

brackets and with footnotes, shall be discussed in the Working Group of the Whole. The Working Group of the Whole may decide to refer to the Drafting Committee aspects of drafting related to those issues.

4. The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.

**51/207. Establishment of an international criminal court**

*The General Assembly,*

*Recalling* its resolutions 47/33 of 25 November 1992 and 48/31 of 9 December 1993,

*Recalling also* that the International Law Commission adopted at its forty-sixth session a draft statute for an international criminal court<sup>34</sup> and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,<sup>35</sup>

*Recalling further* its resolution 49/53 of 9 December 1994, in which it decided to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries,

*Recalling* its resolution 50/46 of 11 December 1995, in which it decided, in the light of the report of the Ad Hoc Committee on the Establishment of an International Criminal Court,<sup>36</sup> to establish a preparatory committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries, and also decided that the work of the Preparatory Committee should be based on the draft statute prepared by the International Law Commission and should take into account the report of the Ad Hoc Committee and the written comments<sup>37</sup> submitted by States to the Secretary-General on the draft statute for an international criminal court pursuant to paragraph 4 of General Assembly resolution 49/53 and, as appropriate, contributions of relevant organizations,

*Noting* that the Preparatory Committee continued the discussion of the major substantive and administrative issues arising out of the draft statute and initiated consideration of draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court,

*Noting also* that major substantive and administrative issues remain to be resolved,

*Noting further* that the Preparatory Committee, in the light of the progress made and deeply aware of the commitment of the international community to the establishment of an international criminal court, recommended that the General Assembly reaffirm the mandate of the Preparatory Committee and give further directions to it,

*Recalling* that in its resolution 50/46 it resolved to decide, in the light of the report of the Preparatory Committee, on the convening of an international conference of plenipotentiaries to finalize and adopt a convention on the establishment of an international criminal court, including on the timing and duration of the conference,

*Noting* that the Preparatory Committee, recognizing that this is a matter for the General Assembly, and on the basis of its scheme of work, considered that it was realistic to regard the holding of a diplomatic conference of plenipotentiaries in 1998 as feasible,

*Aware* of the necessity to maintain some flexibility in the organization of future work in order to ensure the success of the conference of plenipotentiaries,

*Expressing deep appreciation* for the renewed offer of the Government of Italy to host a conference on the establishment of an international criminal court in June 1998,

1. *Takes note* of the report of the Preparatory Committee on the Establishment of an International Criminal Court,<sup>38</sup> including the recommendations contained therein, and expresses its appreciation to the Preparatory Committee for the useful work done and the progress made in fulfilling its mandate;

2. *Takes note also* of the various views of Governments expressed during the consideration of the report of the Preparatory Committee in the Sixth Committee during the fifty-first session of the General Assembly;

3. *Decides* to reaffirm the mandate of the Preparatory Committee, and directs it to proceed in accordance with paragraph 368 of its report;<sup>39</sup>

4. *Decides also* that the Preparatory Committee shall meet from 11 to 21 February, 4 to 15 August and 1 to 12 December 1997, and from 16 March to 3 April 1998, in order to complete the drafting of a widely acceptable consolidated text of a convention, to be submitted to the diplomatic

<sup>34</sup> Ibid., *Forty-ninth Session, Supplement No. 10 (A/49/10)*, para. 91.

<sup>35</sup> Ibid., para. 90.

<sup>36</sup> Ibid., *Fiftieth Session, Supplement No. 22 (A/50/22)*.

<sup>37</sup> See A/AC.244/1 and Add.1-4.

<sup>38</sup> *Official Records of the General Assembly, Fifty-first Session, Supplement No. 22 (A/51/22)*, vols. I and II.

<sup>39</sup> Ibid., vol. I.

conference of plenipotentiaries, and requests the Secretary-General to provide the Preparatory Committee with the necessary facilities for the performance of its work;

5. *Decides further* that a diplomatic conference of plenipotentiaries shall be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court;

6. *Urges* participation in the Preparatory Committee by the largest number of States so as to promote universal support for an international criminal court;

7. *Requests* the Secretary-General to establish a special fund for the participation of the least developed countries in the work of the Preparatory Committee and in the diplomatic conference of plenipotentiaries, and calls upon States to contribute voluntarily to that special fund;

8. *Decides* to include in the provisional agenda of its fifty-second session the item entitled "Establishment of an international criminal court" in order to have the necessary arrangements made for the diplomatic conference of plenipotentiaries to be held in 1998, unless the General Assembly decides otherwise in view of relevant circumstances.

*88th plenary meeting  
17 December 1996*

**51/208. Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions**

*The General Assembly,*

*Concerned* about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

*Recalling* the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

*Recognizing* the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

*Recalling:*

(a) The report of the Secretary-General entitled "An Agenda for Peace",<sup>40</sup> in particular paragraph 41 thereof;

<sup>40</sup> A/47/277-S/24111; see *Official Records of the Security Council, Forty-seventh Year, Supplement for April, May and June 1992*, document S/24111.

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", and its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof entitled "Special economic problems arising from the implementation of preventive or enforcement measures";

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace";<sup>41</sup>

(d) The statement by the President of the Security Council of 22 February 1995;<sup>42</sup>

(e) The report of the Secretary-General<sup>43</sup> prepared pursuant to the note by the President of the Security Council<sup>44</sup> regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter;

(f) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro);<sup>45</sup>

(g) The 1994,<sup>46</sup> 1995<sup>47</sup> and 1996<sup>48</sup> reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization containing sections on the consideration by the Committee of the proposals submitted on the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

(h) The report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;<sup>49</sup>

*Taking note* of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/51 of 11 December 1995,<sup>50</sup>

<sup>41</sup> A/50/60-S/1995/1; see *Official Records of the Security Council Fiftieth Year, Supplement for January, February and March 1995*, document S/1995/1.

<sup>42</sup> See *Official Records of the Security Council, Fiftieth Year, Resolutions and Decisions of the Security Council, 1995*, document S/PRST/1995/9.

<sup>43</sup> A/48/573-S/26705; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26705.

<sup>44</sup> See *Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992*, document S/25036.

<sup>45</sup> A/49/356, A/50/423 and A/51/356.

<sup>46</sup> *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33)*.

<sup>47</sup> *Ibid.*, *Fiftieth Session, Supplement No. 33 (A/50/33)*.

<sup>48</sup> *Ibid.*, *Fifty-first Session, Supplement No. 33 (A/51/33)*.

<sup>49</sup> A/50/361.

<sup>50</sup> A/51/317.