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SUMMARY RECORD OF THE 30th MEETING

Chairman:	Mr. AFONSO	(Mozambique)
later:	Mr. SANDOVAL (Vice-Chairman)	(Ecuador)

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

AGENDA ITEM 128: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-THIRD SESSION (continued) (A/46/10, A/46/405)

1. Sir Arthur WATTS (United Kingdom) welcomed the Commission's draft articles on the draft Code of Crimes against the Peace and Security of Mankind, which, while not yet complete, would enable the Committee to see the overall direction in which the Commission's work was moving. The importance of international criminal law was universally recognized and its development was an important contribution to the maintenance of international peace and security. Consequently, in order to be of real value, the draft Code should add something to the existing law and the work of the Commission was a constructive effort in that direction.

2. Turning to the draft articles themselves, he noted that article 11 provided that the mere fact of having acted pursuant to an illegal superior order was no defence against criminal responsibility for the illegal act so committed. It also provided that an accused was relieved of criminal responsibility if, "in the circumstances at the time", it was not possible for him to disregard the illegal order. Such a broad formulation of the exception risked undermining the draft Code and needed to be examined in much greater depth.

3. Part II, which defined the scope of the draft Code, no longer maintained the usual distinction between crimes against peace, war crimes and crimes against humanity. Instead, it sought to draw distinctions between three groups of crimes, based partly on the nature of the crime and partly on the degree of involvement of senior officials of a State. His delegation would need to look at the new approach very carefully in order to satisfy itself that such distinctions were valid and practical.

4. Article 19 dealt with the crime of genocide, which was an essential part of any code of international crimes. The text was correctly based on the Convention on the Prevention and Punishment of the Crime of Genocide and his delegation supported the Commission's reluctance to broaden the concept of genocide to cover other nominally similar, but in substance very different, concepts.

5. His delegation was not convinced that article 22, dealing with exceptionally serious war crimes, was a necessary or workable provision. The crimes listed were, generally speaking, either grave breaches of the 1949 Geneva Conventions or well-established crimes under other international humanitarian law. It was questionable whether an attempt should be made to prescribe a hierarchy of such crimes.

6. The question of means of warfare intended to cause damage to the environment, which was dealt with in articles 22 and 26, had been included in

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the Committee's agenda and would also be considered at the International Conference of the Red Cross and Red Crescent later in the month. The Commission might wish to consider those developments carefully before deciding how, if at all, it should cover the matter in the draft Code.

7. On the question of penalties, his delegation accepted the desirability of having a degree of consistency in the penalties imposed for breaches of the Code. It did not believe, however, that that necessarily required that there should be mandatory sentences, particularly those that specified a minimum term of years of imprisonment, including life imprisonment that allowed for no possibility of parole. A cardinal principle of his country's criminal law, and one that was shared by many other systems, was that each convicted person should be treated individually even though the punishment should also take into account the grave nature of the offence. If agreement could be reached on the establishment of an international criminal court, such a body could help in establishing a degree of consistency in sentencing policy. Any consideration of penalties must also take account of certain practical aspects. To the extent that penalties were imposed by national courts, many, though not necessarily all, practical matters would be resolved within the framework of national laws. Since the Commission was dealing with major international crimes, it would not be right to leave all questions relating to the enforcement of penalties to be dealt with at the national level. Moreover, since the Commission envisaged the possibility of an international criminal court, the question of some international involvement in the practical enforcement of penalties assumed much greater importance.

8. Following the valuable discussions held on the subject during the Commission's forty-third session, the Special Rapporteur had proposed draft provisions on two major issues on which he needed guidance in drafting a possible statute of an international criminal court. The first of those issues concerned the jurisdiction of such a court, while the second concerned the question of who should institute proceedings before the court. In view of the difficulty encountered during the discussion of those issues, the Commission needed to address the question of whether the establishment of an international criminal court would mark any significant practical improvement on the existing situation. For many international crimes there was already an elaborate though largely ineffective system of universal jurisdiction. In numerous cases grave breaches had occurred where those responsible had not been brought to justice. Most often, the alleged offenders were protected by their own authorities, which might well have ordered the commission of the offences. His delegation wondered whether there were reasonable grounds for believing that having an international court would improve matters.

9. It was perhaps not necessary to envisage a system in which all the crimes identified in the draft Code had to be referred to an international criminal court. There could be a mix of States exercising universal jurisdiction for some crimes, and an international criminal court to deal with such crimes as acts or threats of aggression. Limiting the jurisdiction of such a court to a

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narrow range of crimes might make it easier to deal with the complex problems faced by the Commission. At the same time, the Commission might wish to examine ways in which the system of universal jurisdiction might be made more effective.

10. In view of the enormity of the task faced by the Commission on a subject that was at the outer edge of its mandate to promote the progressive development of international law and its codification, the Commission should perhaps wait until it had a specific request from the General Assembly before embarking on further work. In his delegation's view, the problems were as much of policy as of law and the new Commission should be given clearer policy guidance before it proceeded further. The question of the establishment of an international criminal court should therefore not be considered by the Commission at its forty-fourth session. Instead, States should be requested to provide their views on the Commission's work on that aspect of the topic, not later than 1 May 1992. On the basis of those comments the Committee could then decide how best to proceed.

11. Mr. ALVAREZ (Uruguay), said that, while the draft Code of Crimes against the Peace and Security of Mankind was very valuable and comprehensive, the question of an international criminal court and that of penalties required further deliberation. International criminal law, whether applied by an international criminal court or by the competent judicial organ of a given country, should prescribe concrete penalties in order to provide clear guidance to the jurisdictional organ. It would be very difficult to establish a general penalty to be applied by all Member States. If, on the other hand, the exclusive competence of the organ of domestic jurisdiction were recognized, the principle nulla poena sine lege might not be respected. Moreover, no judge would condemn a criminal in the absence of a rule which defined the penalty clearly.

12. On the question of an international criminal court, the arguments presented by the Special Rapporteur and the comments made by delegations should be of use in drafting a text as an integral part of the draft Code or as an additional protocol thereto.

13. His delegation welcomed the changes made in part II, "Crimes against the peace and security of mankind". The characterization of crimes in the current draft was more in line with modern thinking in that area and was more acceptable than the weak and vague earlier draft.

14. In chapter I, "Definition and characterization", the provision that the characterization of an act or omission as a crime against the peace and security of mankind was independent of internal law constituted a clear message to national judges and embodied in a text the most widely accepted doctrine on the matter.

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15. In chapter 2, "General principles", the solution adopted with respect to the definition of "attempt" was correct, although his delegation had some reservations concerning the treatment of the various forms of participation in the commission of a crime against the peace and security of mankind enumerated in article 3, paragraph 2. His delegation also hoped that article 9, "Non bis in idem", would be amended according to whether or not an international criminal court was established. The solution proposed in paragraph 4 of the article was unsatisfactory since the text was confusing and did not set out clearly a conflict of competence between internal and international jurisdictions. Moreover, it did not accord with the legal philosophy of article 2. His delegation was in favour of article 10, on "Non-retroactivity".

16. With regard to the crime of aggression (art. 15), a prior determination by the Security Council of that act as constituting an act of aggression should not be required in order for the appropriate jurisdiction to take action. Nevertheless, in view of the special characteristics of the crime of aggression, his delegation would not object to the elaboration of such a system, since the institution of pre-judicial procedural questions was part of Uruguay's juridical system and did not imply interference in the activity of the jurisdiction, which was sovereign and independent during the other stages of the procedure.

17. His delegation had serious misgivings concerning article 24. It failed to understand why an individual committing the crime of international terrorism had to be an agent or representative of a State. Moreover, it seemed ill-advised to elaborate an article on the crime of terrorism at a time when there was no agreement within the international community on the concrete definition of the phenomenon of terrorism.

18. That criticism also applied to the crime of mercenary activity, since the classification in article 23 differed from that in the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Such a departure from the text of the Convention was surprising, particularly since the wording of the Convention had been scrupulously followed in respect of the other elements of the definition. There seemed to be a contradiction between paragraph 1 of article 23, which referred to an individual action or "an agent or representative of a State", and paragraph 2, which referred in broad terms to "any individual".

19. The observations it had made notwithstanding, his delegation retained the greatest interest in the topic and wished to record its satisfaction at the considerable work completed by the Commission in such a short period.

20. Mr. YAMADA (Japan), speaking on the draft Code of Crimes against the Peace and Security of Mankind, said that since the Commission and the General Assembly had been addressing the topic for almost half a century, the completion of the first reading of the draft articles was a major step towards the establishment of an international control mechanism for such crimes.

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However, many parts of the draft Code required further examination in the course of the second reading. His delegation therefore hoped that, as a basis for future deliberations, each Member State would submit useful comments and suggest guidelines based on its own position.

21. Turning to the draft articles, he commended article 22, which represented a compromise between two divergent views among members of the Commission, one of which favoured the inclusion of an indicative or enumerated list of crimes, while the other favoured a general definition on the grounds that it would be difficult to reach agreement on the specific crimes to be enumerated and that the crimes to be listed could change as time went by. It would be advisable to consider further the relationship between article 22 and the relevant articles of the Geneva Conventions, since the war crimes covered by article 22 included new elements, such as injury to the environment, and differed from the grave breaches covered by the Geneva Conventions and the Protocols Additional thereto.

22. Further deliberation was required on articles 15 and 16, in order to clarify the relationship between the role and authority of political organs, such as the Security Council, and the role and authority of national courts or of the international criminal court envisaged in the draft Code. Deliberations on coordinating the respective roles of the two sides were also desirable.

23. The Commission had recognized the desirability of establishing clear provisions on systematic penalties based on the principle nulla poena sine lege, but had experienced great difficulties in formulating such provisions because of the diversity among internal legal systems. Overcoming those difficulties was one of the most important challenges facing the Commission.

24. Some of the other provisions of the draft articles deviated from the original aim of the draft Code, which was confined to strictly defined crimes. Article 17, for example, provided that "fomenting [armed] subversive ... activities" was a constituent element of intervention. If the bracketed word "armed" were deleted, however, the resulting term, "fomenting subversive ... activities" would cover an excessively wide range of acts and might cause problems in the future. As another example, the scope of the crimes covered by article 25, "Illicit traffic in narcotic drugs", was made unclear by the inclusion of the term "on a large scale".

25. The basic view of his delegation on the draft Code was that an international mechanism was essential for directly prosecuting the perpetrator of such acts as aggression, possibly through the establishment of an international criminal court. Consequently, his delegation was pleased to note that, at the 1991 session, the Commission had again addressed the question of setting up such a court. The Commission should continue its efforts to coordinate the divergent views of countries and thus establish a

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mechanism to ensure that the Code could be effectively implemented. The establishment of an international criminal jurisdiction entailed a number of difficult problems, such as its demarcation from the jurisdiction of national courts and the determination of the rules that would be applicable to the international criminal court. Other problems related to the determination of penalties and the execution of judgements.

26. An excessively hasty and overly ambitious attempt at drafting would not only be in vain but would also destabilize existing customary international law and could even jeopardize the existing legal structure. The Commission should therefore avoid engaging in the hasty drafting of an international code for the punishment of offenders. The Commission, in the process of codifying the topic, should bear in mind the need to prepare rules that were truly meaningful and would function effectively in the contemporary world, which had seen tremendous changes since the immediate post-war era when the topic had first been considered. It should also bear in mind that the topic had political implications for each country.

27. Many problems remained that required further deliberation. They included the question of whether the same jurisdiction was applicable to all crimes against the peace and security of mankind covered by the Code, and whether the international criminal court should exercise its jurisdiction for all crimes and their perpetrators as defined in the Code. The Commission should also bear in mind that no common view existed among its members on some basic issues, such as what constituted a crime against the peace and security of mankind or the specific types of punishment to be imposed.

28. In conclusion, his delegation hoped that in the course of its deliberations on the draft Code, the Commission would proceed with utmost prudence, without losing sight of the ultimate goals of the international community, which were to define clearly a crime and the criminal responsibility of individuals, to establish a mechanism which would have jurisdiction over the prosecution and punishment of crimes, and lastly, to ensure wide acceptance of such a mechanism by the international community.

29. Ms. THORPE (Trinidad and Tobago), speaking also on behalf of Antigua and Barbuda, Barbados, Grenada, Saint Lucia and Saint Vincent and the Grenadines, said that at the current stage she would confine her comments to the issue of penalties and the two draft provisions related to the creation of an international criminal court, namely the jurisdiction of the court and the requirements for the institution of criminal proceedings.

30. With respect to penalties, there was no one philosophy on the forms of punishment applicable to all offences; however, violation of any of the crimes defined in the draft Code and in international conventions warranted commensurate punishment; hence, there was considerable merit to the first version of draft article 2.

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31. Trinidad and Tobago had originally proposed that an international criminal court's competence should initially be restricted to crimes that were the subject of international conventions on which there was general agreement, such as genocide, apartheid, certain war crimes and drug trafficking. However, since the crimes elaborated in the draft Code concerned the international community as a whole they should be included in the list of crimes that would be subject to the court's jurisdiction.

32. On the question of the conferment of jurisdiction by States, the principle of territoriality, which was generally accepted, would ensure that the State in whose territory the crime had been committed would confer jurisdiction, but it would not deny the right of other States to seek to have the crime adjudicated before their own courts. Paragraph 3 of the possible draft provision on the jurisdiction of the court (A/46/10, footnote 300), whereby the court would have cognizance of any challenge to its own jurisdiction, was satisfactory. As suggested in paragraph 4 of the possible draft provision, the court should be empowered to rule on any dispute concerning judicial competence that might arise between two or more States, provided that such jurisdiction had been conferred on it by the States concerned. Paragraph 5 of the proposal could lead to the development and codification of international criminal law through the court's interpretation of many problematic principles and concepts, such as non bis in idem. The statute of the court would have to state whether its interpretation would be binding or optional. The General Assembly, the Security Council and other United Nations organs should have the right to request an interpretation of a provision of international criminal law.

33. With respect to the nature or extent of the court's jurisdiction, some States had expressed reservations as to the principle of exclusive jurisdiction, which would mean that States would have to cede their criminal jurisdiction with respect to those crimes which would come under the jurisdiction of the court. As the issue was complex, the Commission should consider the advantages and drawbacks of exclusive jurisdiction and provide possible solutions.

34. A second option was concurrent jurisdiction with domestic courts, States being free to decide to which court a given case should be referred. States that had serious reservations concerning exclusive jurisdiction might see that proposal as a workable compromise, since their sovereignty in judicial matters would not be threatened.

35. An international criminal court should be used to provide States with a third alternative to trial by domestic courts and extradition. Consideration could be given to creating a review mechanism within the court itself and also empowering it to present advisory opinions when requested by States.

36. It had been suggested that the court could consider the nature of the crime in determining the extent of its jurisdiction, crimes listed in the Code

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being divided into two main categories, those under exclusive jurisdiction and those under concurrent jurisdiction. It would be difficult to reach a consensus on such a categorization, and the uncertainty would not facilitate the development of the court as an international judicial institution.

37. With respect to the conferment of jurisdiction, she considered that in order to safeguard a State's sovereignty there should be a specific declaration by that State of its intention to recognize the court's jurisdiction, under something like the formula in the Statute of the International Court of Justice.

38. In his second draft provision, on criminal proceedings (A/46/10, footnote 301), the Special Rapporteur had proposed that such proceedings should be instituted by States, except that the existence of acts or threats of aggression would first have to be determined by the Security Council. However, the Security Council, whose role was by and large a political one, might block certain criminal proceedings for purely political reasons. Further consideration of the matter was therefore advisable, as the yardsticks used to measure international crimes such as aggression varied, the Security Council employing political considerations while the court would use legal reasoning.

39. Some delegations feared that a State's judicial sovereignty would be undermined by the establishment of an international criminal court, especially if the latter were endorsed with exclusive jurisdiction, but international crimes by their very nature were so great and so offensive to the conscience of mankind that there must be recourse to an international body. International criminals were no respecters of borders, national security of States or domestic legal systems. Hence, the only viable and impartial alternative to domestic procedures and extradition was an international mechanism. The Commission should therefore be mandated to prepare a draft statute of an international criminal court, to be discussed during its forty-fourth session, for a permanent tribunal to deal with international crimes would advance the international rule of law and the establishment of such a court during the United Nations Decade of International Law would be a worthwhile achievement. It could play a valuable role in reducing incidents of international and transnational criminality and contribute to the codification of international criminal law.

40. Mr. Sandoval (Ecuador), Vice-Chairman, took the Chair.

41. Ms. LI Yanduan (China) said that the codification and progressive development of international criminal law would help to prevent and punish crimes against the peace and security of mankind. Her comments would be confined to the questions of the possible inclusion of penalties in the Code and of the international criminal jurisdiction.

(Ms. Li Yanduan, China)

42. The draft Code should provide for penalties, as that would only be in keeping with the principle nulla poena sine lege but would also help to avoid the substantial differences resulting from the diversity of national penal systems. However, since different penalties might be prescribed for the same crime under the internal law of the various countries any uniform regime of penalties that might be included in the draft Code might have difficulty in winning general acceptance. In considering the penalty provisions, the Commission would thus be well advised to bear in mind the extent to which States might be willing to compromise in that regard.

43. Some members of the Commission had suggested that maximum and minimum penalties should be set in the draft articles. In considering that question, the different judicial systems of the countries of the world must be taken into account, perhaps by the insertion of a general principle stipulating that the penalties for crimes against the peace or security of mankind should be proportionate to the seriousness of the crimes, leaving States to decide the actual penalties. That did not have the advantage of applying a uniform regime of penalties, and might also give the judges of a putative international criminal court too much discretion. Great difficulties might thus arise in practice, but even so, her delegation considered it necessary to prescribe specific penalties with respect to each crime.

44. At its latest session, the Commission had discussed the possible draft provision on the establishment of an international criminal court submitted by the Special Rapporteur (A/46/10, footnote 300). However, that provision had been intended to stimulate more in-depth discussion and research on the issue, and her delegation was in favour of that approach. It was important not to lose sight of the fundamental reality that the international community was composed of sovereign States, which had always been sensitive to issues pertaining to sovereignty. No State was willing to give up its jurisdiction over criminal issues, for there its judicial sovereignty was at stake. In the light of those considerations, it would be unrealistic to endow the international criminal court with absolute jurisdiction at the current stage. Even if the international community agreed to the establishment of such a court, the consent of States to its jurisdiction should be expressed separately in a treaty, agreement or declaration. Perhaps at the outset the jurisdiction of the court should be limited to the crimes listed in the draft Code or willingly submitted to the court by States.

45. The issue of appeal had not yet been seriously considered by the Commission, but merited study, since from the point of view of criminal law appeal was extremely important. It might be advisable to submit a criminal case to a chamber of the court, an appeal from the judgement of the chamber then being possible before the full court. Some might contend that an international criminal court was a supreme court whose judgement was not subject to appeal. At any rate, her delegation could not agree with the view that the international criminal court should be treated as an appellate court to review judgements delivered by a domestic court.

46. Mr. ROBINSON (Jamaica) said that, although work on the draft Code of Crimes against the Peace and Security of Mankind had begun as early as 1949, significant developments in international affairs had made it difficult to adhere to the Commission's original mandate, which had been primarily a response to the horrific crimes committed during the Second World War. There was accordingly a need to restructure the draft Code, although the articles adopted in first reading represented an important milestone in the Commission's consideration of the topic.

47. Turning to part one of the Special Rapporteur's ninth report (A/CN.4/435 and Add.1 and Corr.1), he said that too much significance had been attached to what was referred to in paragrapn 67 of the Commission's report as "the diversity of concepts and philosophies" in international law: what in fact was required was political will and a spirit of accommodation. His delegation did, however, feel that broad agreement could be found in favour of a basic penalty of life imprisonment for the commission of a crime against the peace and security of mankind. It supported the exclusion of the death penalty from the Code, not on moral grounds, but for the simple reason that it would give rise to too much controversy.

48. It was not clear to his delegation how the question arose as to whether penalties should be included in the Code or whether reference should simply be made to the internal law of the States parties to the Code. Jamaica did not see how it was feasible to consider the latter possibility as a viable option. A directive to an international court or tribunal to apply penalties taken from the internal law of States parties would be difficult to follow in the absence of some clarification regarding the governing internal law: did the law of the victim State or that of the State in which the person was found or was being tried apply? It would seem that penalties could be left to the internal law of the States parties to the Code only if trials were to be conducted by domestic courts applying the law of the forum, not by an international court or tribunal. Recourse to domestic courts in such circumstances would be unfortunate in a climate conducive to international cooperative efforts. It would therefore be preferable to establish a single penalty or one set of penalties applicable to all crimes under the Code, rather than to specify separate penalties for each crime.

49. Such an approach was consistent with the conceptual uniformity of the Code, in which all the crimes had the common characteristic of extreme gravity. There should, therefore, be a range of penalties for all the crimes under the Code. In addition to life imprisonment, other penalties, such as a minimum and maximum term of years, could be specified: an international court would be able to select from that set of penalties one which was appropriate for the particular crime.

50. In general terms, his delegation favoured the second version of draft article Z, although it was not clear what was meant by the wording "deprivation of some or all civil and political rights". Many of the rights set out in the International Covenant on Civil and Political Rights had passed

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into customary international law, and the circumstances in which derogation from those rights was permitted, were carefully specified. The Commission should therefore tread cautiously in that matter.

51. His delegation had been delighted to see that the Special Rapporteur had produced a draft article on the jurisdiction of an international criminal court. Although Jamaica accepted that such jurisdiction would at the current stage be confined to individuals, and would not cover States, it wondered whether juridical persons, such as companies, should also be covered. Of course, the individuals who were part of the company would themselves be liable for any act committed on the company's behalf which constituted a breach of the Code. None the less, there were situations where it would be useful to proceed against the company as such, as well as its individual directors or shareholders. In such cases, the articles on penalties should provide for fines and other kinds of sanctions appropriate for a company.

52. Jamaica could not contemplate a court whose jurisdiction would not extend to all the crimes under the Code. Were that approach to be adopted, it would be impossible to determine the status of crimes not falling within the court's jurisdiction. They would already have been declared crimes by and under the Code, but there would be no judicial regime to deal with persons who committed such crimes, apart from national courts. His delegation could see nothing excessively ambitious in giving the court jurisdiction over all crimes under the Code. It was essential to avoid a situation in which crimes not subject to the jurisdiction of the court could be committed with impunity.

53. His delegation favoured a system of exclusive jurisdiction for the court, although it might be interested in a mixed approach whereby an international court would have exclusive jurisdiction over some crimes while domestic courts would have exclusive jurisdiction over others. The notion of giving an international court and domestic courts concurrent jurisdiction over some crimes under the Code was unattractive because of the inevitable conflicts, confusion and complexity to which that could give rise. Current trends towards the voluntary surrender by States of aspects of their sovereignty favoured the establishment of an international criminal court with exclusive jurisdiction over crimes under the Code.

54. It was not clear on what basis the discussion in the Commission on the power of the court to review decisions of national courts had taken place. Nowhere was it stated that only decisions on crimes covered by the Code were involved. It was inconceivable that what was being contemplated was the jurisdiction of an international court over all decisions of national courts, including those relating to crimes not covered by the Code. If what was at issue was national decisions on crimes covered by the Code, it was immediately apparent that that approach could not apply to a situation where the court had exclusive jurisdiction over the crimes under the Code. Presumably, therefore, the discussion referred to in paragraph 116 of the Commission's report proceeded on the assumption that there was some kind of concurrent

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jurisdiction between an international court and national courts over crimes under the Code. His delegation did not support the suggestion that there should be a jurisdiction to review decisions of national courts, since it regarded such a system as neither realistic nor feasible.

55. An international human rights body, such as the Human Rights Committee, did not, in deciding whether a State was in breach of a human right, assess the weight of evidence in a case that came before it from national courts; its primary concern was whether there had been any gross unfairness. Owing to that relatively limited role, an international human rights body was less likely to find disfavour with Governments than an international criminal court whose powers of review over cases from national courts would more than likely cover all aspects of those cases, including issues relating to the weight or sufficiency of evidence.

56. With regard to the question of conferment of jurisdiction, his delegation believed that the draft articles were unnecessarily complicated and confusing. A State which accepted the statute of the international court must be understood to have undertaken an obligation to adopt the necessary legislative and other measures to give the court jurisdiction over crimes under the Code when the crime was alleged to have been committed in its territory or when the perpetrator was one of its nationals, or when it was the victim State or the State whose nationals had been the victims of the crime. The draft article should be reformulated to reflect that approach.

57. His delegation supported the principle that the court must have the power to determine questions relating to its own jurisdiction, but wondered whether it was necessary to incorporate a provision to that effect in the Code, since it reflected a well-established principle. Moreover, paragraph 5 of the possible draft provision on the jurisdiction of the court prepared by the Special Rapporteur was vague to interpret a provision of international criminal law. In his delegation's view, more problems would be raised than would be resolved by giving the court the power to interpret provisions of international criminal law other than those in the Code.

58. In view of the extreme gravity of the crimes under the Code, his delegation would not support a consultative, advisory function for the court.

59. With regard to the question of the institution of criminal proceedings, his delegation considered as useful the proposal that an independent prosecutional body should be established to bring cases to the court. Although that procedure would serve to promote impartiality in the institution of criminal proceedings, his delegation would not insist on it if a consensus could not be reached on the subject.

60. An obvious conflict would arise between the Security Council and an international criminal court if, following a determination by the Council that a particular act constituted aggression, the court were to find otherwise.

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One solution to such a possible conflict was to bind the court to accept a determination made by the Council but to leave the court free to make its own determination as to aggression when no such determination had been made by the Council. In Jamaica's view, it was necessary to devise a system which took account of political realities and at the same time acknowledged the need to maintain the independence, prestige and respectability of the Court. A solution that left the international Court powerless to make a determination in respect of aggression contrary to one previously made by the Council would not be conducive to that end. It would therefore be best to recognize that some issues were not justiciable, and that accordingly the court should not investigate whether an act which had already been the subject of a determination by the Council constituted aggression. The court would thus have no jurisdiction to try a case in respect of an act on which the Council had already expressed its views. That approach would eliminate the possibility of conflict between the court and the Security Council in determining whether an act constituted aggression.

61. The provisional adoption of a set of draft articles on the Code as a whole on first reading represented a significant achievement. However, some structural and other changes had been made in the draft articles without the Commission having had the benefit of the Sixth Committee's views. His delegation entertained some doubts as to the usefulness of dividing offenders into three groups and of distinguishing between persons who were leaders or organizers and persons who were not. He queried whether it was appropriate to have restrictive provisions in the Code identifying the kind of individuals capable of committing a crime under the Code: that question might best be settled by means of the development of case-law by an international criminal court.

62. Article 3 was confined to the commission of crimes against the peace and security of mankind by individuals. His delegation believed that such crimes could be committed by States, but it accepted that, at the current stage, it would be better for the Commission to postpone consideration of the international criminal responsibility of States. For that reason, the commentary on article 3 could be regarded as gratuitous, pre-emptive and prejudicial. Complicity under paragraph 2 of the commentary could cover situations where help was given ex post facto in the absence of an agreement prior to the perpetration of the crime, provided that the person giving the help knew that a crime under the Code had been committed. The special circumstances relating to such a person could be taken into account in sentencing.

63. Paragraph 3 broke new ground by defining an attempt to commit a crime under the Code. In his view, such a definition should have the following features: the attempt must be a physical act and not mere intention; it must be a step in the commission of a crime and not simply a preparatory act; and impossibility of performance must not be considered a defence. In his delegation's view, however, the third criterion was redundant in that,

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provided that there was an intention to commit the crime and a step had been taken to carry it out, the impossibility of performance was immaterial. The fourth element identified in the commentary on article 3 was non-completion of the crime for reasons independent of the perpetrator's will; he wondered whether that criterion implied that an attempt had not been made where the perpetrator had had a change of heart. His delegation did not believe that it was absolutely necessary to define the term "attempt", which, in the absence of consensus, might appropriately be left to judicial interpretation and case-law.

64. With regard to article 14, his delegation thought that it would be prudent to identify defences in the Code, which already, in articles 7 and 11 for example, specified circumstances which did not constitute a defence.

65. Turning to part two, he said that his delegation supported the decision to dispense with the distinction between crimes against peace, crimes against humanity and war crimes. It also agreed that the Code should apply not only to those who committed the acts but also to those who ordered others to commit them. It might, however, be queried whether such a provision was in fact necessary, since it could be argued that a person who ordered the commission of a crime under the Code fell into the category of an individual aiding and abetting under article 3, paragraph 2.

66. His delegation supported the compromise approach in article 22, which confined the applicability of the Code to exceptionally serious war crimes. A possible conflict of jurisdiction could, however, arise for a State which was a party to both the Code and the 1949 Geneva Conventions and the Additional Protocols thereto, in that the domestic courts of those States parties could have jurisdiction over grave breaches which might also be amenable to the jurisdiction of an international criminal court as an exceptionally serious war crime under the terms of the Code.

67. Article 26, which made wilful and severe damage to the environment a criminal offence, was particularly timely in view of the forthcoming United Nations Conference on Environment and Development. The conflict between the subjective requirement of wilfulness in that article and the apparently objective criterion of expectation in article 22 should be resolved by incorporating the latter criterion in article 26.

68. Mr. MANGUEIRA (Angola) said that the draft Code of Crimes against the Peace and Security of Mankind dealt with two fundamental issues whose solution would determine its fate: penalties, and the establishment of an international criminal court.

69. Having examined the issue of penalties in detail, his delegation did not understand how penalties could be set out in the draft Code, thus apparently ignoring the jurisdiction and sovereignty of national courts. On the one hand, there appeared to be an indirect attempt, under cover of the differences

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between national legal systems, to give special treatment to a criminal whose actions were by definition more serious than those of common criminals. Similarly, at the domestic level a judge's individual interpretation in respect of a case could lead to the imposition of penalties that differed from those imposed in connection with similar cases. On the other hand, there was the problem of limiting or superseding the sovereign jurisdiction of a given State's courts over the criminal acts in question, with respect not only to that State's own citizens but also to foreigners.

70. His delegation thought that the Code should not place too much emphasis on specifying penalties for each crime; instead, it should focus on defining the crimes in question and on establishing an international mechanism for cooperation in combating the crimes. In approving the Code, each State would ipso facto recognize the crimes in its internal legal provisions and must take appropriate steps to harmonize the two sets of provisions, duly observing fundamental human rights. He wished to stress that he was not disregarding the principle of nulla poena sine lege in that connection. His delegation supported the view that penalties for crimes defined in the future Code should be determined by the competent court, taking account of the seriousness of the crime, that domestic legislation must take account of the fundamental human rights laid down in the International Covenants on Human Rights, and that that the Commission should seek a more rational form of inter-State cooperation in the area in question.

71. Angola believed that perpetrators of crimes should make reparation for the damage caused by their acts, and that confiscated property should not be entrusted to humanitarian organizations, as suggested in paragraph 76 of the Commission's report, but should be returned to its rightful owner.

72. His delegation wondered how an international criminal court could have jurisdiction over crimes against the peace and security of mankind without encroaching on the jurisdiction of national courts. International machinery already existed to help settle conflicts between laws in civil matters through international arbitration, while protecting the jurisdiction of each court. His delegation thought a similar system could be established for the crimes listed in the Code, but considered that more study of the idea was required.

73. Prosecution in national courts called for considerable resources, particularly financial resources, and the cost was often prohibitive for developing countries; the proposed international criminal court would also be costly, and the cost would logically be borne by States. In the current serious international financial crisis, States were far more interested in solving their economic and social development problems than in creating a costly international structure such as the one under discussion in the Sixth Committee. Perhaps the existing structure of the International Court of Justice could be made use of in that context, if its Statute were altered and its mandate broadened. His delegation would not reject an international court, but would want it to be truly international or interregional in

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character and to consider the interests of all States involved, as had happened in the case of the Nürnberg and Tokyo trials.

74. With respect to the institution of criminal proceedings, his delegation thought that individuals, and not just States, should have the right to institute such proceedings.

75. His delegation's specific proposals were as follows: in article 1, the square brackets should be removed. Article 2 should be improved so that internal law and international law could be clearly harmonized. Article 3 should mention the responsibility of organizations involved in the crimes in question. In paragraph 2 of that article, the word "directly" should be deleted so as to make the provision more general. In article 5, the wording should reflect the fact that responsibility was linked to liability for reparation. Paragraphs 1 and 2 of article 9 should be combined, and the expression "an international criminal court" should be replaced by "a competent court". The content of article 13 was very debatable, in view of the practice of some States that showed little respect for the principle of jus cogens.

76. Lastly, his delegation believed that incitement, including propaganda, should also be mentioned in draft articles 16, 19, 20 and 23, as it often preceded the commission of the crimes concerned.

77. Mr. MANSOUR (Tunisia) said that the draft Code of Crimes against the Peace and Security of Mankind, even in its current preliminary form, was a valuable reference document that would enable States to establish facts and collect evidence so as to punish such crimes. The Code must be developed in strict conformity with the principles of criminal law, both in its preventive and its punitive aspect. Therefore, it must provide penalties for the crimes it listed. Accordingly, his delegation welcomed the Special Rapporteur's draft article Z, which, although not perfect, would provoke debate and thus enable the Special Rapporteur to set a future direction for his inquiries. However, the article was a little vague and left too much discretion to each court in determining the exact penalty, so that it might encounter procedural and ethical problems in various States, which could be forced to modify their penal code.

78. A viable and lasting international order could not exist without the objectivity and impartiality of an international criminal court, which his delegation considered more and more feasible in the changing context of international relations and in view of the spread of international organized crime. Although it inspired reluctance among some States, jealous of their national sovereignty and of the jurisdiction of their national courts, it could further advance international law and ensure uniform punishment of the most serious crimes. His delegation thought that such a court should have jurisdiction only over the crimes defined in the Code, even though that must delay its establishment until the draft articles were finalized.

(Mr. Mansour, Tunisia)

79. With respect to the institution of criminal proceedings before the court, his delegation thought that in view of the seriousness of the crimes within its jurisdiction, the court could be seized of a case by any one of the States parties to its statute. The court should be permanent and be made up of judges representing the chief legal systems of the world, and should be given the status of a United Nations organ through an amendment to the Charter.

80. Mr. ATTARD (Malta) said that it had been suggested in recent years that international law could not await progress by the Commission, which proceeded at a slow pace, and its rigorous deliberations were regarded by some as procrastination. The Commission had indeed been considering the question of a draft Code against the Peace and Security of Mankind since 1949, but the answer to such criticism lay in achieving a balance between the demands of States for speedy development of legal regimes and the need for stability and accountability of such regimes. Over the past five years the Commission had done much to achieve that balance. Haste could lead to texts lacking general support which would weaken instead of strengthening international law.

81. At its forty-third session the Commission had concluded consideration of the topic of jurisdictional immunities of States and their property and had provisionally adopted draft articles on the draft Code and on the law of the non-navigational uses of international watercourses. Those achievements, coupled with the submission in 1989 of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier confirmed the Commission's effective contribution to the strengthening of international law. Nevertheless, the Commission's working methods should be revised in order to avoid unnecessary delay between the introduction of a new topic and the final result. The Commission's intention to devote considerable attention to its working methods at its next session was therefore welcome.

82. The final 22 draft articles on jurisdictional immunities of States and their property accurately reflected the current law on the topic, which urgently needed codification. His delegation therefore supported the recommendation to convene an international conference of plenipotentiaries to consider the draft articles and to conclude a convention on the subject. Consideration should also be given to the creation of a legal mechanism for the settlement of disputes. Article 16, concerning ships owned or operated by a State, was welcome since it complemented the provisions of other legal instruments. However, the question of State-owned or State-operated aircraft engaged in commercial service had not been given adequate attention. A more cautious approach should be taken in article 22, particularly in respect of the procedural immunities provided for in paragraph 2; several legal systems required the plaintiff to make a payment for judicial costs, and waiving such an obligation might give a State an undue advantage.

83. Turning to the draft articles on the draft Code of Crimes against the Peace and Security of Mankind, he said that his Government intended to submit detailed observations before 1993 in accordance with paragraph 174 of the

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Commission's report. It supported in principle the establishment of an international criminal court, but the matter required further consideration. It was certainly better to proceed cautiously in defining the court's jurisdiction ratione materiae, and initially its competence should be limited to crimes on which there was general agreement. The conferment of concurrent jurisdiction presented formidable problems; exclusive jurisdiction was the most straightforward approach but it might not enjoy widespread support. Perhaps the most realistic solution would be to grant jurisdiction to review cases, thus giving the court a useful preventive role and ensuring that national courts observed the fundamental rules of international law. The Commission should also examine further the relationship of the court with the Security Council. Ultimately, the question of conferment of jurisdiction depended on the solution adopted with respect to the extent of the court's jurisdiction.

84. With respect to article 3, paragraph 3, concerning attempt to commit a crime, his delegation agreed with the approach taken in the 1954 draft Code where attempt was admissible for all the crimes covered by the Code. It was doubtful whether any major exceptions could be made in respect of the crimes listed in part II on the ground of their gravity. With regard to article 14, defences and extenuating circumstances should be taken into account in determining a perpetrator's responsibility but the approach should be restrictive.

85. Many of the crimes listed in part II of the draft Code were generally recognized. His country supported in particular the inclusion of wilful and severe damage to the environment in article 26, which should be read in conjunction with draft article 19 on State responsibility, where the term "natural environment" should be used instead of "human environment". His delegation supported the view of some members of the Commission that the term "wilful" should be deleted from article 26, for widespread and severe damage to the environment should be punishable regardless of whether it was caused wilfully.

86. The Maltese delegation also supported the idea that the Commission should include in its programme of work the topic of the legal aspects of the protection of the environment of areas not subject to national jurisdiction, for Malta had taken an initiative in that regard at the forty-third session of the General Assembly. Unless action was taken to protect such areas, the efforts to protect areas falling under national jurisdiction could prove futile. After all, pollution respected no political boundaries. The Commission should consider the relevance of obligations erga omnes to the protection of the "global commons". In resolution 43/53 the General Assembly had recognized that climate change was a common concern of mankind, and the Commission should examine the legal implications of that statement. In paragraph 257 of its report it noted a suggestion, which had in fact often been made by the Government of Malta, that the Trusteeship Council's mandate could be extended to cover the protection of the resources of the "global commons". The Mediterranean Academy of Diplomatic Studies intended to convene a meeting of legal experts in Malta in 1992 to examine that very issue.

87. Mr. SZENASI (Hungary), referring to the topic of jurisdictional immunities of States and their property, said that his delegation endorsed the Commission's recommendation with regard to the convening of an international conference of plenipotentiaries to consider the draft articles and to conclude a convention. While the text had been significantly improved justified concern remained regarding its consistency and inherent legal logic. However, the remaining ambiguities might well be resolved in the course of the conference.

88. Given the complexity of the issue and the delicate balance which should be maintained in both the interpretation and application of the future convention, his delegation shared the view that an appropriate legal mechanism for the settlement of disputes should be included in the proposed convention.

89. Turning to the topic of the law of the non-navigational uses of international watercourses, he said that his delegation noted with satisfaction that the Commission had successfully concluded its first reading of a complete set of draft articles.

90. Hungary, which was situated in the middle section of the Danube, one of the largest and most polluted international watercourses in Europe, possessed the largest drinking water reserves in the form of groundwater in Central Europe. It therefore welcomed the inclusion of groundwater in the definition of a watercourse system.

91. He agreed with the delegation of the United Kingdom on the difficulties that lay ahead in determining the extent of obligations to be assumed by States in respect of watercourse systems which included groundwater of whose extent the State concerned might not be fully aware. He hoped that the Commission would find an appropriate solution when it returned to that issue.

92. His delegation was also pleased to note that the Commission had concluded and provisionally adopted on first reading a complete set of articles on the draft Code of Crimes against the Peace and Security of Mankind. In their current form, the draft articles deserved thorough scrutiny.

93. It was also gratifying that some conceptual points seemed to have been clarified as a result of the Commission's deliberations on the topic of international liability for injurious consequences arising out of acts not prohibited by international law. However, it was regrettable that owing to lack of time the Commission had been unable to enter into substantive discussion of the topic of State responsibility.

94. Referring, in conclusion, to the Commission's long-term programme of work, he said that new topics should be included in the Commission's agenda only if work on existing priority topics on which substantial progress had already been achieved or might reasonably be expected had already been completed, and if the proposed items were of pressing concern to the international community.

95. Mr. PIZA-ROCAFORT (Costa Rica) said that he wished to make some preliminary comments on the draft Code of Crimes against the Peace and Security of Mankind without prejudging the official position which his Government would ultimately take. During the 40 years of the consideration of the item doubts had been raised as to the need for and feasibility of the draft Code, either because the crimes in question were already covered by peremptory norms of international law, by rules of general international law or by rules established in international agreements, or simply because international crimes did not exist. However, in the light of such developments as the establishment by the Nürnburg Tribunal of the international responsibility of individuals for crimes under international law, it could not be maintained that international crimes did not exist. And the draft Code was needed for the purposes of progress and certainty as to the law: progress in the incorporation of other fundamental areas, and certainty in guaranteeing due process and safeguarding the principles of human rights on which contemporary criminal law was based. The last point was of vital importance with respect to the draft Code.

96. The function of law was not so much to punish crimes as to prevent them, and penalties should be viewed only as means of preventing future violations of the law. International law needed criminal penalties when the gravity of the crimes rendered its other mechanisms inadequate as in the case of State responsibility, or disproportionate as in the case of the use of force. International criminal penalties were also needed when agents of a State or even individuals could feel themselves unpunishable under domestic law.

97. The draft Code must include only crimes which seriously violated the fundamental legal values of the international community: peace, human rights, humanitarian law in armed conflicts, the independence and sovereignty of nations, the right of peoples to self-determination, environmental protection, health, etc. The draft Code sought to protect those values by defining such crimes as aggression and mass violations of human rights, but it was first necessary to ascertain whether international criminal law was the most suitable mechanism for that purpose and whether the envisaged crimes and penalties were disproportionate to the objective. The draft Code did indeed seem to meet the requirements in question, and no delegation had argued that the acts defined in the Code should not be condemned. In that connection the criterion should not be the link with a State but rather the seriousness or scope and systematic nature of the crime. Where State responsibility was concerned, there must clearly be a link between the action or omission of a State agent or organ and the alleged damage. But that did not apply when the responsibility was imputed directly to the perpetrator or his accomplices. Nevertheless, some of the crimes included in the draft Code did require a link between the perpetrator and the government apparatus, as in the case of aggression, alien domination or intervention, or apartheid. No such link was required in the case of genocide, systematic or mass violations of human rights, war crimes, international terrorism, drug trafficking or wilful and severe damage to the environment. Accordingly, the international criminal jurisdiction should be used only for the most serious crimes, when domestic

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prosecution was impossible or insufficient. Each crime must therefore be carefully defined, for a great increase in new international crimes would not benefit international law.

98. Turning to the specific articles of the draft Code, he said that the Commission was right not to distinguish between crimes against the peace and crimes against the security of mankind, for discussion of doctrinal differences on that point would bring no benefit and only delay approval of the Code. Some term such as "knowingly" or "intentionally" should be added in the first line of paragraph 2 of article 3 in order to avoid the prosecution of individuals who aided or abetted a crime unknowingly or unintentionally. The point could also be dealt with by inclusion in the draft Code of a general concept of criminal intent. The point was not so important with respect to conspiracy, for conspiracy presupposed intent.

99. The idea of article 4 was correct but the wording should be improved by making it clear that the crimes covered by the Code could not be deemed political or politically related crimes. Otherwise some interpretations might prevent the extradition or trial of persons subject to the jurisdiction of a State. It should perhaps be added in article 5 that the international responsibility of States might be reduced by domestic prosecution of international crimes. And article 6, paragraph 1, would be made clearer by inclusion of the following sentence: "If extradition is refused, the requested State shall try the alleged perpetrator as if the act had been committed under the jurisdiction of that State". That point could be inferred from paragraph 1 but it must be stated clearly in order to avoid failure to prosecute due to differences of interpretation or to rules prohibiting extradition. His delegation endorsed the purpose of article 7 but pointed out that legal disputes had arisen on the point because the laws of some countries provided statutory limitations.

100. The first sentence of article 8 should make a formal reference to the minimum guarantees of "due process" due to all human beings, and the end of the sentence should read "the evaluation of the facts and of points of law". In article 8, or elsewhere, there should also be a reference to the presumption of innocence and proof of guilt as principles of trial procedure and to guilt as a principle of criminal conviction. There would then be no need to refer, in the case of each crime, to intent, guilt or premeditation as necessary elements for conviction.

101. The list of legal guarantees must include references to, at least, the right of appeal and compensation for judicial error, for those two guarantees were included in article 14 of the International Covenant on Civil and Political Rights. It might also be useful to include a subparagraph establishing the right to other legal guarantees in accordance with "the general principles of law recognized by civilized nations", to use the words of article 38, paragraph 1 (c), of the Statute of the International Court of Justice. The scope of the code and the severity of its penalties should be

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matched by the strongest possible legal guarantees and by a system to ensure application of the principles of res judicata and non bis in idem. Without such guarantees and without an international criminal court, the exceptions to the principle of non bis in idem contained in article 9 seemed excessively broad.

102. Article 10, paragraph 2, should be rethought, for such a broad exception would undermine one of the main virtues of the draft Code - the guarantee of certainty as to the law and of the principle of nullum crimen sine lege. It might be useful to include words to the effect that on the entry into force of the Code, no one should be convicted of an international crime in the States in which it was applicable except in respect of the acts which the Code or other international agreements expressly defined as punishable.

103. Article 14 should perhaps define the effects of defences and extenuating circumstances by stating, for example, that the court could reduce the minimum penalty in the light of such circumstances. If sentences could not be thus reduced, the court might find it very difficult to decide whether to convict.

104. His delegation agreed with the Commission that the crimes listed in part II of the draft Code were essentially international crimes. However, some of the definitions of the crimes could be improved. For example, article 15, paragraph 3, should envisage the possibility of the application of collective sanctions in accordance with the Charter of the United Nations or other international or regional agreements, provided that the application of such agreements was limited to the jurisdictions of the States parties thereto. Paragraph 5 of the article, on determination as to the existence of an act of aggression, was acceptable, but it should be added that the decision of the Security Council did not prejudge the participation or guilt of the persons responsible under the Code.

105. Article 16 dealt not with a mere threat of aggression but with the commission of or order to commit an act of aggression. Commissioning was already covered by article 15, and ordering by article 15 in conjunction with article 3, paragraph 3. Paragraph 1 of article 16 therefore seemed superfluous, and paragraph 2 should be transferred to article 15. Article 16, and indeed articles 15, 17, 18 and 20, required a definition of the concept of "leaders or organizers". There would then be fewer criticisms of those articles.

106. The term "exceptionally serious", correctly used in article 22 to define war crimes, should be included in articles 17 and 18, for colonial or alien intervention or domination were indeed exceptionally serious matters.

107. The title of article 21 should be included in the first part of the text, so that it would read "... the following systematic or mass violations", for otherwise any isolated instance of the listed crimes might be covered by the Code. The same point applied in general to article 22, where the scope of the

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concepts should be more clearly defined. For example, the establishment of settlers in an occupied territory was to be condemned, but it was not necessarily a crime under article 22, and a distinction must be made between the settlers and the authorities ordering their settlement, but the article referred only to "an individual" who committed or ordered the crime; opinions might also vary as to the meaning of the phrase "use of unlawful weapons" in paragraph 2 (c); and paragraph 2 (e) should include the qualification "disproportionate".

108. The Commission had been right to shorten the text of article 23, concerning mercenaries, for it should deal only with the agents or representatives of States, and not individuals, who joined a mercenary force. Here too, it might be useful to include a reference to "exceptionally serious acts".

109. The qualification "systematic" should be included in article 24 in order to make it clear that the reference was not to ordinary offences. However, he could not understand why criminal responsibility for acts of terrorism was limited to the agents or representatives of a State, for terrorism was often engaged in by persons acting independently of a State. Furthermore, there were certain human values particularly vulnerable to terrorism, which must be respected not only by States but by all individuals or groups. It must also be remembered that, even when committed by individuals, the crimes dealt with in articles 21, 22 and 25 were deemed international crimes. When acting systematically, individual terrorists or groups of terrorists should also fall under the scope of the draft Code. Terrorism had no justification, regardless of the motives of the perpetrators and even if they were seeking the liberation of a people.

110. The scope and content of article 25, concerning illicit traffic in narcotic drugs, seemed appropriate, but a reference should be added in paragraph 3 to the knowledge by the person concerned of the illicit nature of the psychotropic substance, for otherwise criminal responsibility might extend to persons innocently engaged in the manufacture, preparation or sale of such substances. Article 26, concerning the environment, was also generally acceptable, but it was not necessary to await the outcome of the United Nations Conference on Environment and Development before specifying the penalties.

111. With regard to article Z proposed by the Special Rapporteur, the only penalty in the Code should be imprisonment for a minimum of 10 years and a maximum of 35 years, without commutation but with the possibility of reduction in the light of extenuating circumstances. Life imprisonment, confiscation of property, forced labour and, in particular, the death penalty should be excluded. The imposition of community work or the suspension of political or civil rights might be acceptable as part of the sentence. That position was without prejudice to the domestic penalties which might be applicable in individual countries.

AGENDA ITEM 126: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER (continued)

112. The CHAIRMAN announced that the delegations of Angola, Namibia and Zambia had become sponsors of draft resolution A/C.6/46/L.6.

The meeting rose at 1.05 p.m.