

House of Representatives

Supplementary Order Paper

Thursday, 2 July 2020

International Crimes and International Criminal Court Amendment Bill

Proposed amendments

Rt Hon Winston Peters, in Committee, to move the following amendments:

Clause 4

In *clause 4(2)*, definition of **Statute** after *paragraph (a)(iv)* (page 2, after line 20), insert:

(v) C.N.399.2019.TREATIES-XVIII.10, dated 30 August 2019; and

Schedule

In the *Schedule*, Article 8(2)(e)(xviii) (page 17, line 21), replace “.” with “;”.

In the *Schedule*, Article 8(2)(e) (page 17, after line 21), insert:

(xix) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies.

Explanatory note

This Supplementary Order Paper amends the International Crimes and International Criminal Court Amendment Bill, which in turn amends the International Crimes and International Criminal Court Act 2000 (the **principal Act**).

At its 18th session in December 2019, the Assembly of States Parties to the Rome Statute amended the Rome Statute to make it a war crime to intentionally use starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies, in the context of a non-

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Amendment Bill**

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international armed conflict (the **Starvation Amendment**). The amendments in this Supplementary Order Paper incorporate the crime of starvation in a non-international armed conflict into New Zealand law. The intentional starvation of civilians as a method of warfare is already a war crime under the Rome Statute in international armed conflicts. The Government approved the ratification of the Starvation Amendment in March 2020, and officials recommended the incorporation of the Starvation Amendment in the Bill while the Bill was before the Foreign Affairs, Defence and Trade Committee. However, the Foreign Affairs, Defence and Trade Committee recommended the Bill be passed without amendment when it reported the Bill back to the House on 28 May 2020.

The amendments in this Supplementary Order Paper incorporate the Starvation Amendment into the principal Act by—

- amending the definition of Statute (which means the Rome Statute) in *clause 4(2)* of the Bill, to insert, in *paragraph (a) new subparagraph (v)*, which refers to the UN Depository Notification that contains the text of the new starvation war crime; and
- amending the *Schedule* of the Bill that replaces the full text of the Rome Statute, to insert, in *Article 8(2)(e)*, *new subparagraph (xix)* as contained in the depository notification referred to above.