

**United Nations Diplomatic Conference of Plenipotentiaries
on the Establishment of an International Criminal Court**

Rome, Italy
15 June - 17 July 1998

General Assembly resolutions relative to the Conference

Extract from Volume II of the *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

General Assembly resolutions relative to the Conference

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 court¹ 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,²

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,³ 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 comments⁴ 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,

¹ See *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10)*, para. 91.

² *Ibid.*, para. 90.

³ *Ibid.*, *Fiftieth Session, Supplement No. 22 (A/50/22)*.

⁴ See A/AC.244/1 and Add.1-4.

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,⁵ 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;⁶

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 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;

⁵ Official Records of the General Assembly, Fifty-first Session, Supplement No. 22 (A/51/22), vols. I and II.

⁶ Paragraph 368 of volume I of the report reads as follows:

"The Preparatory Committee wishes to emphasize the usefulness of its discussions and the cooperative spirit in which the debates took place. In the light of the progress made and with an awareness of the commitment of the international community to the establishment of an international criminal court, the Preparatory Committee recommends that the General Assembly reaffirm the mandate of the Preparatory Committee and give the following directions to it:

"(a) To meet three or four times up to a total of nine weeks before the diplomatic conference. To organize its work so that it will be finalized in April 1998 and so as to allow the widest possible participation of States. The work should be done in the form of open-ended working groups, concentrating on the negotiation of proposals with a view to producing a draft consolidated text of a convention to be submitted to the diplomatic conference. No simultaneous meetings of the working groups shall be held. The working methods should be fully transparent and should be by general agreement in order to secure the universality of the convention. Submission of reports on its debates will not be required. Interpretation and translation services will be available to the working groups;

"(b) To deal with the following:

"(i) Definition and elements of crimes;

"(ii) Principles of criminal law and penalties;

"(iii) Organization of the Court;

"(iv) Procedures;

"(v) Complementarity and trigger mechanism;

"(vi) Cooperation with States;

"(vii) Establishment of the International Criminal Court and its relationship with the United Nations;

"(viii) Final clauses and financial matters;

"(ix) Other matters."

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*

52/160. Establishment of an international criminal court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994 and 50/46 of 11 December 1995,

Considering that, in its resolution 51/207 of 17 December 1996, it decided to reaffirm the mandate of the Preparatory Committee on the Establishment of an International Criminal Court and decided also that the Preparatory Committee should 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 a diplomatic conference of plenipotentiaries,

Recalling that, in its resolution 51/207, it further decided that a diplomatic conference of plenipotentiaries should be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court,

Recognizing the importance of concluding the work of the conference through the promotion of general agreement on matters of substance,

Noting that, at its fifty-first meeting, on 21 February 1997, the Preparatory Committee welcomed the offer by the Government of Italy to hold the conference at Rome and recommended to the General Assembly that, pursuant to Assembly resolution 51/207 and after consideration by the Committee on Conferences, a decision in accordance with the offer should be made when dealing with the necessary arrangements for the conference, on the understanding that the organization of the conference at Rome would proceed on the basis of the usual practice concerning the funding of such events taking place away from United Nations Headquarters or other United Nations offices,⁷

Taking note of the report of the Committee on Conferences,⁸ in which the Committee recommended to the General Assembly that it should adopt the draft biennial calendar of conferences and meetings for 1998–1999 contained in the report,

Welcoming the steps taken, and the suggestions made, by the Government of Italy following its offer to host the conference in June 1998, including the proposal to hold the conference during the period from 15 June to 17 July 1998 at the headquarters of the Food and Agriculture Organization of the United Nations at Rome,

1. *Accepts with deep appreciation* the generous offer of the Government of Italy to act as host to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court;

2. *Requests* the Preparatory Committee on the Establishment of an International Criminal Court to continue its work in accordance with General Assembly resolution 51/207 and, at the end of its sessions, to transmit to the Conference the text of a draft convention on the establishment of an international criminal court prepared in accordance with its mandate;

⁷ See A/AC.249/1997/L.5, annex III.

⁸ A/52/32 and Add.1–3. For the final text, see *Official Records of the General Assembly, Fifty-second Session, Supplement No. 32*.

3. *Decides* that the Conference, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, shall be held at Rome from 15 June to 17 July 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court, and requests the Secretary-General to invite those States to the Conference;

4. *Requests* the Secretary-General to prepare the text of the draft rules of procedure of the Conference, to be submitted to the Preparatory Committee for its consideration and for recommendations to the Conference, with a view to the adoption of such rules by the Conference in accordance with the rules of procedure of the General Assembly, and to provide for consultations on the organization and methods of work of the Conference, including rules of procedure, prior to the convening of the last session of the Preparatory Committee;

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

6. *Notes with appreciation* the establishment by the Secretary-General, pursuant to resolution 51/207, of a trust fund for the participation of the least developed countries in the work of the Preparatory Committee and in the Conference, welcomes the decision by a number of States to make contributions to the trust fund, and encourages States to contribute voluntarily to it;

7. *Requests* the Secretary-General to establish a trust fund for voluntary contributions towards meeting the cost of participation in the work of the Preparatory Committee and the Conference of those developing countries not covered by the trust fund referred to in paragraph 6 above, and invites States to contribute voluntarily to this trust fund;

8. *Also requests* the Secretary-General to invite to the Conference representatives of organizations and other entities that have received a standing invitation from the General Assembly pursuant to its relevant resolutions⁹ to participate, in the capacity of observers, in its sessions and work, on the understanding that such representatives would participate in the Conference in that capacity, and to invite, as observers to the Conference, representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for the former Yugoslavia and for Rwanda;

9. *Further requests* the Secretary-General to invite non-governmental organizations, accredited by the Preparatory Committee with due regard to the provisions of part VII of Economic and Social Council resolution 1996/31 of 25 July 1996, and in particular to the relevance of their activities to the work of the Conference, to participate in the Conference, along the lines followed in the Preparatory Committee, on the understanding that participation means attending meetings of its plenary and, unless otherwise decided by the Conference in specific situations, formal meetings of its subsidiary bodies except the drafting group, receiving copies of the official documents, making available their materials to delegates and addressing, through a limited number of their representatives, its opening and/or closing sessions, as appropriate, in accordance with the rules of procedure to be adopted by the Conference;

10. *Decides* to include in the provisional agenda of its fifty-third session the item entitled "Establishment of an international criminal court".

*72nd plenary meeting
15 December 1997*

⁹ Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204 and 52/6.