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Chairman: Mr. Lelong (Haiti)

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The meeting was called to order at 10.10 a.m.

Agenda item 164: Establishment of the International Criminal Court (*continued*)
(PCNICC/2001/L.3/Rev.1 and Add.1)

1. **Mr. Dauth** (Australia), speaking on behalf of the member States of the Pacific Islands Forum that maintained Permanent Missions to the United Nations, said that the adoption of the Statute of the International Criminal Court signalled a recognition by the international community of the need to prosecute and punish the perpetrators of the most serious international crimes. The members of the Forum remained committed to the goals to which the Statute aspired and to the early establishment of the International Criminal Court. Seven members of the Forum had signed the Statute and four of them had ratified it. In addition, other member countries, particularly Australia and Samoa, had made considerable progress towards amending their internal procedures to permit ratification. In that connection, mention should be made of the special workshop on the International Criminal Court that had been held in New Zealand the previous year during the Pacific Island Law Officers Meeting.

2. At the eighth session of the Preparatory Commission for the International Criminal Court, agreement had been reached on four key documents, namely, the Financial Regulations and Rules of the Court, the Relationship Agreement between the Court and the United Nations, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties. Those documents would serve as a basis for the work of the Court. Of particular importance was the fact that they had been concluded in a manner that maintained the integrity of the Statute. In that regard, he wished to acknowledge the contribution of the Government of the Netherlands to the work.

3. Despite the progress made, work still remained to be done on the definition of the crime of aggression, the headquarters agreement and other practical issues. Completion of the remaining work should be accorded high priority and two 2-week sessions should be held in 2002 in order for the Preparatory Commission to be in a position to complete its mandate.

4. **Ms. Randrianarivony** (Madagascar) reiterated her country's support for a credible, independent and

effective International Criminal Court to put an end to impunity, which was one of the factors responsible for the increasing instability in the world. The Government of Madagascar was carefully reviewing the Rome Statute with a view to taking the necessary constitutional measures to ratify it as early as possible. In that connection, she supported the recommendations that had been made at the subregional seminar to provide information and create greater awareness of the International Criminal Court, which had been held in Cameroon in February 2001.

5. Special mention should be made of the collaboration of the Government of the Netherlands and of the adoption, at the eighth session of the Preparatory Commission, of the core documents to permit the Court to function. In order to complete its remaining work, the Preparatory Commission should hold two sessions in 2002 and reach a consensus on the definition of the crime of aggression. Lastly, she wished to thank the Secretary-General for the establishment of a trust fund to facilitate the participation of the least developed countries in the work of the Commission, and the DePaul University Institute for having provided accommodation for participants in the session.

6. **Ms. Geddis** (New Zealand) expressed satisfaction at the large number of countries that had ratified the Rome Statute. At the current pace, it was anticipated that the 60 ratifications needed for the International Criminal Court to be established would be achieved by the middle of 2002. That success was largely attributable to the work of non-governmental organizations. New Zealand had enacted the necessary legislation for the implementation of the Statute and its new legislation governing genocide, crimes against humanity and war crimes had placed it in a better position to prosecute the authors of those international crimes and to fulfil its obligations under the Statute.

7. Despite the progress achieved — and mention should be made in that regard of the contribution of the Netherlands — a great deal still remained to be done. Completion of that work must be given top priority and the delegation of New Zealand therefore supported the recommendation that the Preparatory Commission should hold two sessions during the first half of 2002. Even though the timing might perhaps be tight if ratifications continued at their current pace, it seemed appropriate that the final meeting in New York on the

International Criminal Court should also be the first of the Assembly of States Parties.

8. In addition to the technical issues, agreement on a definition of the crime of aggression was still pending. At the previous session of the Preparatory Commission, New Zealand, Bosnia and Herzegovina and Romania had submitted proposals on that topic. However, the issue was a very difficult and complex one that was unlikely to be resolved in two further sessions. Consequently, once the International Criminal Court was established, a special process should be set up to carry forward the negotiations and to find a text that was acceptable to as many States as possible.

9. The International Criminal Court would be the competent forum in the future for prosecuting crimes against humanity, such as those committed on 11 September, and for combating violations of human rights. However, for the Court to be truly representative and effective at the international level, it needed to have a wide geographical reach. The delegation of New Zealand therefore encouraged States that had signed the Statute to go forward with the ratification process and those that had not signed to accede to that landmark agreement for international justice.

10. **Mr. Vamos-Goldman** (Canada) reiterated the importance of the documents adopted at the Preparatory Commission's eighth session, and of the road map leading to the early establishment of the International Criminal Court. Given the pace of ratifications of the Rome Statute, the Commission's work was becoming increasingly important.

11. Canada would continue its campaign to provide technical support to interested countries for the implementation of the Statute. During the previous year, Canada had co-sponsored numerous seminars on the ratification and implementation of the Statute and other events were planned for the future. Canada was also currently revising and updating its web site on the International Criminal Court and was planning a national conference on the Court for Canadian youth. All States that were able to do so should implement funding programmes similar to the Canadian initiative and those States that had not yet ratified the Rome Statute should do so as early as possible. States that ratified or acceded to the Statute before the first meeting of the Assembly of States Parties would take part in the adoption of the Court's principal documents

and in the election of its President, Prosecutor and Registrar.

12. In the months ahead, it would be necessary to establish the interim financial, human resources and operational rules of the Court until the permanent rules were put in place. To that end, Canada was offering its assistance to the focal points appointed by the Chairman of the Preparatory Commission in convening an open-ended inter-sessional meeting to discuss those issues. The work of the Preparatory Commission was nearly complete and many of the documents had been adopted by consensus, which showed that the fundamental principles of the International Criminal Court were accepted and recognized by the international community and strengthened the credentials of the Court as a truly international judicial body.

13. **Ms. Čačić** (Croatia) said that the 1998 Rome Conference had laid the groundwork for the first permanent international criminal court and the imminent entry into force of the Rome Statute had given new impetus to the preparatory activities, leading to the successful finalization of the necessary documents for the establishment of the court. Her delegation hoped that the Commission's ongoing work, in particular the negotiations on the definition of the crime of aggression, would soon be completed. Given the advanced stage of preparations, an additional session was unavoidable if the Commission was to be able to complete its work.

14. The international community was no longer willing to tolerate impunity under the pretext of national sovereignty. The establishment of the International Criminal Court was critical in putting an end to the "culture of impunity" by strengthening the universal rule of law and thereby promoting international peace and security. In that connection, it was impossible to avoid reference to the terrorist acts of 11 September 2001. Notwithstanding the ongoing negotiations on international instruments to combat the scourge of terrorism, the possibility should not be excluded of characterizing that type of act as crimes against humanity and thus falling within the scope of the Rome Statute.

15. The Republic of Croatia had ratified the Statute of the Court in March 2001 and was the first country in Central and Eastern Europe to do so. With the accelerating pace of ratifications, the 60 instruments of

ratification needed for the entry into force of the Statute were likely to be obtained by the summer of 2002. However, only through universal participation in the Rome Statute would it be possible to achieve the ideal of even-handed global justice. Concerns for the protection of national interests were often best addressed through supranational institutions and actions, as the international community's mobilization against terrorism clearly demonstrated.

16. **Mr. Ople** (Philippines) said that the atrocities perpetrated during the previous two decades in various regions of the world were a ringing call for the establishment of a permanent international criminal court to prevent the recurrence of such atrocities and to put an end to impunity. The adoption of the Rome Statute in 1998 had been a historic moment in the establishment of the rule of law, which was the cornerstone of a more just and humane world.

17. The Philippines had signed the Rome Statute in December 2000 as an affirmation of its core national values of democracy, human rights, justice, good governance and the rule of law. His country had been an active participant in the negotiations leading to the establishment of the International Criminal Court. It had participated in the Rome Diplomatic Conference of Plenipotentiaries and had continued to make its contribution to the constructive work of the Preparatory Commission for the establishment of the Court.

18. Under the Constitution of the Philippines, a two-thirds vote of the membership of the Senate was required for the Government to sign the Statute. The Philippine Senate had to consider a number of factors. First, the process of establishment of the Court must remain untainted by politics and stay committed to the prosecution and punishment of the heinous crimes under its jurisdiction; the Philippines could not accept that the Court should be a mere tool of domination by a country or group of countries over others and, consequently, geographic balance was of fundamental importance. Secondly, everyone within the Court's jurisdiction must be accorded equal protection under the law and no one should be above the law. Lastly, the integrity of the Court was a non-negotiable minimum for the Philippines when considering the ratification of the Rome Statute. His country was concerned at proposals that tended to dilute the Court's judicial competence and held the view that the role of United Nations political organs concerned with aggression

must be properly circumscribed to avoid any intrusion in the Court's exercise of its judicial prerogatives.

19. At the regional level, the Philippines would carefully examine the impact of the Rome Statute on the future of cooperation within the framework of the Association of South-East Asian Nations (ASEAN) and would consult its ASEAN partners with a view to reaching a consensus on the ratification of the Statute. His Government would also seek to establish a national consensus, which was essential for the establishment of the International Criminal Court.

20. **Mr. Hwang** Cheol-Kyu (Republic of Korea) described the long march towards the establishment of the International Criminal Court. The adoption of the Rome Statute had marked the first step, followed by the adoption of the draft Rules of Procedure and Evidence and the draft text on Elements of Crimes. The recent eighth session of the Preparatory Commission had seen the successful completion of the third step, namely, the adoption of the draft Relationship Agreement between the Court and the United Nations, the draft Financial Regulations of the Court, the draft Agreement on the Privileges and Immunities of the Court and the draft Rules of Procedure of the Assembly of States Parties. Given that all of those texts were the product of intensive negotiations aimed at resolving complex and delicate issues, the results achieved were laudable.

21. The Commission must, however, still take up other delicate issues, such as the draft first-year budget, including the victim Trust Fund, as well as the Headquarters Agreement and the definition of the crime of aggression, which was perhaps the most disputed item on the agenda. It was important to reach general agreement as early as possible, in close consultation and cooperation with all delegations and without infringing upon the integrity of the Statute or the key tenets of the Court. In that connection, he recalled that, at the eighth session of the Preparatory Commission, in October 2001, a road map had been introduced (PCNICC/2001/L.2) which identified the issues that remained to be addressed in order to facilitate the early establishment of the International Criminal Court.

22. The Republic of Korea had signed the Rome Statute of the International Criminal Court in March 2000 and had undertaken the preparatory work necessary for its ratification. The establishment of the

International Criminal Court would mark a milestone in global efforts to ensure the rule of law and put an end to impunity for the most heinous crimes. To that end, the delegation of the Republic of Korea wished to reaffirm its intention to actively contribute to the tasks outlined in the road map and to the work of the Preparatory Commission.

23. **Ms. Eugène** (Haiti) said that her delegation unreservedly supported the process aimed at putting an end to impunity and at establishing an international criminal court. To date, 46 States had ratified the Rome Statute and the process was now irreversible. She welcomed the efforts being made to encourage and facilitate ratification of the instrument by developing countries.

24. A consensus had been reached on providing the Court with the juridical, administrative and logistical resources that it needed to operate. In that connection, her delegation welcomed the adoption of the four core documents to which previous speakers had referred and the earlier adoption of the Rules of Procedure and Evidence and the text on the Elements of Crimes. Those texts were complementary to the Rome Statute and should in no way be interpreted as amendments to the Statute.

25. Haiti congratulated the Chairman of the Preparatory Commission and thanked him for the report and the draft of the road map leading to the early establishment of the International Criminal Court. It believed that the Commission should hold two sessions in 2000 to complete its consideration of the draft first-year budget and of the core principles that should underlie a headquarters agreement.

26. Haiti had signed the Rome Statute in February 1999 and was now endeavouring to bring its national legislation into line with the provisions of the Statute. The Government had undertaken to submit the Statute without delay to the Parliament for ratification. The establishment of the International Criminal Court would strengthen efforts to combat impunity and would clearly act as a deterrent to all those who might be tempted to commit heinous crimes against humanity. However, the Preparatory Commission had not yet taken up the definition of the crime of aggression and still had to determine whether serious, systematic and large-scale acts of terrorism committed against civilian populations in peace time could be considered crimes

against humanity, under the definition contained in article 7 of the Rome Statute.

27. **Mr. Jacovides** (Cyprus) said that his delegation associated itself with the position expressed by the representative of Belgium on behalf of the European Union. It wished, nevertheless, to make a few additional observations on issues that were of particular importance to Cyprus.

28. First of all, he wished to express his satisfaction at the progress that had been made during the previous two sessions, at which four extremely important texts had been adopted in addition to the Rules of Procedure and Evidence and the text on the Elements of Crimes, which had been adopted earlier. However, a number of practical issues were still pending, such as the Basic Principles of the Headquarters Agreement, the draft first-year budget and the definition of the crime of aggression, which was a key element in determining the Court's jurisdiction. While General Assembly resolution 33/14, which had been adopted by consensus in 1974 after many years of work, provided a sound basis, the issue was a complex one of international criminal law and involving the role of the Security Council and, possibly, of the International Court of Justice under the Charter of the United Nations.

29. The heinous acts of 11 September 2001, which in his delegation's view fell squarely within the jurisdiction of the Court as crimes against humanity, underlined the need for the establishment as early as possible of the International Criminal Court and for the perpetrators to be held responsible for their acts. The number of signatures and ratifications thus far raised hopes that the Court could begin to function in 2002 and that the first Assembly of States Parties could be held at United Nations Headquarters shortly thereafter. A well-deserved tribute should be paid to the pioneers of the project, in particular Germany and Trinidad and Tobago, which more than 10 years earlier had advocated the establishment of the Court. From the outset, Cyprus had championed the idea of establishing a permanent international criminal court as an instrument of deterrence and punishment of international crimes in their various manifestations. Following the adoption of the Rome Statute, Cyprus had signed the draft instrument and had taken all necessary steps for its ratification, which it hoped to do in the near future. In conclusion, both the European Union and Cyprus were fully committed to the effective, functional and credible operation of the

International Criminal Court in a close relationship with the United Nations.

30. **Mr. Biato** (Brazil) said that his delegation wished to associate itself with the statement made by the representative of Chile on behalf of the Rio Group and to express its satisfaction at the draft texts that had been adopted by the Preparatory Commission at its eighth session. However, the issues of the Headquarters Agreement and draft first-year budget still remained to be addressed. In that connection, he noted the offer of the Government of the Netherlands to help in finalizing preparations for the early establishment of the International Criminal Court. In the light of recent events, Brazil shared the international community's sense of urgency and its firm resolve to see the Court in action soon. The nearly 140 States that had signed the draft Statute and the steady stream of new ratifications were indicative of that resolve.

31. The legitimacy and credibility that had been achieved through the work of the Preparatory Commission gave cause for hope that the Court would be universally accepted. At the opening of the general debate, the President of Brazil had reiterated that the establishment of the Court was an urgent necessity and would be a victory for the cause of human rights.

32. Brazil was expediting its ratification procedures, which it hoped to complete at an early date. On 10 October, the Executive had submitted the Rome Statute for the consideration of the Parliament, which was examining various proposals for a constitutional amendment to ensure that, when adopted, the Statute would be fully implemented in Brazil.

33. With respect to the definition of the crime of aggression, Brazil noted the constructive atmosphere that prevailed in the deliberations and the thought-provoking proposals on the relationship of the Court to the Security Council and its future place within a wider system of mutually reinforcing institutions and practices. He welcomed the decision of the Chairman of the Sixth Committee to organize further meetings of the Working Group on the Crime of Aggression in the upcoming sessions.

34. **Mr. Al-Naman** (Saudi Arabia) welcomed the progress achieved by the Preparatory Commission at its eighth session, during which the Commission had completed its consideration of important draft texts related to the International Criminal Court. Those

successes were no doubt also due to the participation and cooperation of States, including Saudi Arabia.

35. On the question of the crime of aggression and other issues still under consideration, Saudi Arabia hoped that agreement could be reached and believed that the Security Council was the body that should determine the existence of the crime, although the Court would have a major responsibility in that regard. The proposals that had been made by Bosnia and Herzegovina and Romania concerning the definition of the crime of aggression contained important elements with respect to individual criminal responsibility, even though, as Saudi Arabia had pointed out at the time, a framework of aggression had not been specified, in accordance with General Assembly resolution 3314 (XXIX). If the Council did not wish to act, one possible solution was the proposal of those delegations regarding the conditions for the exercise of the Court's jurisdiction, subject to the advisory opinion of the International Court of Justice. The way in which the request would be submitted to the Court, however, should be spelled out.

36. At the following session, Saudi Arabia would propose a consensus text containing the proposals of Bosnia and Herzegovina, Romania and other delegations, as well as the elements contained in document PCNICC/1999/DP.11, and would ask the coordinator to continue consultations aimed at finding a solution if the Council could not define the crime of aggression. The Court must be independent: finding a definition for the crime of aggression meant putting the Court under the authority of the Security Council, which would mean narrowing its objectives.

37. **Mr. Zellweger** (Permanent Observer for Switzerland) said that, on 12 October, Switzerland had delivered to the Secretary-General of the United Nations its instrument of ratification, which was one of his country's priority objectives.

38. By virtue of the principle of complementarity, on which the future Court was based, States bore primary responsibility for prosecuting the authors of heinous crimes, such as crimes against humanity, which were defined in the Rome Statute for the first time in a universal and agreed manner. The Court would help to ensure that States fulfilled their obligation to respect and ensure respect for the four Geneva Conventions, of which Switzerland was the depositary, and for the 1948 Convention on the Prevention and Punishment of the

Crime of Genocide. In its capacity as depositary, Switzerland had a duty not only to take an active part in the negotiations on the Rome Statute but also to demonstrate its commitment as one of the first 60 States to ratify the instrument.

39. Among the legislative measures adopted in accordance with the Statute, the Swiss Parliament had enacted a new federal law on cooperation with the International Criminal Court and various amendments to the civil and military penal codes. Those measures had been adopted without a request by the Swiss people for an optional referendum to endorse them. New legislative measures were currently being prepared to complement Swiss criminal legislation governing crimes against humanity. The Rome Statute had had a similar impact on the national legislation of the States Parties and Switzerland would welcome an opportunity to exchange experiences with other countries in that field.

40. The future establishment of the International Criminal Court was already a certainty. Some 46 States had ratified the Statute and others would do so in the near future. Moreover, the Preparatory Commission had made rapid progress in its preparations for the implementation of the Statute by approving at its most recent session four additional instruments of great importance for the operation of the Court. Switzerland welcomed in particular the fact that all of the instruments had been adopted by consensus and that all the countries in the world could be represented on the Preparatory Commission, given the great importance attached to the universality of the future Court. That was why it was necessary for the largest possible number of States to ratify the Statute. It was also important for all countries wishing to do so to be able to continue the work of the future Assembly of States Parties, either as observers or with the approval of the Assembly itself, even though they had neither signed nor ratified the Rome Statute.

41. Lastly, the Preparatory Commission should immediately take appropriate measures to ensure the early establishment of the Court following the entry into force of the Statute, since the credibility and future reputation of the Court would depend on that. In that connection, Switzerland noted with satisfaction the document, entitled "Road map leading to the early establishment of the International Criminal Court", which had been proposed by the Bureau of the Preparatory Commission at its previous session and

which, in its view, contained all the elements needed to achieve that objective. Switzerland was prepared to participate fully in the activities proposed in the document.

42. **Ms. Ramoutar** (Trinidad and Tobago), speaking on behalf of the 14 member States of the Caribbean Community (CARICOM) that were Members of the United Nations, welcomed the rapid increase in the number of States that had ratified or acceded to the Rome Statute. It was very likely that the total number of 60 ratifications needed would be reached in 2002, which was a source of particular satisfaction for her delegation, since the initiative for the reintroduction of the issue into the agenda of the United Nations in 1989 had come from Trinidad and Tobago.

43. A permanent International Criminal Court would eliminate the need for the establishment of ad hoc tribunals and act as a deterrent to would-be perpetrators of the heinous crimes within the Court's jurisdiction.

44. The spirit of cooperation and flexibility that had pervaded the meetings of the Preparatory Commission had facilitated consensus on the implementation of the programme of work of the Commission at its eighth session. While much work still remained to be done, the Working Group on the Draft First-year Budget and the Working Group on the Headquarters Agreement would undoubtedly help to ensure that the early period of operation of the Court was not fraught with difficulties.

45. With regard to the definition of the crime of aggression and the conditions for the exercise by the Court of its jurisdiction over such crimes, Trinidad and Tobago hoped that Member States would demonstrate the necessary political will to achieve consensus. Adequate time must therefore be allocated for meetings of the Working Group and for informal consultations at future sessions of the Preparatory Commission. The Preparatory Commission should also begin to consider what recommendations should be made to the first meeting of States Parties on the future work of the Working Group.

46. Trinidad and Tobago was of the view that the Preparatory Commission should hold two 2-week sessions in 2002 in order to complete its work on outstanding issues, in accordance with the guidelines contained in the road map. After the deposit of the sixtieth instrument of ratification or accession, Trinidad and Tobago would support the convening in

2002 of the first Assembly of States Parties to the Rome Statute, for which adequate financial resources must be arranged.

47. Since October 2000, two new CARICOM States had signed the Rome Statute. One of them had ratified it and the other had deposited its instrument of accession. Trinidad and Tobago continued to encourage participation by the member States of CARICOM in the process and to promote regional measures to that end, such as the seminar on implementing legislation and the seminar on the International Court of Justice and international humanitarian law, held in February 2001, and the seminar on ratification and implementation of the Rome Statute, held in May 2001. Trinidad and Tobago was grateful to the co-sponsors of the seminars for their interest in promoting the International Criminal Court and international humanitarian law in the region. As a result of the seminars, progress had been made in the drafting of the implementing legislation and the Government of Trinidad and Tobago had prepared draft legislation on the Court, which would be submitted to the next session of Parliament.

48. She wished to acknowledge the contribution of the non-governmental organizations that had been working to promote the Court. She hoped also that the review conference would succeed in elaborating an acceptable definition of the crime of illegal drug trafficking, which was one of the grounds for the reintroduction of the item into the agenda of the United Nations. The gravity of that crime and its devastating consequences warranted its characterization as an international crime within the Court's jurisdiction. Lastly, Trinidad and Tobago wished to encourage those States that had not yet ratified or acceded to the Rome Statute to consider becoming States Parties thereto and so contribute to the early entry into force of the Statute.

49. **Mr. Mannan** (Bangladesh) recalled that Bangladesh had become a signatory to the Rome Statute in September 1999 and looked forward to the early establishment of the Court. It was happy to note that the Preparatory Commission had finalized the texts on the Elements of Crimes and the Rules of Procedure and Evidence as well as the instruments that had been adopted at its eighth session, and that it would prepare the draft first-year budget of the Court.

50. Bangladesh wished to again emphasize that the Court should be impartial and independent of the

political organs of the United Nations and called upon Member States to focus on the definition of the crime of aggression. The question of enforced disappearances should remain within the jurisdiction of the Court, as provided for in the Rome Statute.

51. His delegation welcomed the adoption of the road map elaborated by the Preparatory Commission, which indicated the stages of the process that would culminate in the establishment of the International Criminal Court, and the arrangements made by the Government of the Netherlands to provide suitable accommodation for the Court. It also welcomed the offer of the Secretary-General to provide technical assistance to promote understanding of the principal multilateral instruments, including the Rome Statute. Bangladesh had already embarked on the process of ratification of the Statute and welcomed the offer of other delegations that were willing to share their expertise in that area. In conclusion, Bangladesh called upon Member States to work together to reach the threshold of 60 ratifications by 2002.

52. **Mr. Cabrera** (Peru) said that the establishment of an international criminal court had been viewed in the early stages as an aspiration by the international community moved by a desire to combat crimes that were repugnant to mankind. The uncontrollable phenomenon of globalization was reflected not only in the dissemination of the benefits of technology and the disappearance of obstacles to the movement of capital and securities: terrorism too had been globalized. In those circumstances, the globalization of justice could no longer be delayed. In that connection, the International Criminal Court was nothing but the most successful attempt to globalize justice by putting an end to impunity.

53. Peru had put behind it the political events that had kept it out of international jurisdictions and had embraced the principles enshrined in the Court's Statute. It was the forty-fourth State to have deposited its instrument of ratification, at the end of an internal process in which the Government, the different political forces and civil society had joined in a common commitment. Since then, campaigns had been launched to disseminate information about the purposes of the Statute and to stimulate discussion on the drafting of the necessary supplementary legislation for the effective implementation of the Statute. In that connection, mention should be made of the seminar on

“Andean States and the International Criminal Court”, which had been held in Lima from 22 to 24 October.

54. Peru welcomed the fact that the work of the Preparatory Commission at its most recent session had produced concrete results, in the form of agreements reached. The agreement on the definition of the crime of aggression was of particular importance. The revised proposal on that topic contained important elements for achieving the necessary consensus on including the crime of aggression within the Court’s jurisdiction. Even though the formulas proposed for the prequalification of aggression by a State might give rise to technically justifiable objections, the legal interpretation could not paralyse the administration of justice nor allow such a serious crime to go unpunished. Consequently, and in view of the important instruments still awaiting adoption, the Preparatory Commission should hold two 2-week sessions during the following year.

55. Peru noted with satisfaction the rapid pace of ratifications of the Statute, welcomed the road map elaborated by the Bureau leading to the early establishment of the International Criminal Court, and would collaborate fully in efforts to achieve the objectives set. The preparations for the first meeting of the Assembly of States Parties, which should be convened as soon as the sixtieth instrument of ratification had been deposited, were particularly important. In that connection, Peru wished to renew its commitment to the ideals of universal justice enshrined in the Statute and offered its collaboration in the effort to make the Court a reality as early as possible.

Agenda item 159: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law
(A/56/484 and A/C.6/56/L.13)

56. **Mr. Ascencio** (Mexico) said that his delegation attached great importance to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, since law was an ideal vehicle for strengthening and promoting a culture of peace. The international community should continue its efforts to support and strengthen the Programme. One positive step in that direction had been the establishment of the United Nations audio-visual library in international law.

57. With regard to the programme of international law fellowships, Mexico was of the view that the selection of fellows should reflect the principal legal systems and a balance between the various geographical regions. That notwithstanding, fellowships should be awarded mainly to candidates from developing countries. Mexico shared the view expressed by other delegations that public universities should have free access to the United Nations Treaty Section database and requested the assistance of the Secretary-General in making that a reality.

58. Mexico was continuing its efforts to promote international law in universities. For example, the Secretariat of External Relations had been organizing annual academic meetings for eight years to update the skills of university professors in interior areas of the country in the field of international law. The continuous updating of skills in that field had helped to improve the quality and timeliness of teaching in that discipline.

59. The delegation of Mexico thanked the Secretariat for the publication of the “Compendium of rulings, advisory opinions and decisions of the International Court of Justice” for the period 1992-1996, which was of great interest to Mexican academics and a very useful tool for the teaching of international law.

60. **Mr. Zainuddin Yahya** (Malaysia), speaking on behalf of the States members of the Association of Southeast Asian Nations (ASEAN), said that the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law made a significant contribution to promoting the rule of law in relations between States. The Programme had benefited students, academics, practitioners and government officials, and the public in general, and ASEAN wished to thank Member States that had made voluntary contributions to fund the Programme. He hoped that those contributions would continue or even increase, since they had made it possible to, inter alia, continue the annual award of fellowships for the International Law Seminar held in Geneva.

61. ASEAN wished to express its appreciation to the Office of Legal Affairs and to the United Nations Institute for Training and Research (UNITAR) for their untiring efforts to make the Programme a success. It commended the Secretary-General for his efforts to disseminate information and materials on international

law and stood ready to support efforts to enable universities to gain access to the Treaty Section database free of charge or for a nominal fee.

62. **Mr. Fruchtbaum** (Grenada) said that his delegation wholeheartedly agreed with the view expressed by the Secretary-General in his report on the work of the Organization that a central precept of the rule of law was that the law should be accessible to those it was meant to guide. The problem was how to make international law accessible to the billions of people who were neither experts nor students of law.

63. The international community, working in cooperation with non-governmental organizations, must mobilize the necessary resources to create a long-term programme designed to teach young people the basic concepts and principles of international law and international humanitarian law. His delegation was aware that the Programme had limited resources. Nevertheless, the universal recognition of the need to strengthen international law would help to make the necessary funds available. Cooperation was essential in order to accomplish that goal. It was a critical issue, which the Sixth Committee and the Advisory Committee on the Programme must address.

Draft resolution A/C.6/56/L.13: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

64. *Draft resolution A/C.6/56/L.13 was adopted.*

Agenda item 163: Report of the Committee on Relations with the Host Country (continued)
(A/C.6/56/L.15)

65. **Mr. Maréchal** (Belgium), speaking on behalf of the European Union, the Central and Eastern European countries associated with the European Union, the associated countries Cyprus and Malta, and, in addition, Liechtenstein, expressed appreciation for the work done by the Committee on Relations with the Host Country and by the Office of Foreign Missions of the Government of the United States of America to address the problems of the diplomatic community resident in New York. He would confine his statement to a few of the items on the Committee's full agenda.

66. On the question of transport, there must be a sufficient number of parking places for diplomatic vehicles, as had already been pointed out on numerous

occasions. With regard to the tax exemption, he thanked the host country for the explanation of the regime governing the payment of real estate taxes by permanent missions. Concerning the issuance of visas to representatives of States Members of the United Nations and their travel within the territory of the host country, those matters should be dealt with in accordance with the relevant provisions of the Headquarters Agreement.

67. The European Union thanked the host country and the city of New York for the efforts they had made to guarantee the security of missions accredited to the United Nations and their staff, following the heinous terrorist acts committed on 11 September 2001. In that connection, he understood and supported the adoption of extraordinary measures, especially with regard to access to the premises of the United Nations, and stood fully prepared to collaborate with the host country in that area. Lastly, he wished to express his support for all the recommendations and conclusions contained in the report of the Committee.

68. **Mr. Sandage** (United States of America) thanked the Chairman of the Committee on Relations with the Host Country and the many delegations that had expressed support for the host country and the city of New York following the terrorist acts of 11 September. Because of the transparency of its deliberations, its representative membership and its efficiency, the Committee was a key instrument for addressing all of the issues related to the presence of the diplomatic community and for considering the needs and concerns of the United Nations.

69. The honour of serving as Headquarters of the Organization also carried with it certain obligations under international law, obligations and commitments that the United States had sought to fulfil and remained committed to doing so in the future. On the matter of entry visas, the host country endeavoured to issue visas to representatives of Member States on a timely basis and would continue its efforts to ensure that visas were processed in a reasonable period of time. With regard to restrictions on the travel of members of certain Missions, the host country was obliged under the Headquarters Agreement to provide access to the Headquarters district and it fulfilled that obligation. It was not required, however, to permit individuals to travel to other parts of the country unless they did so on official United Nations business.

Draft resolution A/C.6/56/L.15: Report of the Committee on Relations with the Host Country

70. *Draft resolution A/C.6/56/L.15 was adopted.*

Agenda item 170: Observer status for the International Development Law Institute in the General Assembly (A/56/141 and A/C.6/56/L.16)

71. **Mr. Gehr** (Austria) introduced draft resolution A/C.6/56/L.16, which was co-sponsored by Australia, Bulgaria, Burkina Faso, China, France, Italy, the Netherlands and Senegal. The International Development Law Institute was a multilateral intergovernmental organization comprised of 15 member States, which made a valuable contribution to the teaching, dissemination and wider appreciation of international law. The granting of observer status to the Institute would facilitate its cooperation with relevant organs of the United Nations and attract more support for it from the international community.

Draft resolution A/C.6/56/L.16: Observer status for the International Development Law Institute in the General Assembly

72. *Draft resolution A/C.6/56/L.16 was adopted.*

The meeting rose at 12.30 p.m.