

The Rome Statute and Third States:
Determining the Validity of the jurisdiction
of the International Criminal Court over
Third-State Nationals

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The International Criminal Court's (ICC) jurisdiction over nationals of third States objecting to its jurisdiction has far-reaching implications in public international law and international politics. This is due to the composition of the ICC, which operates through a handful of individuals whose impartiality may not be completely beyond question. Of course, the composition of the ICC is still a fair compromise between States; however, the question of its jurisdiction must be resolved in accordance with the settled norms of international law.

Relevant *opinio juris* and State practice indicate that there is, indeed, customary law delegating universal and territorial jurisdiction to an international court. Universal jurisdiction of the ICC, however, is seemingly barred by the consent of the territorial State is required. In conclusion, the Rome Statute does not seek *per se* to bind third States; rather, the customary international law of delegating territorial jurisdiction, which is codified in the Statute, binds third States.