

STATEMENT of the Kingdom of Morocco on Preamble and Cluster 1 -

6th COMMITTEE RESUMED SESSION OF THE 78th SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY, 01st APRIL, 2024

Mr. Chair,

I would like to thank on behalf of my country, the Secretariat and the Bureau members for organizing this resumed session. I also would like to commend the valuable efforts of ILC in preparing the draft articles on Crimes against Humanity.

My delegation aligns itself with the statements made by the African and Arab Groups.

In addition to the observations and remarks submitted by my delegation previously on the draft articles, I would like to make the following additional remarks on the Preamble.

The preamble does not specify the limit of States' obligations in light of other international instruments. Therefore, it is recommended:

(1) to define at the level of the preamble, the relationship between the draft articles on the one hand, and the international instruments relating to international humanitarian law and international human rights law on the other hand.

(2) to specify the limits of States' obligations as set out in other instruments relating to international humanitarian law (such as the Geneva Conventions of 1984, the 2 Protocols to the Geneva Conventions, the Rome Statute, customary rules of International Humanitarian Law, the International Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women) in particular for provisions which could be contradictory or present overlaps in terms of protection or liability.

(3) to include provisions on protection of children, women, prisoners and refugees.

Mr Chair,

Without prejudging the position of the Kingdom of Morocco on the draft articles on this vital and important topic of Crimes against Humanity, to which we attach crucial interest, the reference in the preamble to peremptory norms of general international law is not, as matter of fact, subject of consensus given the divergences of views which marked strongly the debate on the jus cogens resolution.

My delegation adds its voice to the numerous other delegations which consider that the Preamble to the Draft Articles should enshrine the principles of the

United Nations Charter relating to the sovereign equality, territorial integrity and non-interference in the internal affairs of States.

At the end, I would like to emphasize that the Kingdom of Morocco engages in these discussions in a positive and open spirit in order to contribute to bridging the gaps and hopefully advancing on this important process.

I thank you.