

Conference Room Paper on the Crime of Aggression

Annex III

Understandings regarding the amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression

1. The following text replaces paragraph 4 *bis* of annex III of the Conference Room Paper on the Crime of Aggression (RC/WGCA/1/Rev.2):

Domestic jurisdiction over the crime of aggression

It is understood that the amendments that address the definition of the act of aggression and the crime of aggression do so for the purpose of this Statute only. The amendments shall, in accordance with article 10 of the Rome Statute, not be interpreted as limiting or prejudicing in any way existing or developing rules of international law for purposes other than this Statute. It is understood that the amendments shall not be interpreted as creating the right or obligation to exercise domestic jurisdiction with respect to an act of aggression committed by another State.

2. The following text is inserted as paragraph 7 of annex III of the Conference Room Paper on the Crime of Aggression (RC/WGCA/1/Rev.2):

Understanding Y

It is understood that in establishing whether an act of aggression constitutes a manifest violation of the Charter of the United Nations, the three components of character, gravity and scale must be sufficient to justify a “manifest” determination. No one component can be significant enough to satisfy the manifest standard by itself.
