
Appendix

Overview of the data

I *Diplomacy: analysed conferences and meetings*

DipCon¹

4th plenary meeting (16 June 1998), U.N. Doc. A/CONF.183/SR.4.
5th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.5.
6th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.6.
2nd meeting (16 June 1998), U.N. Doc. A/CONF.183/C.1/SR.2.
3rd meeting (17 June 1998), U.N. Doc. A/CONF.183/C.1/SR.3.
4th meeting (17 June 1998), U.N. Doc. A/CONF.183/C.1/SR.4.
6th meeting (18 June 1998), U.N. Doc. A/CONF.183/C.1/SR.6
7th meeting (18 June 1998), U.N. Doc. A/CONF.183/C.1/SR.7.
8th meeting (19 June 1998), U.N. Doc. A/CONF.183/C.1/SR.8.
9th meeting (22 June 1998), U.N. Doc. A/CONF.183/C.1/SR.9.
10th meeting (22 June 1998), U.N. Doc. A/CONF.183/C.1/SR.10.
26th meeting (8 July 1998), U.N. Doc. A/CONF.183/C.1/SR.26.
29th meeting (9 July 1998), U.N. Doc. A/CONF.183/C.1/SR.29.
32nd meeting (10 July 1998), U.N. Doc. A/CONF.183/C.1/SR.32.
33rd meeting (13 July 1998), U.N. Doc. A/CONF.183/C.1/SR.33.
42nd meeting (17 July 1998), U.N. Doc. A/CONF.183/C.1/SR.42.
9th plenary meeting (17 July 1998), U.N. Doc. A/CONF.183/SR.9.

UN Security Council

'Civilians in armed conflict' (16 September 1999), U.N. Doc. S/PV.4046.
'International tribunal – Yugoslavia' (20 June 2000), U.N. Doc. S/PV.4174.
'United Nations peacekeeping' (12 June 2003), U.N. Doc. S/PV.4772.
'Liberia' (1 August 2003), U.N. Doc. S/PV.4803.
'Justice and the rule of law: the United Nations role' (24 September 2003), U.N. Doc. S/PV.4833.
'Civilians in armed conflict' (9 December 2003), U.N. Doc. S/PV.4877.
'Complex crises and UN response' (28 May 2004), U.N. Doc. S/PV.4980.
'Civilians in armed conflict' (14 June 2004), U.N. Doc. S/PV.4990.
'Justice and the rule of law: the United Nations role' (6 December 2004), U.N. Doc. S/PV.5052.
'Civilians in armed conflict' (14 December 2004), U.N. Doc. S/PV.5100.

'Sudan' (31 March 2005), U.N. Doc. S/PV.5158.

UN General Assembly

(24 September 1997), U.N. Doc. A/52/PV.9.
(8 December 1998), U.N. Doc. A/53/PV.83.
(29 November 1999), U.N. Doc. A/54/PV.64.
(21 November 2000), U.N. Doc. A/55/PV.70.
(13 September 2004), U.N. Doc. A/58/PV.95.
(10 December 2004), U.N. Doc. A/59/PV.70.

UN General Assembly/Sixth Committee (Legal)

(29 October 1996), U.N. Doc. A/C.6/51/SR.26.
(31 October 1996), U.N. Doc. A/C.6/51/SR.28.
(1 November 1996), U.N. Doc. A/C.6/51/SR.29.
(4 November 1996), U.N. Doc. A/C.6/51/SR.31.
(5 November 1996), U.N. Doc. A/C.6/51/SR.32.
(12 November 1996), U.N. Doc. A/C.6/51/SR.38.
(23 October 1997), U.N. Doc. A/C.6/52/SR.14.
(4 November 1998), U.N. Doc. A/C.6/53/SR.9.
(12 December 2000), U.N. Doc. A/C.6/55/SR.9.
(30 November 2004), U.N. Doc. A/C.6/59/SR.27.

II International law: considered journals (1998–2005)

American Journal of International Law (AJIL)
Archiv des Völkerrechts (AVR)
Europäische Grundrechte Zeitschrift (EuGRZ)
European Journal of International Law (EJIL)
*Journal of International Criminal Justice (JICJ)*²
Revue Générale de Droit International Public (RGDIP)
Stanford Journal of International Law (SJIL)
Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (ZaöRV)

III Media: daily newspapers

Germany (search entry: 'international* strafgerichtshof*')

Frankfurter Allgemeine Zeitung
Frankfurter Rundschau
General-Anzeiger (Bonn)
Hamburger Abendblatt
Stuttgarter Zeitung
Süddeutsche Zeitung
tageszeitung
Welt am Sonntag

United Kingdom (search entry: 'international criminal court')

Evening News (Edinburgh)

Financial Times
Guardian
Herald (Glasgow)
Independent
Mirror
Observer
The Times

France (search entry: ‘cour pénale internationale’)

La Croix
Les Echos
Le Figaro
Libération
Le Monde
Sud Ouest

United States (search entry: ‘international criminal court’)

Arkansas Democrat-Gazette
Baltimore Sun
Buffalo News
Chattanooga Times Free Press
Dayton Daily News
Denver Post
Detroit Free Press
Fresno Bee
Herald Sun
Los Angeles Times
Miami Herald
New York Times
Omaha World Herald
Portland Press Herald
Post-Standard
Rocky Mountain News
San Diego Union-Tribune
San Francisco Chronicle
Salt Lake Tribune
Seattle Post-Intelligencer
St. Louis Post-Dispatch
Tampa Tribune
Tulsa World
USA Today
Washington Post
Washington Times

Data collection periods (media)

19–26 July 1998 (Adoption of the Rome Statute)
 30 June–8 July 2002 (Entry into force of Rome Statute)
 12–19 July 2002 (Adoption of Security Council Resolution 1422)
 12–19 June 2003 (Adoption of Security Council Resolution 1487)

15 May–30 June 2004 (Failed renewal of Security Council Resolution 1487)

31 March–6 April 2005 (Adoption of Security Council Resolution 1593)

1 The legalistic discourse

a) *Discursive arena of diplomacy (in chronological order)*

Elizabeth Wilmshurst (UK), UN GA Sixth Committee meeting (31 October 1996), U.N. Doc. A/C.6/51/SR.28, p. 8.

Rolf Welberts (D), UN GA Sixth Committee meeting (1 November 1996), U.N. Doc. A/C.6/51/SR.29, p. 11.

Hartmut Hillgenberg (D), UN GA Sixth Committee meeting (5 November 1996), U.N. Doc. A/C.6/51/SR.32, p. 10.

Sir Franklin Berman (UK), UN GA Sixth Committee meeting (12 November 1996), U.N. Doc. A/C.6/51/SR.38, p. 6.

Klaus Kinkel (D), UN GA meeting (24 September 1997), U.N. Doc. A/52/PV.9, p. 10.

Rolf Welberts (D), UN GA Sixth Committee meeting (23 October 1997), A/C.6./52/SR.14, p. 9.

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Bill Richardson (US) DipCon, 5th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.5, Vol. II, p. 95.

Sir Franklin Berman (UK), DipCon, 6th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.6, Vol. II, p. 98.

Hubert Védrine (F), DipCon, 6th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.6, Vol. II, p. 101.

Hans-Peter Kaul (D), DipCon, 3rd meeting (17 June 1998), U.N. Doc. A/CONF.183/C.1/SR.3, Vol. II, p. 146.

Hans-Peter Kaul (D), DipCon, 7th meeting (18 June 1998), U.N. Doc. A/CONF.183/C.1/SR.7, Vol. II, p. 184.

Marc Perrin de Brichambaut (F), DipCon, 8th meeting (19 June 1998), U.N. Doc. A/CONF.183/C.1/SR.8, Vol. II, p. 189.

Hans-Peter Kaul (D), DipCon, 10th meeting (22 June 1998), U.N. Doc. A/CONF.183/C.1/SR.10, Vol. II, p. 204.

Elizabeth Wilmshurst (UK), DipCon, 2^{9th} meeting (9 July 1998), U.N. Doc. A/CONF.183/C.1/SR.29, Vol. II, p. 295.

Marc Perrin de Brichambaut (F), DipCon, 29th meeting (9 July 1998), U.N. Doc. A/CONF.183/C.1/SR.29, Vol. II, pp. 295–6.

Hans-Peter Kaul (D), DipCon, 29th meeting (9 July 1998), U.N. Doc. A/CONF.183/C.1/SR.29, Vol. II, p. 304.

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Sir Franklin Berman (UK), DipCon, 33rd meeting (13 July 1998), U.N. Doc. A/CONF.183/C.1/SR.33, Vol. II, p. 326.

Nancy Soderberg (US), UN GA meeting (8 December 1998), U.N. Doc. A/53/PV.83, p. 12.

Alain Dejammet (F), UN SC meeting: ‘Civilians in armed conflict’ (16 September 1999), U.N. Doc. S/PV.4046, p. 18.

Sir Jeremy Greenstock (UK), UN SC meeting: ‘Civilians in armed conflict’ (16 September 1999), U.N. Doc. S/PV.4046, p. 16.

Sir Jeremy Greenstock (UK), UN SC meeting: ‘International tribunal – Yugoslavia’ (20

- June 2000), U.N. Doc. S/PV.4174, p. 7.
- François Alabrune (F), UN GA Sixth Committee meeting (12 December 2000), U.N. Doc. A/C.6/55/SR.9, p. 3.
- Michel Duclos (F), UN SC meeting: 'United Nations peacekeeping' (12 June 2003), U.N. Doc. S/PV.4772, p. 24.
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- Gunter Pleuger (D), UN SC meeting: 'Liberia' (1/08/2003), U.N. Doc. S/PV.4803, p. 4.
- Dominique Galouzeau de Villepin (F), UN SC meeting: 'Justice and the rule of law: the United Nations role' (24 September 2003), U.N. Doc. S/PV.4833, pp. 6–7.
- Gunter Pleuger (D), UN SC meeting: 'Justice and the rule of law: The United Nations role' (24 September 2003), U.N. Doc. S/PV.4833, pp. 15–16.
- Michel Duclos (F), UN SC meeting: 'Civilians in armed conflict' (9 December 2003), U.N. Doc. S/PV.4877, p. 20.
- Wolfgang Trautwein (D), UN SC meeting: 'Civilians in armed conflict' (9 December 2003), U.N. Doc. S/PV.4877, p. 25.
- Wolfgang Trautwein (D), UN SC meeting: 'Complex crises and UN response' (28 May 2004), U.N. Doc. S/PV.4980, p. 26.
- Wolfgang Trautwein (D), UN SC meeting: 'Civilians in armed conflicts' (14 June 2004), U.N. Doc. S/PV.4990, pp. 23–4.
- Gunter Pleuger (D), UN SC meeting: 'Justice and the rule of law: the United Nations role' (6 October 2004), U.N. Doc. S/PV.5052, p. 8.
- Jean-Marc De La Sablière (F), UN SC meeting: 'Justice and the rule of law: The United Nations role', (6 October 2004), U.N. Doc. S/PV.5052, pp. 20–1.
- Jean-Marc De La Sablière (F), UN SC meeting: 'Civilians in armed conflict' (14 December 2004), U.N. Doc. S/PV.5100, pp. 13–14.
- Sir Emyr Jones Parry (UK), UN SC meeting: 'Civilians in armed conflict' (14 December 2004), U.N. Doc. S/PV.5100, p. 17.
- Gunter Pleuger (D), UN SC meeting: 'Civilians in armed conflict', (14 December 2004), U.N. Doc. S/PV.5100, p. 18.
- Jean-Marc De La Sablière (F), UN SC meeting: 'Sudan' (31 March 2005), U.N. Doc. S/PV.5158, p. 8.
- Sir Emyr Jones Parry (UK), UN SC meeting: 'Sudan' (31 March 2005), U.N. Doc. S/PV.5158, p. 7.

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- Blanke, Hermann-Josef and Claus Molitor (2001) 'Der Internationale Strafgerichtshof', *AVR* 39, 142–69.
- Carrillo-Salcedo, Juan-Antonio (1999) 'La cour pénale internationale: l'humanité trouve une place dans le droit international', *RGDIP* 103:1, 23–8.
- Cassese, Antonio (1999) 'The statute of the International Criminal Court: some preliminary reflections', *EJIL* 10:1, 144–71.
- Charney, Jonathan I. (1999) 'Progress in international criminal law?', *AJIL* 93:2, 452–64.
- Condorelli, Luigi (1999) 'La Cour pénale internationale. Un pas géant (pourvu qu'il soit accompli...)', *RGDIP* 103:1, 7–21.
- Hafner, Gerhard, Kristen Boon, Anne Rbesame and Jonathan Huston (1999) 'A response to the American view as presented by Ruth Wedgwood', *EJIL* 10:1, 108–23.
- Heselhaus, Sebastian (2002) 'Resolution 1422 (2002) des Sicherheitsrates zur Begrenzung der Tätigkeit des Internationalen Strafgerichtshofs', *ZaöRV* 62, 907–40.

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- Zimmermann, Andreas (1998) 'Die Schaffung eines ständigen Internationalen Strafgerichtshofs. Perspektiven und Probleme vor der Staatenkonferenz in Rom', *ZaöRV* 58, 47–108.

c) *Discursive arena of the media (in chronological order)*

- Anthony Lewis, 'U.S. denied its heritage in failing to embrace world court', *St. Louis Post-Dispatch* (21 July 1998).
- Kenneth Roth, 'Human rights, American wrongs: Europe must resist the US obduracy that is threatening to undermine the International Criminal Court', *Financial Times* (1 July 2002).
- 'Justice for all at the ICC', *Financial Times* (2 July 2002).
- 'L'Amérique, la justice et la paix', *Les Echos* (2 July 2002).
- Paul Meunier, 'La Cour sans les grands', *Sud Ouest* (2 July 2002).
- 'For the sake of justice, US should rethink its objection to international court', *Herald* (2 July 2002).
- 'Contempt for the law', *San Francisco Chronicle* (2 July 2002).
- Christian Semler, 'Wider die Logik der Erpresser', *tageszeitung* (5 July 2002).
- Erich Rathfelder, 'Bosnien braucht Europa. Die USA gefährden mit ihrem Verhalten den Frieden auf dem Balkan', *tageszeitung* (5 July 2002).
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- Bassir Pour Afsane, 'Le débat à l'ONU sur la Cour pénale internationale confirme l'isolement des Etats-Unis. Un troisième proposition de compromis, présentée par les Américains, maintient l'exigence d'un régime d'exemption général pour leurs GP', *Le Monde* (12 July 2002).
- Franz-Josef Hutsch, 'Recht des Stärkeren statt Stärke des Rechts', *Hamburger Abendblatt* (15 July 2002).
- Stefan Ulrich, 'Der amerikanische Verrat', *Süddeutsche Zeitung* (15 July 2002).
- Andreas Zumach, 'Keine Spur von Europas Stärke', *tageszeitung* (15 July 2002).
- Cokie and Steven Roberts, 'A double standard can bite you back', *Tulsa World* (16 July 2002).
- Terry Olson, 'Une défense de la Cour pénale internationale', *Le Figaro* (19 July 2002).
- Andreas Zumach, 'Erpressung lohnt sich. Internationales Strafgericht: Bundesregierung knickt ein', *tageszeitung* (14 June 2003).
- Steve Crawshaw, 'Why the US needs this court contempt for justice: America's rejection of the International Criminal Court is a threat to its own security', *Observer* (15 June

2003).

Clare Short, 'What's next on the horizon for UN?', *Evening News* (16 June 2003).

William Bourdon, 'La par belle aux bourreaux. La justice pénale internationale est minée par les pays décideurs qui œuvrent pour leur impunité', *Libération* (11 June 2004).

Steve Crawshaw and Richard Dicker, 'Britain's flawed position on the global court', *Financial Times* (22 June 2004).

Jean-Christophe Ploquin, 'Soudan. Darfour. Difficile justice', *La Croix* (1 April 2005).

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Bernd Pickert, 'Für Darfur reicht der Fortschritt nicht. Sicherheitsrat bricht US-Widerstand gegen Strafgerichtshof', *tageszeitung* (1 April 2005).

Matthias Rüb: 'In der Substanz unverändert. Washington läßt dennoch die UN-Resolution zu Darfur passieren', *Frankfurter Allgemeine Zeitung* (2 April 2005).

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2 The interventionist discourse

a) *Discursive arena of diplomacy (in chronological order)*

François Legal (F), UN GA Sixth Committee meeting (29 October 1996), U.N. Doc. A/C.6/51/SR.26, p. 10.

David J. Scheffer (US), UN GA Sixth Committee meeting (31 October 1996), U.N. Doc. A/C.6/51/SR.28, p. 11.

Marc Perrin de Brichambaut (F), UN GA Sixth Committee meeting (4 November 1996), U.N. Doc. A/C.6/51/SR.31, p. 7.

Clive Crook (US), UN GA Sixth Committee meeting (5 November 1996), U.N. Doc. A/C.6/51/SR.32, p. 4.

Damien Loras (F), UN GA Sixth Committee meeting (23 October 1997), U.N. Doc. A/C.6/52/SR.14, p. 3.

Bill Richardson (US), UN GA Sixth Committee meeting (23 February 1998), U.N. Doc. A/C.6/52/SR.13, p. 5.

Béatrice le Frapper du Hellen (F), DipCon, 2nd meeting (16 June 1998), U.N. Doc. A/CONF.183/C.1/SR.2, Vol. II, p. 141.

Bill Richardson (US), DipCon, 5th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.5, Vol. II, p. 95.

Hubert Védrine (F), DipCon, 6th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.6, Vol. II, p. 101.

François Alabrune (F), DipCon, 6th meeting (18 June 1998), U.N. Doc. A/CONF.183/C.1/SR.6, Vol. II, p. 177.

Elizabeth Wilmshurst (UK), DipCon, 6th meeting (18 June 1998), U.N. Doc. A/CONF.183/C.1/SR.6, Vol. II, p. 177.

Marc Perrin de Brichambaut (F), DipCon, 29th meeting (9 July 1998), U.N. Doc. A/CONF.183/C.1/SR.29, Vol. II, p. 296.

David J. Scheffer (US), DipCon, 29th meeting (9 July 1998), U.N. Doc. A/CONF.183/C.1/SR.29, Vol. II, p. 297.

David J. Scheffer (US), DipCon, 9th plenary meeting (17 July 1998), U.N. Doc. A/CONF.183/SR.9, Vol. II, p. 126.

David J. Scheffer (US), UN GA Sixth Committee meeting (4 November 1998), U.N. Doc.

- A/C.6/53/SR.9, p. 8.
- Richard Holbrooke (US), UN SC meeting 'Civilians in armed conflict' (16 September 1999), U.N. Doc. S/PV.4046, pp. 13–14.
- David J. Scheffer (US), UN GA Sixth Committee meeting (12 December 2000), U.N. Doc. A/C.6/55/SR.9, p. 5.
- James Cunningham (US), UN SC meeting 'United Nations peacekeeping' (12 June 2003), U.N. Doc. S/PV.4772, p. 23.
- Gunter Pleuger (D), UN SC meeting 'Liberia' (1 August 2003), U.N. Doc. S/PV.4803, p. 4.
- John D. Negroponte (US), UN SC meeting 'Liberia' (1 August 2003), U.N. Doc. S/PV.4803, p. 5.
- James Cunningham (US), UN SC meeting 'Justice and the rule of law: The United Nations role' (24 September 2003), U.N. Doc. S/PV.4833, p. 20.
- John C. Danforth (US), UN SC meeting 'Justice and the rule of law: The United Nations role' (6 October 2004), U.N. Doc. S/PV.5052, p. 18.
- Eric Rosand (US), UN GA Sixth Committee meeting (30 November 2004), U.N. Doc. A/C.6/59/SR.27, p. 2.
- Stuart Holliday (US), UN SC meeting 'Civilians in armed conflict' (14 December 2004), U.N. Doc. S/PV.5100, p. 20.
- Anne W. Patterson (US), UN SC meeting 'Sudan' (31 March 2005), U.N. Doc. S/PV. 5158, p. 3.

Additional material (in alphabetical order)

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3 The sovereigntist discourse

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- Damien Loras (F), UN GA Sixth Committee meeting (23 October 1997), U.N. Doc. A/C.6/52/SR.14, p. 3.
- Bill Richardson (US), DipCon, 5th plenary meeting (17 June 1998), U.N. Doc. A/CONF.183/SR.5, Vol. II, p. 95.
- Jamison S. Borek (US), DipCon, 3rd meeting (17 June 1998), U.N. Doc. A/CONF.183/C.1/SR.3, Vol. II, p. 152.
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- David J. Scheffer (US), DipCon, 4th meeting (17 June 1998), U.N. Doc. A/CONF.183/C.1/SR.4, Vol. II, p. 159.
- François Alabrune (F), DipCon, 5th meeting (18 June 1998), U.N. Doc. A/CONF.183/C.1/SR.5, Vol. II, p. 164.
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Appendix

b) *Discursive arena of international legal experts*

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Notes

- 1 I only analysed those meetings that have been attended by delegates from the four countries under consideration.
- 2 The first volume of this journal was published in 2003.