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Press Release
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PREPARATORY COMMITTEE FOR INTERNATIONAL CRIMINAL COURT
CONTINUES DISCUSSING CREATION OF COURT BY TREATY

The relationship between the proposed international criminal court and the United Nations should be governed by an agreement which balanced the independence of the court with its need for adequate and predictable financing, representatives said this afternoon as the Preparatory Committee on the establishment of such a court continued discussing that relationship, as well as the mechanisms for the creation and financing of the court.

Several representatives urged that the court be financed through the regular United Nations budget. Others stated that the court should be underwritten by its States parties, with the United Nations financing those prosecutions referred to the court by the Security Council. Some speakers expressed concern that interested parties -- particularly complainant States - - should not finance prosecutions.

The representative of Venezuela said that an agreement between the United Nations and the proposed court should provide a clear-cut legal basis for the court's work. Libya said that the agreement should specifically stipulate the independence of the court. Malaysia said that the agreement regulating the relationship with the United Nations should be "confirmed by acquiescence or lack of objection" by States parties, a proposal which he said was wholly in accordance with the principle of State sovereignty.

The representative of Egypt said that the court's relationship with the United Nations should be flexible, emphasizing independence and permanence. Every government should be made aware of the financial implications of ratifying the treaty, he said.

Ireland said that the relationship of the court and the United Nations should be governed by an international agreement between two legal persons. Such an agreement could only be completed after the entry-into-force of the court statute. He advocated financing the court through the regular United Nations budget.

Sweden said that it was only natural that the costs for prosecutions sought by the Security Council should be borne by the United Nations. He had questions as to whether interested parties -- particularly complainant States -- should be called upon to finance court prosecutions.

The representative of New Zealand said that the proposal that the United Nations finance the prosecution of cases referred by the Security Council seemed to imply that the Council would be able to "contract" the international court to execute justice. The proposal that complainant States should finance the court's prosecutions could create a disincentive to bring matters to the court.

Delegations were divided between suggesting that States parties provide the necessary financing of the proposed court, and proposing that the resources come from the United Nations regular budget. Singapore said that it was not yet clear what would be the budgetary burden of the court, nor the ability of the United Nations system to defray those costs. China said that the financial responsibility should lie with the States parties, adding that other, supplementary sources of income should not be ruled out. Slovenia noted that budgetary considerations did not necessarily infringe on the court's necessary independence, as demonstrated by various human rights bodies financed by the United Nations which retained their independence.

Regarding the establishment of the court, representatives were generally agreed that the court should be created through the entry-into-force of a binding international treaty. Delegates expressed different views on the number of ratifications that should be required for the treaty's entry-into-force.

The representative of Singapore said that the treaty would not be an exercise in simple codification. Since it would be a new legal body, the number of States parties required for ratification should be substantial, demonstrating the commitment of the world's major legal systems.

The representative of the Czech Republic said that since the court would need widespread support, some 55 to 60 signatories would be required. Mexico said that the list of required ratifiers should include the five permanent members of the Security Council. New Zealand said that the problem with establishing the court through a treaty was that such a treaty would likely have only a few signatories at first. Sweden said that the court should ideally be created through amendment of the Charter. But, as a practical matter, it might be established upon the ratification of its founding treaty by 30 to 40 States, he added. The representative of Ukraine favoured the

highest number mentioned so far, 90 signatories, as the "maximum" number necessary for the implementation of the treaty.

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Chile suggested that the number of ratifications should not be "too high nor too low" -- between 35 to 40 States -- considering that the universality of the court was just as fundamental as its early implementation; alternatively, a method that would take into account representation among regional groups of countries rather than number of individual States could also be considered. The court itself was to be a permanent institution which was also flexible enough to meet when required; certain parts of the court, such as the presidency and the registrar, should be established as soon as possible.

Australia suggested some 30 to 45 ratifying States should be sufficient for the treaty's entry-into-force, with an additional 180-day period to encourage other States to join in; past experience had shown that many States, once past the initial stage, wished to become signatories to such treaties.

The United Republic of Tanzania said that the first stages of the establishment of the court should be undertaken by the United Nations so as to facilitate the procedure; financial responsibility could be later taken up by States parties.

The Preparatory Committee on the establishment of an international criminal court will meet again tomorrow at 11 a.m., after the meeting of the informal working group on organizational matters.

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