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**STATEMENT BY THE DELEGATION OF NAMIBIA
BEFORE THE THIRD COMMITTEE UNDER
AGENDA ITEM CRIMES AGAINST HUMANITY**

NEW YORK

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Mr Chair,

1. I wish to take this opportunity to extend my warm congratulations to you and the members of the bureau on your elections. We assure you of our full support as you steer the important work of the Committee during this Session. In the same vein, allow me to commend the International Law Commission for their work on the draft articles on crimes against humanity. Indeed, a world free of heinous crimes is a better place for human beings. Thus, the codification would enable the international community to respond effectively to crimes against humanity and their associated egregious violation of human rights.

2. While my remarks are aligned with a statement delivered by Uganda, on behalf of the African Group, I take this opportunity to add the following in my national capacity.

Mr Chair

3. International Law has several clearly determined parameters. The onerous responsibility to prevent crimes against humanity is one such. Despite this, we find ourselves in the depth of moral dearth, unable to universally, consistently and resolutely hold to task those in violation of international law. The systems, processes and institutions established for this purpose are disregarded and impunity is consistently allowed to reign supreme.

4. For the colonised people, modernity came into existence through three centuries of imperial subjugation, slavery, rape, colonial domination, exploitation, and global imperialism. Those painful periods disrupted traditional ways of life in colonized societies, including social norms. For example, in the context of institutionalized forceful settlement of the colonisers, black people lived alongside white people, but in a relationship characterized by racial subordination and separate development, or apartheid. It

may be recalled that in 1973 the UN General Assembly adopted the Convention on the Suppression and Punishment of the Crime of Apartheid, which designated apartheid as a crime against humanity. The Rome Statute of the International Criminal Court lists apartheid as one of the 11 distinct crimes against humanity

5. The crime of apartheid was mainly committed in South Africa and in Namibia, however, its vestiges, remain visible and have transformed to birth further mass atrocities, most nascently in the occupied Palestinian Territory. Despite a legal instrument in place, and two indictments in recent years, the crime of apartheid has not resulted in a single conviction – giving an impression of a crime with victims but no perpetrators. This begs the question: “What are the legal challenges to prosecuting modern day apartheid as a crime against humanity?”.

6. In addressing the legal challenges to prosecute apartheid, credence can be given to the commitment to avert this disgraceful form of entrenched segregation and “othering”.

7. The above framing is important as it aptly situates selectivity in how some crimes against humanity in the present draft articles have gained popularity while others are neglected, including the already codified crimes of apartheid. We thus call for an international justice system that is not instrumentalised as a means of settling political scores or one that creates hierarchies, shielding friends while pursuing foes.

Mr. Chair,

8. My delegation welcomes the provisions that respect the principle of sovereignty of states. In the same

manner the guardrails of international human rights law guarantee people individual rights, we regard sovereignty as an inalienable individual right of states, in line with the principles of the UN Charter. Furthermore, in terms of collective rights, the guarantee is provided for under international human rights law for the right to self-determination, under Article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Right. These rights must remain guarded for it is the sovereign right of every country to decide its own legal and political systems, given our unique history, legal traditions and national circumstances. Similarly, prolonged occupation of a territory by a foreign country and the associated injustices can intentionally cause great suffering including mental and physical harm, and that, too, deserves the attention of the Commission.

9. As we evaluate other inhumane acts of a similar character intentionally causing great suffering, or serious injury to

body, mental or physical health, my delegation asserts for the consideration of unilateral coercive measures which have been proven to adversely impact the full enjoyment of human rights, particularly the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and necessary social services. Since the Commission is being innovative, we invite their investigation of the effects of coercive measures which are not considered in the draft articles.

10. We believe that the submissions we are making are part of the evolving scope and understanding of crimes against humanity that the Commission should also consider. Therefore, reaching a consensus on issues to be included or excluded in the draft articles should be the basis for us to move forward.