify the 2010 amendments illustrates our concern.
5. Such a fragmented system is not conducive to the work of the Court, nor does it support efforts towards universality. The Rome Statute must aim at universal application.
6. Furthermore, we are concerned that instead of attracting new States Parties, we might discourage those outside the Rome Statute from ratification.
7. The political environment for the Court is becoming more difficult. This Assembly is charged with the decision to activate the Court's jurisdiction on the crime of aggression. Under these circumstances, we believe our primary responsibility at this stage is to consolidate the Court's mandate and not expand it.
8. We realize that our concerns are not shared by the majority of States Parties. We have carefully considered this and concluded not to oppose the apparent willingness of many to move forward with the proposal. In the spirit of compromise, Germany has therefore decided not to hold up the consensus.
9. Having said this, we hope those States which have endorsed this proposal will swiftly ratify these amendments.