

INTERNATIONAL CRIMINAL COURT AND CODE OF CRIMES

The issue of a draft code of offences against the peace and security of mankind, was mandated by the UN General Assembly to the International Law Commission in 1947. At its forty-third session, in 1991, the Commission provisionally adopted on first reading the draft articles of the draft Code of crimes, and decided, through the UN Secretary General, to transmit the draft articles to Governments for their comments and observations by January 1, 1993.

The Commission also noted that the draft that it had completed on the first reading constituted the first part of the Commission's work, and that it would continue at forthcoming sessions to consider further and analyse the issues raised in its report concerning the question of an international criminal jurisdiction, including the possibility of establishing an international criminal court or other international criminal trial mechanism.

At its meeting of July 17, 1992, the Commission determined that it had concluded the task of analysis of the question of establishing an international criminal court or other international criminal trial mechanism, and that further work on the issue required a renewed mandate from the UN General Assembly. The Mandate needed to take the form not of still further general studies or exploratory studies, but of a detailed project, in the form of a draft statute.

In her address to the Forty Seventh Session of the UN General Assembly, last September 24, the Honourable Barbara McDougall, Secretary of State for External Affairs, gave Canadian support to the idea of mandating the International Law Commission to draft such a statute, and announced that Canada would convene an international meeting of experts to mobilize legal expertise on the matter.