

## Chapter III

## Legal aspects of international political relations

In 1998, following six years of preparatory work by the International Law Commission (ILC) and General Assembly committees, a plenipotentiary conference adopted the Rome Statute of the International Criminal Court. When ratified, the Statute would establish the Court as a permanent institution with power to investigate and bring to justice individuals accused of the most serious crimes of international concern, including genocide, crimes against humanity, war crimes and the crime of aggression. The Conference also set up a Preparatory Commission to prepare proposals for practical arrangements for the Court, including draft rules of procedure and evidence.

At its fiftieth session, ILC completed the first reading of draft articles on prevention of transboundary damage from hazardous activities and transmitted them to Governments for comment. Consideration also continued of draft articles on unilateral acts of States and on State responsibility. ILC adopted draft guidelines on reservations to treaties and established a working group to advance its work on diplomatic protection.

The Ad Hoc Committee established by the Assembly in 1996 to elaborate an international convention on the suppression of nuclear terrorism continued its work on a draft convention, focusing on the definition of material and offences to be covered under the proposed convention. It conducted a first reading of substantive provisions and the Assembly directed it to continue.

In August, the Security Council condemned terrorist attacks on the United States embassies in Nairobi (Kenya) and Dar es Salaam (United Republic of Tanzania) and called on States to cooperate in preventing such acts. The Secretary-General and the Assembly continued to work on the protection, security and safety of diplomatic and consular missions and representatives.

### Establishment of the International Criminal Court

The United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court was held in Rome, Italy, from 15 June to 17 July, with the participa-

tion of 160 Member States. Represented as observers were 31 organizations and other entities and 136 non-governmental organizations. The Conference was held in accordance with General Assembly resolution 52/160 [YUN 1997, p. 1345].

On 17 July, the Conference adopted the Rome Statute of the International Criminal Court [A/CONF.183/9], establishing the Court as a permanent institution with the power to exercise its jurisdiction over persons for the most serious crimes of international concern as defined in the Statute—genocide, crimes against humanity, war crimes and the crime of aggression. The Statute, which consisted of 13 parts containing a total of 128 articles, would enter into force after its ratification, acceptance, approval or accession by 60 States. By 31 December, 71 States had signed the Statute and one had ratified it.

The Conference also signed a Final Act [A/CONF.183/10], to which it annexed six resolutions. In one resolution, the Conference recognized that terrorist acts and international trafficking of illicit drugs were serious crimes of concern to the international community; regretted that no generally acceptable definition of the crimes was agreed on; affirmed that the Rome Statute provided for a review mechanism, which allowed for an expansion in future of its jurisdiction; and recommended that a review conference consider the crimes of terrorism and drug crimes with a view to arriving at an acceptable definition and their inclusion in the list of crimes within the jurisdiction of the Court. By another resolution, the Conference established the Preparatory Commission for the International Criminal Court, which would prepare proposals for practical arrangements for the Court's establishment, including the draft texts of: rules of procedure and evidence; elements of crimes; a relationship agreement between the Court and the United Nations; basic principles for a headquarters agreement with the host country; financial regulations and rules; an agreement on privileges and immunities of the Court; a budget for the first financial year; and rules of procedure of the Assembly of States Parties. The Commission would prepare proposals for a provision on aggression, including the definition and elements of crimes of aggression and the conditions under which the Court would exercise its juris-