

Rome Statute of the
International Criminal Court

Sixteenth Session of the
Assembly of States Parties

(New York,
4–14 December 2017)

Statement on behalf of

Germany

by

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New York, 6 December 2017

– Check against delivery –

Mr President,

Germany fully aligns itself with the statement made by the Estonian Presidency on behalf of the European Union and its Member States.

Mr President,

At the outset, allow me to wholeheartedly congratulate the newly elected judges on their election and to pledge my Government's full support for their important work.

Mr President,

Let me start with the most important topic, the activation of the ICC's jurisdiction over the crime of aggression. Germany regards this as the missing element for completing the Rome Statute. If we want the ICC to ensure that the most serious crimes of concern to the international community as a whole do not go unpunished, the Court must have jurisdiction over this crime. This is the legacy of the Nuremberg trials, to which Germany is committed. Because of this legacy, the Basic Law for the Federal Republic of Germany of 1949 stipulates that "acts tending to and undertaken with intent to disturb the peaceful relations between nations, especially to prepare for a war of aggression" be made a criminal offence. Because of this legacy, the post-war German Criminal Code included a provision on this issue. And because of this legacy, the German Bundestag ratified the Kampala Amendments swiftly and unanimously, thus enabling Germany to be among the first ratifying states. In the meantime, Germany has updated its criminal law and adjusted its list of statutory offences to the Kampala definition in compliance with the principle of complementarity.

We very much hope that this ASP will succeed in taking the decision to activate the ICC's jurisdiction. And we hope that this will be done by consensus. This would be another historic step, demonstrate the States Parties' determination to end impunity and send a strong signal of support to the ICC.

Mr President,

Renewed efforts are needed to strengthen the ICC and to achieve universal acceptance of the Rome Statute. In order to do so, we should address criticism openly. The twentieth anniversary of the Rome Statute is a good opportunity to do so in a frank manner, taking stock of what has been achieved, but also discussing the problems that almost inevitably go along with building up a complex multilateral mechanism. Germany is willing to play its part in this timely debate.

In this context, my Government deeply regrets Burundi's withdrawal from the Rome Statute. We call upon its Government to reconsider this move. We feel encouraged by the decisions by South Africa and the Gambia to stay within the Rome Statute. We are willing to engage in a constructive dialogue to address concerns – a dialogue focusing on the Rome Statute. We all need to listen carefully to those voicing criticism. My Government firmly believes that we will be able to deal with misgivings from within the institution.

Looking at the Court's activities in the past year, we see many promising developments. We commend, in particular, efforts to increase efficiency, be they inside the court room or with regard to the Court's operations as a whole. In this respect, I should like to thank the staff of the Court, the Judges, the Prosecutor and the Registrar for their dedication.

With regard to the Court's budget, my Government has been advocating a more predictable budget process for many years. We continue to seek full transparency and to encourage working with leaner and more flexible structures.

With regard to the composition of the staff, I regret the need to reiterate the importance of the principle of equitable geographical representation. We expect more convincing efforts to be made to reach equitable geographical representation, since this expresses the Court's universality, provides legitimacy and builds trust.

Mr President,

In conclusion, allow me to underline the Court's invaluable role in bringing redress to victims and providing a forum for addressing their grievances. Bringing coherence to the Court's work with victims remains of vital importance. This is why Germany has consistently made voluntary contributions to the Trust Fund for Victims. I am glad to inform you that my Government is continuing this practice and contributing another 300,000 euros to the Trust Fund this year.

Thank you, Mr President.