

Nordic statement at UNGA Sixth Committee resumed session on crimes against humanity, 78th Session of the UN General Assembly, United Nations, 1-5 and 11 April 2024, Cluster 1

Mme/Mr Chair,

I have the honour to speak on behalf of the five Nordic countries, Denmark, Finland, Iceland, Norway – and my own country, Sweden.

We would like to take this opportunity to thank the members of the Bureau, the Secretariat, and our co-facilitators for the hard work put into preparing this important second exchange of views on the Draft articles on Prevention and Punishment of Crimes Against Humanity prepared by the International Law Commission.

The Nordic countries are committed to ensuring that our deliberations in the coming days will be inclusive and constructive. Let us build on the progress made last year and seize this opportunity to move forward towards a highly needed convention.

Mme/Mr Chair,

The Nordic countries remain of the opinion that the lack of a dedicated convention on crimes against humanity constitutes a gap in the international treaty framework. While crimes against humanity are already clearly prohibited under international law, the absence of a treaty undermines the effective prevention and punishment of these horrendous crimes.

Therefore, the Nordic countries continue to steadfastly support the recommendation by the ILC to elaborate a convention on crimes against humanity, and we remain of the view that the draft articles constitute an excellent basis for such negotiations.

Mme/Mr Chair,

The Nordic countries refer to our previous comments made in statements in the Sixth Committee and our written submissions to the ILC and to the Secretary-General and wish to emphasize a few points as regards the *preamble* and *draft article 1*.

As previously stated, we consider that the preambular paragraph provides a balanced conceptual framework for the draft articles, usefully setting out the general context in which they were elaborated and their main purposes.

The preamble rightly starts off by recognizing the horror caused by crimes against humanity and the threat such crimes have posed and continue to pose to us all. It stresses the link between the pursuit of criminal justice and the maintenance of peace and security, recalls that the prohibition of crimes against humanity is a peremptory norm of general international law and affirms that the prevention and punishment of crimes against humanity are of concern to the international community as a whole.

Mme/Mr Chair,

The Nordic countries reiterate our support for the ILC's decision to use the Rome Statute definition as the material basis for the definition of crimes against humanity, and the reference hereto in the preamble. We have taken note of the concern of some delegations that this could impair States' acceptance of a future convention, as the Rome Statute does not enjoy universal adherence. In our view, this definition constitutes an appropriate starting point for future negotiations as it constitutes the most recent codified definition of crimes against humanity, enjoying broad international support, extending beyond the 124 States Parties to the Rome Statute.

We also wish to recall that no State would have to become a Party to the Rome Statute to join a future convention on the prevention and punishment of crimes against humanity. A future convention would address the horizontal relations between States, whereas the Rome Statute addresses the vertical relations between the International Criminal Court and the States Parties. The jurisdiction of the court is complementary to national criminal jurisdictions and, as recognized in the preamble of the ILC draft, it is the duty of every State to exercise its criminal jurisdiction with respect to crimes against humanity.

As highlighted in the preamble, the effective prosecution of crimes against humanity must indeed be ensured by taking measures at the national level and by enhancing international cooperation, including with respect to extradition and mutual legal assistance. The elaboration of a convention, based on the articles, would be an essential step to this end.

Mme/Mr Chair,

The Nordic countries consider that Article 1 contributes to legal clarity and certainty as regards the scope of the articles. The provision clarifies that the draft articles have two overall mutually reinforcing objectives: the prevention and the punishment of crimes against humanity.

As provided for in ILC's commentaries to Article 1, States would remain bound at all times by their obligations under other rules of international law, including customary international law.

To conclude, Mr./Madam Chair, we consider that the preamble and draft article 1 constitute a good basis for the negotiation of a future convention, and we stand ready to engage further.

Thank you.