

THE INTERNATIONAL CRIMINAL COURT

Canada played a leading role at the Forty-Seventh Session of the United Nations General Assembly in obtaining consensus on a resolution calling on the International Law Commission (ILC) to give priority to establishing an International Criminal Court. The issue was raised by the Honourable Barbara McDougall, then Secretary of State for External Affairs, in her address to the General Assembly on September 24, 1992.

By General Assembly Resolution 47/33 of November 15, 1992, the ILC was mandated to prepare a draft statute for an International Criminal Court. An international meeting of experts on this subject took place in Vancouver on March 22-27, 1993.

In July 1993, the ILC submitted to the General Assembly the Revised Report of its Working Group on the subject, containing a Draft Statute for an International Criminal Court. Following comments received from States and further Working Group discussions, the ILC adopted an amended version of the Draft Statute during its 46th session in July 1994 and forwarded it to the General Assembly for consideration.

The Department of Foreign Affairs and International Trade and the Department of Justice have reviewed the provisions of the Draft Statute in preparation of further discussion at the UN Sixth (Legal) Committee. Among the issues that concern Canada are the power of an international court to issue orders binding on a Member State, provisions providing for the extension of prosecute or extradite obligations to multilateral treaties, and the opportunity for dissenting judgments to be published.

Canada intends to speak to the issue of the Draft Statute during the debate on the ILC Report at the Sixth Committee at the end of October 1994. In addition to expressing its support for the work done by the ILC, Canada will request that continued priority be given to the establishment of the Court.