

UN Observer Report

Sixth Committee Work during the 51st Session of the General Assembly

Ramon Escovar Salom (Venezuela), Chairman of the Sixth Committee for the 51st General Assembly session, said that the ambitious agenda for the Committee could establish the basis for the work of the United Nations in the twenty-first century. Among other matters the Sixth Committee considered reports from the Preparatory Committee on the Establishment of an International Criminal Court, from the International Law Commission (ILC), from the UN Commission on International Trade Law (UNCITRAL), from the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and from the Committee on Relations with the Host Country. This article will focus on some of the major recommendations made by the Sixth Committee which concern newer developments. The

March-April issue of *ASIL Newsletter* will report on other recommendations made by the Committee.

• **International Criminal Court.** Review of work of the Preparatory Committee for the proposed Court consumed the largest block of Sixth Committee time. The Court, as currently proposed, would be a permanent tribunal established by a multilateral treaty with worldwide jurisdiction to try individuals for gross breaches of international humanitarian law. (For a summary of the proposal and of discussions at the Preparatory Committee see the September-October 1996 issue of *ASIL Newsletter*, p. 15.) The Chairman of the Preparatory Committee, Adriaan Bos (Netherlands), reported that it appears feasible to convene a conference of plenipotentiaries by 1998 to consider the establishment of the Court. As recommended by the Sixth Committee, the General Assembly approved the continuation of work by the Preparatory Committee, including a fifth session to be held in New York from December 1-12, 1997, in order to

complete the drafting of a widely acceptable draft text for the creation of the Court.

• **Code of Crimes Against Peace.** The Sixth Committee commended the ILC for completion of a twenty-article draft code of crimes against peace and security of mankind. The draft code, adopted by the ILC last summer, was first taken up in 1947. The code is divided into two parts: general provisions concerning responsibility, jurisdiction, extradition, and so forth; and the definitions of five categories of crimes - aggression, genocide, crimes against humanity, crimes against United Nations and associated personnel, and war crimes. During the deliberations of the Sixth Committee, it was urged that the draft code be put before the Preparatory Committee for the proposed International Criminal Court. The Committee recommended that the Secretary-General solicit comments from governments on what might be taken in relation to the draft code. ♦

Richard Hartzman

Developing a Trilateral Research Agenda

I invite ASIL members to let me know if they might want to work on a research project conducted under the auspices of the Trilateral Research Agenda. The ASIL, the Canadian Council on International Law (CCIL), and the Japan Association of International Law (JAIL) have held two joint conferences and a third is being planned. The overall purpose of the Trilateral Agenda is to share interests, perspectives and expertise among the three societies. In order to do this we have agreed to attempt to develop research projects of interest to the members of all three societies. We hope to establish diverse teams of experts from the three societies to work together, as appropriate, on common research projects. I am the contact person for the ASIL Coordinating Group. Thomas Schoenbaum, Martha Schweitz, Peter Trooboff, and Michael Young are members of this group and Charlotte Ku serves as an additional contact person.

At the October 1996 CCIL meeting in Ottawa, Dr. Ku and I met with representatives from the CCIL and JAIL to discuss a possible list of research projects. The result of that discussion was the list of potential project subjects set out below. We hope that ASIL members might find an aspect of one of the projects of interest to them. Alternatively, a member might have another project that he or she would like to work on in collaboration with members of the other societies. The other societies are also seeking members to work on these projects but we also agreed that if a member of one of the societies knows someone from another society with whom he or she would like to collaborate that will be encouraged.

The research subjects that we have identified are: (1) *International Trade* (sub-headings) - *Dispute settlement*, including the Resolution of Trade Disputes between North America and

Japan; *Regionalism*, including Regional Trading Associations and the Multilateral System; (2) *Domestic Implementation of International Law* (sub-headings) - *Human Rights; International Environmental Law; International Law in General*, including Women and International Law; (3) *The Use of Force* (sub-headings) - *The Role of the Security Council; The Expansion of the Use of Force for Human Rights Purposes*; (4) *The Law of the Sea* (sub-headings) - *Maritime Territorial Disputes; High Seas Fisheries*; and (5) *Transnational Litigation* (sub-headings) - *Problems of Extraterritorial Jurisdiction; Enforcement*, including Extradition for International Crimes.

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