

Explanation of position

before the adoption of the resolution on crimes against humanity

Mr./Madam Chair,

I have the honour to deliver this explanation of position on behalf the European Union and its Member States, Albania, Argentina, Canada, Costa Rica, Ecuador, Georgia, Guatemala, Honduras, Iceland, Jordan, Lebanon, Liechtenstein, Montenegro, New Zealand, Norway, Peru, the Republic of Korea, the Republic of Moldova, Switzerland and Ukraine.

Let me start by thanking the co-facilitators of the resolution on crimes against humanity for their tremendous work and effort to move our discussions forward.

Mr./Madam Chair,

Crimes against humanity are the only atrocity crime not regulated by an international convention, unlike genocide and war crimes. The absence of a convention has real-world consequences for the victims of crimes against humanity. As underlined by almost all delegations in the plenary debate on this topic, there is indeed a gap in the current international treaty framework on the prevention and criminalization of such crimes. This is a gap that the international community must address without delay.

We hoped that the debate in this 76th session would lead to the establishment of a procedural pathway to examine the draft articles and the recommendation of the ILC. We regret that the sixth committee failed, once again, to seize this vital opportunity to make tangible progress on this critical matter.

Make no mistake: there are no winners with this outcome. This missed opportunity cost time and effort. However, above all, the lack of progress on this matter has a cost in real-life human suffering and in the international community's ability to act and put in place the necessary measures to address it.

On our side, we worked hard to bring about progress. During negotiations, we remained constructive at all times, and demonstrated flexibility, stretching our limits in an attempt to

reach a compromise by consensus. We were clearly not alone in this approach and thank those delegations that made substantial efforts in this regard.

Mr./Madam Chair,

Opposition to creating a dedicated platform to allow time and space to discuss issues of substance on the ILC draft articles goes against the spirit of the United Nations. It is truly incomprehensible that consensus is being used to prevent the opening of a formal, structured, inclusive dialogue, which is meant to further the understanding of the Member States' positions and iron out differences. As the world watches us, the resolution we are adopting today - which signals inaction and unwillingness to move beyond taking note of the draft articles for the third consecutive year - not only falls short of capturing the views of the majority of those represented here today, but also falls short of the responsibility this Committee has under the UN Charter. As last Friday's elections showed, the ILC's membership, and with that its work as well, is representative of the broader legal traditions not limited to certain regions of the world.

We are hopeful that we will make progress on this matter within the sixth committee next year. The ability of the sixth committee to follow up on the work of the ILC is a key element of our credibility.

Mr./Madam Chair,

There is a broad willingness among States to move forward towards the elaboration of a convention. We hope that next year will bring a fresh window of opportunity to discuss this matter, and to make concrete progress, which will be to the benefit of all. We hope it will bring an opportunity for a reset, which is key in order for the General Assembly to effectively carry out its mandate under the UN Charter with regard to the codification and progressive development of international law.

I thank you.