



**AN BILLE UM AN TRÍÚ LEASÚ IS FICHE AR AN
mBUNREACHT, 2001
TWENTY-THIRD AMENDMENT OF THE CONSTITUTION
BILL, 2001**

EXPLANATORY MEMORANDUM

Purpose of Bill

The Twenty-third Amendment of the Constitution Bill, 2001 is necessary in order to enable the State to ratify the Rome Statute of the International Criminal Court done at Rome on the 17th day of July, 1998.

The Statute may be ratified by Ireland only when all measures necessary to enable the State to meet its obligations thereunder have been completed.

The Attorney General has advised that an amendment of the Constitution is required to enable Ireland to ratify the Statute mainly because submission to the jurisdiction of the International Criminal Court would entail a partial transfer to the Court of the sovereign power of the State to administer criminal justice.

Text of Bill

The Bill provides for the addition of a new section 9 to Article 29 of the Constitution allowing the State to ratify the Rome Statute of the International Criminal Court.

Rome Statute of the International Criminal Court

The Rome Statute of the International Criminal Court was adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome on 17 July 1998. The Statute provides for the establishment of a permanent International Criminal Court, in relationship with the United Nations system, with jurisdiction over persons for the most serious crimes of concern to the international community, namely genocide, crimes against humanity, war crimes and the crime of aggression. The Court, when established, will be complementary to national criminal jurisdictions.

The Statute of the Court is an international agreement which will enter into force approximately two months after 60 states have become party to it. Ireland signed the Statute on 7 October 1998.

The International Criminal Court is one of the most significant developments in international law since the Second World War. Once established, it will obviate the need for the creation of *ad hoc* international criminal tribunals, such as those which were established in the 1990s in respect of atrocities perpetrated in the former Yugoslavia and in Rwanda.

The establishment of a permanent International Criminal Court has been supported by Ireland and its partners in the European Union for many years. The EU has undertaken to assist countries associated with it to ratify or accede to the Statute in order to facilitate the early establishment of the Court.

*An Roinn Gnóthaí Eachtracha,
Márta, 2001.*