

Explanation of Position – Crimes Against Humanity

(Final 19 November 2020)

Mr. Chair,

I am delivering this explanation of position on behalf of Austria, Denmark, Finland, France, Germany, Iceland, Lebanon, Norway, Portugal, Sierra Leona, Slovakia, Switzerland, Sweden, and my own country Mexico.

At the outset, allow us to thank the co-facilitators of the resolution on crimes against humanity for their work and for trying to stir our negotiations forward.

It is unfortunate that, despite constructive attempts to advance this topic, we ended up with what some consider a technical rollover. However, we believe that this qualification for the text we adopted is erroneous and misleading.

The fact that no reference is made in the text to the challenges faced by the COVID19 pandemic and to the way in which these circumstances prevented us from having a deeper and substantive negotiation on the topic, especially when delegations were ready to put forward proposals in that direction, give the false impression that the Sixth Committee indeed fully discussed for a second year in a row the recommendations of the ILC with no concrete result.

Furthermore, this resolution, being the second adopted under this agenda item in the exact same terms as the one of the 74th session, suggests that we run the risk – as it has been the case with other ILC products in the past – of getting caught in a cycle of consideration and postponement of the articles without concrete action, which in our view may undermine the relationship between the General Assembly and the ILC.

It is for these reasons that, at the end of our consultation process, we also considered the possibility of deferring this agenda item rather than the approach taken of a technical rollover.

We trust, however, that we will be able to revisit this agenda item with a constructive and flexible approach in order to break this inertia and to take collective decisions that would allow us to move forward into the definition of a process to consider the recommendations of the ILC, under terms that will be agreeable to all delegations.

We are hopeful that the time we have had for examining the draft articles on the prevention and punishment of crimes against humanity since their adoption by the ILC, together with the intersessional period ahead of their consideration at next session of the Sixth Committee, will prove to be enough for delegations to be ready and willing to engage in meaningful and fruitful discussions on this topic.

Be assured that our delegations will stand ready, as always, to engage in an open and transparent manner with all Member States to advance on this agenda item, proving that the Sixth Committee can deliver good results based on the high-quality products elaborated by the ILC.

Thank you.