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COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE 7th MEETING

Held at the Headquarters of the Food and Agriculture Organization of the United Nations
on Friday, 19 June 1998, at 10 a.m.

Chairman: Mr. P. KIRSCH (Canada)

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V.99-80455 (E)

The meeting was called to order at 10.30 a.m.

CONSIDERATION OF THE QUESTION CONCERNING THE FINALIZATION AND ADOPTION OF A CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTIONS 51/207 OF 17 DECEMBER 1996 AND 52/160 OF 15 DECEMBER 1997 (*continued*) (A/CONF.183/2/Add.1; A/CONF.183/C.1/L.1 and L.4)

Part 1 of the draft Statute (*continued*)

1. **The CHAIRMAN** said that it was his understanding that, after further informal consultations the previous day, the remaining questions concerning Part 1 had been clarified, and the Committee might now be in a position to send the articles contained in that Part to the Drafting Committee. That would be on the understanding that some questions would have to be carefully examined and, in at least one case, a final decision might depend on the outcome of negotiations on other Parts of the Statute. In article 1, the term "persons" must be looked at following the conclusion of discussions on Part 3, and the phrase "bring persons to justice" must be aligned in all language versions. In article 3, paragraph 3, the Drafting Committee should note that the term "special agreement" was understood to mean an agreement between the Court and the State concerned. With that understanding and the amendments introduced orally at the previous meeting by the representative of the United Kingdom, he asked whether Part 1 could be sent to the Drafting Committee.

2. **Ms. WILMSHURST** (United Kingdom) said she wished to make it clear that her remarks the previous day on article 1 applied only to the first sentence of article 1. The second sentence of article 1 remained unchanged and would also go to the Drafting Committee. With regard to article 3, paragraph 3, she wished to add that the Drafting Committee should also be asked to consider the placing of that paragraph.

3. **The CHAIRMAN** asked whether the Committee wished to transmit Part 1 to the Drafting Committee.

4. *It was so decided.*

Part 2 of the draft Statute (*continued*)

Article 5 (*continued*)

5. **The CHAIRMAN** invited further comments regarding the crime of aggression.

6. **Mr. AL-JABRY** (Oman) said that he welcomed the inclusion of the crime of genocide in the text, and had no objection to the inclusion of the section on the crime of aggression. However, he supported the views expressed at the previous meeting by the delegation of the Syrian Arab Republic; the definition of aggression in the 1974 General Assembly resolution 3314 (XXIX) was still valid and should form the basis of the Committee's deliberations.

7. Although he considered terrorism to be a serious crime, he would like to see a more precise definition of that crime than in the text as currently formulated.

8. **Mr. A. DOMINGOS** (Angola) said that aggression was a very serious crime which caused a great deal of suffering and damage to the victim State. It must therefore be covered in the Statute, and the text proposed in option 3 for the relevant section of article 5 was to be preferred. The bracketed words "and subject to a determination by the

Security Council referred to in article 10, paragraph 2, regarding the act of a State" in paragraph 1 were out of place and should be deleted. The bracketed word "manifest" should be deleted, because a violation was either a violation or not. The text in square brackets at the end of the paragraph should also be deleted.

9. **Ms. LI Yanduan** (China) said that she could agree to the inclusion of the crime of aggression on two conditions. First, there should be a clear and precise definition of the crime of aggression. Second, there should be a link with the Security Council. Discussion of the treaty crimes, on which there was no consensus, should be deferred until a future review conference.

10. **Ms. BENJAMIN** (Dominica) said that she fully endorsed what had been said at the previous meeting by the representative of Trinidad and Tobago on behalf of the Caribbean Community (CARICOM) States.

11. **Ms. LEGWAILA** (Botswana) said that, in view of the serious nature of the crime of aggression, she supported its inclusion in the Statute. The Committee should not lose sight of the fact that the Security Council was the United Nations organ responsible for the maintenance of international peace and security.

12. **Ms. TASNEEM** (Bangladesh) favoured the inclusion of the crime of aggression as a core crime. She preferred the definition in option 1, whose language was closest to the language of Bangladesh law on crimes against humanity, genocide, war crimes and aggression. However, she could accept option 3.

13. Regarding the role of the Security Council, unless the United Nations Charter itself was amended there was an inescapable link between the crime of aggression and the functions of the Security Council in response to acts of aggression. She was flexible concerning the inclusion of the crime of terrorism, subject to a more elegant and satisfactory definition.

14. **Mr. SLADE** (Samoa) said that, with more work on the definition and the role of the Security Council, the crime of aggression should be included in the Statute. He supported Trinidad and Tobago and the Caribbean States in their call for the inclusion of illicit drug trafficking.

15. **Mr. ONWONGA** (Kenya) supported the inclusion of the crime of aggression within the jurisdiction of the Court. The definition must be sufficiently precise to satisfy the principle of legality. He shared the view concerning the potential for conflict of jurisdiction, given the pre-existing powers of the Security Council. Its competence to determine the existence of acts of aggression could seriously affect the integrity of the Court as an independent body free from political influence.

16. Regarding the treaty crimes of terrorism, trafficking in illicit drugs and attacks on United Nations personnel, his delegation supported the call by the CARICOM States for the inclusion of the crime of trafficking in illicit drugs.

17. **Ms. FRANKOWSKA** (Poland) supported the inclusion of the crime of aggression in the Statute. She preferred option 3, which was better suited for the purpose of individual responsibility than the proposal based on the 1974 definition of aggression.

18. She saw problems in accepting the Security Council's determination of aggression as a prerequisite for triggering the Court's jurisdiction. However, she was aware that, given the realities of the international order, that a prerequisite was necessary. Although she was open to discussion of the inclusion of the treaty crimes in the Statute, she doubted whether the time was right.

19. **Mr. van BOVEN** (Netherlands) shared some of the concerns expressed by the representative of Norway and others, particularly with regard to finding a satisfactory definition of aggression and to the intricate problem of the relationship with the Security Council.

20. The treaty crimes, terrorism and illicit traffic in narcotic drugs and psychotropic substances, should not fall within the jurisdiction of the Court. Crimes against United Nations and associated personnel might be studied further in the process of reviewing the Statute at a later stage.

21. **Ms. CUETO** (Cuba) was in favour of including aggression in the jurisdiction of the future Court. General Assembly resolution 3314 (XXIX) and option 3 could provide the basis for a suitable definition of the crime of aggression. With regard to the role of the Security Council, total subordination of the Court to the decisions of the Security Council would jeopardize its credibility.

22. She had always favoured the inclusion of treaty crimes, with particular emphasis on international terrorism, which should be defined in precise terms.

23. **Mr. SOH** (Cameroon) strongly supported the inclusion of the crime of aggression in the jurisdiction of the Court. Option 3 would represent a good working basis. He had an open mind concerning the other crimes— terrorism, crimes against United Nations and associated personnel and the illicit traffic in narcotic drugs and psychotropic substances.

24. **Mr. TANKOANO** (Niger) said that, if the crime of aggression was to fall within the competence of the Court, the Committee must find a suitable definition. It appeared from the discussions that the overwhelming majority of delegations were in favour of including the crime of aggression in the jurisdiction of the Court. He supported the view that it should be up to the Court to seek confirmation from the Security Council that a crime of aggression had been committed, on the basis of objective facts. To exclude the crime of aggression from the Statute would be out of touch with reality, because since 1945 several crimes of aggression had been committed throughout the world and had gone unpunished.

25. **Mr. GARCIA LABAJO** (Spain) presented his delegation's proposal on article 5 contained in document A/CONF.183/C.1/L.1. The aim of the proposal, taking into account the note following the introductory section of article 5 in document A/CONF.183/2/Add.1 concerning the need for a subsequent readjustment of the texts concerning crimes within the Court's jurisdiction, was to propose a suitable structure for the provisions in question. It was suggested that there should first be an article 5 of a general nature, with a paragraph 1 listing the categories of crime falling within the Court's jurisdiction. There would be a reference in each case to the subsequent article defining the particular category of crime. It was suggested that paragraph 1 should list the four categories of crime on which there was general agreement. The inclusion of other categories, such as terrorism and drug trafficking, could be considered at a later review stage.

26. With regard to crimes against United Nations and associated personnel, his delegation was proposing in document A/CONF.183/C.1/L.1 a text to be included under the heading "War crimes". Spain would like to see the crime of aggression included in the Statute, subject to finding a satisfactory definition and resolving the question of the role to be played by the Security Council. The definition, as far as possible, should be based on General Assembly resolution 3314 (XXIX). Spain would also work on the basis of option 3 for the relevant section appearing in document A/CONF.183/2/Add.1, subject to deletion of the words "with the object or result of establishing a [military] occupation of, or annexing, the territory of such other State or part thereof by armed forces of the attacking State".

27. His delegation supported the view that a balance must be found between the functions and competence of the Security Council, pursuant to the United Nations Charter, and the competence of the Court to judge individual conduct.

28. Spain was also proposing the inclusion of a paragraph 2 for article 5, stating that the crimes within the jurisdiction of the Court were crimes under international law as such, whether or not they were punishable under national law. The text was based on the draft Code of Crimes against the Peace and Security of Mankind prepared by the International Law Commission. It was important to emphasize the autonomy of international law in relation to the categories of crime in question.

Jurisdiction

29. **Mr. KOURULA** (Finland), acting as Coordinator and introducing the question of jurisdiction dealt with in articles 6 to 13 of the draft Statute, said that the issue involved a number of closely interlinked elements. The section of the draft concerning jurisdiction could be looked at in at least two ways. The first alternative would be to divide the issue into two parts: the first part would cover the question as to who could trigger the Court's jurisdiction, and the second the question of whose consent was needed for the Court to exercise jurisdiction. The other possibility would be to divide the issues into three: first, to examine the whole question of jurisdiction in relation to individual States; second, to examine the matter in relation to the Prosecutor; and third, to examine the matter in relation to the Security Council.

30. Starting with the first alternative, he would refer to some issues relating to articles 6, 10, 12 and 13, concerning the "trigger mechanism", and articles 7 and 9, concerning acceptance of jurisdiction. One must also recall the central principle of complementarity and the issue of admissibility.

31. With regard to the trigger mechanism, the draft Statute contained three ways of triggering the Court's jurisdiction: by Security Council referral, by State party complaint and by the Prosecutor *proprio motu*. Concerning acceptance of the Court's jurisdiction, no State consent was required for the Court to initiate investigations if the Security Council referred a situation to the Court. When the Court's jurisdiction was triggered by a State or by the Prosecutor, State consent would, according to certain proposals contained in the draft Statute, be needed for the Court to proceed.

32. There were basically four alternative proposals regarding acceptance of jurisdiction. Under the first proposal, referred to as the United Kingdom proposal and appearing in the text for article 7 contained in the so-called "Further option for articles 6, 7, 10 and 11", ratification of the Statute entailed automatic acceptance of the Court's jurisdiction over the core crimes. In addition, the text provided that the Court might exercise jurisdiction only if the territorial and custodial State and the State of nationality of the accused were parties to the Statute. If those States were not parties to the Statute, they must lodge a special declaration of consent before the Court could proceed with an investigation.

33. A second proposal, the so-called German proposal, was found as a "further option" in article 9 of the draft Statute. It differed from the first only in relying on the principle of universal jurisdiction over the core crimes, regardless of any further State consent even for non-parties.

34. The third alternative was the so-called "opt-in/opt-out" proposal found in option 1 for paragraph 1 of the original article 7 in the draft Statute. A State becoming a party to the Statute would not automatically accept the Court's jurisdiction over the core crimes. Additional consent would be required, by means of a special declaration made when the State became a party or later. The declaration might vary in substance and duration, and the following States would

have to give their consent before the Court could act: the territorial State, the custodial State, the requesting State, the State of nationality of the accused and the State of nationality of the victim.

35. Fourthly, under the so-called case-by-case proposal contained in option 2 for article 7, paragraph 1, the Court would have to obtain, in each individual case, the consent of the territorial State, the custodial State, the State requesting extradition, the State of nationality of the accused and the State of nationality of the victim.

36. Articles 10 to 13 concerned the role of the Security Council, complaints or referrals by States, and the Prosecutor. Paragraphs 4 to 6 of the first article 10, and paragraph 1 of article 10 in the "Further option for articles 6, 7, 10 and 11", dealt with the relationship between the Security Council and the Court. Paragraph 4 of the first article 10 and paragraph 1 in the "Further option" stated in essence that the Court would not have jurisdiction with respect to a crime of aggression unless the Security Council had first determined that the State concerned had committed an act of aggression. The existence of that provision had been referred to as an acknowledgement of the primary responsibility of the Security Council for the maintenance of international peace and security. The contrary view was that such a role of the Council would introduce political considerations and undermine the Court's independence. Under a subsequent proposal from Singapore, the Court could, after a period of time, proceed with prosecutions of crimes within its jurisdiction unless requested not to do so by an affirmative vote of the Security Council (the first article 10, paragraph 7, option 2). The United Kingdom proposal ("Further option for articles 6, 7, 10 and 11", article 10, paragraph 2) also contained a reference to a period of time.

37. With regard to State complaints, the first article 11, paragraph 1, option 1, provided that in the case of genocide a State party that was also party to the 1948 Genocide Convention might lodge a complaint with the Prosecutor alleging that the crime of genocide appeared to have been committed. Other crimes required a special declaration to be given. A simplified formula for State referrals was found in article 11 in the "Further option for articles 6, 7, 10 and 11".

38. Finally, regarding the Prosecutor, there was wide support for the idea that the Prosecutor must be allowed ex officio or *proprio motu* to trigger the Court's jurisdiction, without any referral by the Security Council or a State party (article 12), but there was also opposition. Argentina and Germany had introduced a proposal providing additional checks on the discretionary powers of the Prosecutor: under article 13 the Prosecutor must seek the authorization of the Pre-Trial Chamber if he concluded that there was a reasonable basis to go ahead with the investigation. Authorization was granted if such reasonable basis existed and a case appeared to fall within the Court's jurisdiction, and taking into account the admissibility provision in article 15.

39. As he had said at the beginning of his statement, a second approach to the whole question would be to divide the issues into three, considering the entire jurisdictional question first in relation to States, then in relation to the Prosecutor and lastly in relation to the Security Council. That might be the better way to organize the discussion.

40. **The CHAIRMAN** thought that, for the purposes of organizing the discussion, it would be wise to adopt the second approach mentioned by the representative of Finland. The first task would then be to consider the whole jurisdictional question in relation to States. The relevant articles in the original draft were: article 6, paragraph 1 (b) and paragraph 2; article 7; article 9; article 11. In the "Further option for articles 6, 7, 10 and 11", the relevant articles were: article 6 (a); article 7; article 11.

41. After a brief procedural discussion in which **Ms. WILMSHURST** (United Kingdom), **Ms. LE FRAPER DU HELLEN** (France) and **Mr. MAHMOOD** (Pakistan) took part, **the CHAIRMAN** invited the Committee to begin

by focusing on the role of States, on the understanding that delegations that preferred the alternative approach could make their statements in the manner they wished.

42. **Ms. WILMSHURST** (United Kingdom) drew attention to the section of the draft in document A/CONF.183/2/Add.1 headed "Further option for articles 6, 7, 10 and 11". It was an option originally proposed by the United Kingdom with the aim, firstly, of clarifying the text and secondly of introducing some fairly specific proposals, particularly with regard to acceptance of jurisdiction.

43. In article 6 in that option, her delegation attached importance to the word "situation" in subparagraph (a). It was not the task of a State to identify a particular offence and a particular culprit. However, she wished to propose that, in the first line of article 6, the words "The Court may exercise its jurisdiction" should be replaced by the words "The Court shall have jurisdiction".

44. Article 7 would replace the provisions in the original articles 7 and 9. Under paragraph 1, a State becoming a party to the Statute would thereby accept the jurisdiction of the Court. That concerned the core crimes; the proposal did not cover treaty crimes. If treaty crimes were included in the Statute, additional provisions would be needed. For the core crimes, the provision would mean that, in relation to any particular case, a State party had no right either to object to the exercise of the Prosecutor's powers or to object to the Court assuming jurisdiction in relation to that particular case.

45. The difficult question of States that were not parties was dealt with in paragraph 2, which made it clear that the Court must ask for the consent of a non-party before exercising jurisdiction in certain cases. The United Kingdom position was that only the consent of the State on whose territory the offence occurred should be required. In that case, subparagraph (a) could be deleted.

46. Also in paragraph 2, "may exercise its jurisdiction" in the second line should be replaced by "shall have jurisdiction".

47. The only other relevant article was article 11, which concerned the referral of a situation by a State. The United Kingdom proposal, which simply clarified the text, needed no introduction on her part.

48. **Mr. KAUL** (Germany) said that the German proposal in the "further option" for article 9 was based on the following considerations. Under current international law, all States might exercise universal criminal jurisdiction concerning acts of genocide, crimes against humanity and war crimes, regardless of the nationality of the offender, the nationality of the victims, and the place where the crime had been committed. That was not only confirmed by extensive State practice, but also by the Nuremberg Tribunal, and was enshrined *inter alia* in generally accepted international instruments, such as the Geneva Conventions of 1949 or the Convention against Torture. It meant that each State could bring to justice individuals who had committed, for example, acts of genocide in third States, even if both the offender and the victim were not nationals of the prosecuting State. The Court would be acting on behalf of the international community as a whole. Since the contracting parties to the Statute could individually exercise universal jurisdiction for the core crimes, they could also, by ratifying the Statute, vest the Court with a similar power to exercise such universal criminal jurisdiction on their behalf, though only of course with regard to the core crimes.

49. Such an approach, based on the legitimate exercise of universal jurisdiction, would also eliminate the real loopholes which otherwise would exist for individuals who had committed such heinous crimes as genocide, crimes against humanity or war crimes. For example, if a massive genocide had taken place, such as in Nazi Germany or, more

recently, in Cambodia, and the Security Council did not, for whatever reason, refer that situation to the Court, the question arose whether the individuals who had ordered that genocide could be tried by the Court.

50. Under other jurisdictional models proposed in the Statute, it would be necessary for at least the State on whose territory the crime in question was committed, or even other States, to be a contracting party to the Statute, or it would have to give its consent to the exercise of ad hoc jurisdiction. But if the genocide was committed as part of a State policy, it was unlikely that the State would be a party to the Statute, or would consent to the Court exercising its jurisdiction.

51. If there was a contracting party to the Statute which had a direct interest in a given core crime committed, and which therefore legitimately could and would exercise universal jurisdiction, the Court should have the same position. However, third States would be under no obligation to cooperate with the Court. If they so decided, they might agree to cooperate with the Court on an ad hoc basis, and that was the meaning of paragraph 2 of his proposal. Thus the application of the principle of universal jurisdiction by the Court would not violate the sovereignty of third States not parties to the Statute.

52. **Mr. Tae-hyun CHOI** (Republic of Korea) said that his delegation had some proposals for articles 6, 7 and 9. The notion that the Court would have inherent jurisdiction was incompatible with the principle of complementarity; State consent was indispensable. On the other hand, to allow States parties to withhold consent to the Court's exercise of its jurisdiction in individual cases would render the Court ineffective. By becoming a party to the Statute, a State should be regarded as accepting the jurisdiction of the Court once and for all. The exercise of jurisdiction would then be automatic.

53. For the sake of jurisdictional nexus, there should be a requirement that one or more of the interested States had given its consent to the exercise of jurisdiction by the Court. The interested States should encompass the territorial State, the custodial State, the State of nationality of the accused and the State of the nationality of the victim. For one of those States to be a party should be enough: the requirement should not be cumulative but selective.

54. His delegation's proposals, which had been circulated informally, were similar to the United Kingdom proposals ("Further option for articles 6, 7, 10 and 11"). However, his delegation's proposals would require consent from only one of the interested States. There was also a conceptual difference: the United Kingdom proposals rested on the premise that the Court had universal jurisdiction over the core crimes; his country's proposals assumed that jurisdiction was conferred on the basis of State consent, pursuant to the provisions of the Statute.

55. **Mr. CHUKRI** (Syrian Arab Republic) said that he would like to comment on the question of the Security Council's role with regard to the trigger mechanism. The Security Council might politicize cases, actions or complaints referred to it, because by its very nature it was a political and not a legal body. The General Assembly should be empowered to replace the Security Council if it failed to take the necessary measures in respect of an act of aggression because of the veto right enjoyed by some States. Moreover, the Council had sometimes been selective in its application of Chapter VII of the United Nations Charter. And the variant in article 6 which would give the Security Council the right to trigger action even with respect to States which were not parties to the Statute would be a violation of the Vienna Convention on the Law of Treaties.

56. Concerning the role of the State, he had no problem in granting a State party, or a non-State party, the right to trigger action. Nor had he any difficulty with article 7, where he preferred option 2, or article 8. In article 9, he preferred option 2 but had no objection to option 1.

57. **Mr. NATHAN** (Israel) said that in article 6, paragraph 1 (b), he objected to the proposal to confer on a "non-State party" the right to lodge a complaint. A State which had decided not to become a party to the Statute should not have the same rights as those States which had decided to become parties to the Statute.

58. Paragraph 2 (c), which conferred the right on the Prosecutor to bring a matter before the Court, could not be supported for reasons he would explain at a later stage in the debate.

59. Paragraph 2 would be unnecessary if it was stipulated that a State that became a party to the Statute thereby accepted the jurisdiction of the Court with respect to the crimes referred to in article 5, and matters dealt with in article 7.

60. Turning to article 7, his delegation believed that, although the crimes falling under article 5 were crimes in respect of which States had universal jurisdiction, the Court should not be able to exercise jurisdiction unless consent was explicitly conferred by the parties to the Statute. To ensure the effective exercise of that jurisdiction, certain specific conditions in respect of the consent required would have to be addressed. Practical considerations would require at least the consent of the territorial State, the State where the crime was committed and the custodial State as minimum and inevitable preconditions for the effective exercise of the jurisdiction of the Court.

61. The term "custodial State" could be replaced by the term "State where the suspect or accused is resident", because at the relevant time the State concerned might not yet have the custody of either the accused or the suspect.

62. The consent of the States referred to in subparagraphs (c) and (d) of paragraph 1 was irrelevant to the exercise of jurisdiction, and should not be regarded as a precondition. The point raised in subparagraph (c) could be dealt with under Part 9 of the Statute.

63. Concerning paragraph 3, the Court should not have jurisdiction where a State whose acceptance was required had not indicated whether it gave such acceptance.

64. In article 9, he supported option 1, which provided for the acceptance by a party to the Statute of the jurisdiction of the Court in respect of the core crimes, but his acceptance would depend upon the list of core crimes and their definition. If the core crimes were reduced to genocide, war crimes and crimes against humanity, the provision would be reasonable. Otherwise, he would prefer the opt-in regime under option 2.

65. He could support paragraph 3 of option 1, enabling the Court to exercise jurisdiction in respect of a specific crime where a State whose acceptance was required was not a party to the Statute. The sentence contained in square brackets would be necessary in order to enable the Court to benefit from the cooperation of that State in matters arising under Part 9 of the Statute.

66. He found it difficult to support paragraph 1 in the "further option" for article 9. While States had universal jurisdiction in respect of the core crimes, the Court was a judicial organ, exercising its jurisdiction on a consensual basis, subject to the conditions and limitations contained in the Statute. Moreover, the Court would not be able to function properly without the acceptance of its jurisdiction by the territorial State and the State of residence of the suspect or accused.

67. Paragraph 2 of the "further option" for article 9 was acceptable, but he would prefer the text in option 1.

68. **Mr. SALAND** (Sweden) said that his comments would be based on the "Further option for articles 6, 7, 10 and 11", introduced earlier by the representative of the United Kingdom. He had no objection to States parties referring matters to the Court. He also preferred that entire situations, such as a situation involving genocide, be referred rather than individual crimes.

69. As regards the key issue of acceptance of jurisdiction, he fully agreed with article 7, paragraph 1, of the United Kingdom text. He was not fully convinced by the representative of Germany's arguments about inserting the Court fully into the system of universal jurisdiction, even with regard to the core crimes. The Court was being created by a convention, and some regard must be had to that fact. He agreed with what had been said regarding the need for a jurisdictional nexus: that nexus should not necessarily be only with the territorial State. It must be possible to prosecute suspects who were in States other than the one where the crime was committed.

70. It should be sufficient for one out of four categories of States to be a party to the Statute: the territorial State, the custodial State, the State of the nationality of the suspect or the State of the nationality of the victim.

71. In the case of a Court created by way of a treaty, non-parties could not be automatically inserted into the system. But the Statute should allow a non-party, by declaration, to consent to the exercise of jurisdiction by the Court with respect to a particular crime, as provided for in article 7, paragraph 3, of the United Kingdom text.

72. He supported article 11 of the United Kingdom text. He also welcomed the proposal by the representative of the United Kingdom to replace the words "may exercise its jurisdiction" in articles 6 and 7 by "shall have jurisdiction".

73. The key point was that a State that became party to the Statute thereby accepted the jurisdiction of the Court. A consent regime could not be accepted in relation to the core crimes, although the situation might be different if any of the treaty crimes found their way into the Statute.

The meeting rose at 1 p.m.