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INTERNATIONAL CRIMINAL JURISDICTION

Text of a statement on November 24, 1954, by Mr. Charles Stein, Q.C., Canadian Representative in the Sixth Committee of the ninth session of the United Nations General Assembly, New York, on agenda item 50 - International criminal jurisdiction: Report of the 1953 Committee on International Criminal Jurisdiction

Note: The text of the resolution adopted by the Committee and the results of the voting are included at the end of the statement.

The desirability of the conduct of states and individuals affecting the world at large being governed by the rule of law would hardly be denied by anyone, I should think. One means of achieving this idea is to provide for the punishment of individuals in a position of authority who abuse their trust, for instance by leading states into aggressive wars or by committing the crime of genocide and so violating fundamental rights. For this reason, my government favours the idea of an international criminal court vested with jurisdiction to try and impose punishment on individuals for acts alleged to have been committed by them contrary to some code or body of international criminal law.

However, my delegation is of the opinion, for the reasons I shall briefly outline, that further consideration of the proposal to establish an international criminal court should be postponed.

In the course of the debate on the question of defining aggression, I stated that one test which my government felt any proposed definition of aggression should meet was the preservation of the existing authority and powers of the Security Council and the General Assembly under the Charter of the United Nations, with respect to determining whether an act of aggression has been committed. Now, it should be borne in mind that the first and most important crime which any suggested international criminal court would have jurisdiction to try is likely to be the crime of aggression, whatever this concept may eventually comprehend under a decision of recommendation of the United Nations or under an international convention, i.e., whether it is restricted to the use of armed force or is extended to other notions and acts, such as the threat of the use of armed force and subversion. This aspect of the problem of the definition of aggression in turn necessarily involves the question of the relationship between any proposed international criminal court