



## UNITED STATES MISSION TO THE UNITED NATIONS

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**Explanation of Position**  
**Agenda Item 83: Crimes Against Humanity**  
**United States of America**  
**November 18, 2021**  
**New York**

Thank you Madame Chair.

Seventy-five years after the Nuremberg trials, there is no dedicated multilateral treaty on the prevention and punishment of crimes against humanity. By contrast, the prevention and punishment of genocide and war crimes are the subjects of widely-ratified multilateral treaties, which have made a significant contribution to the development of international law. The absence of such a treaty addressing crimes against humanity has left a hole in the international legal framework – and it is one we strongly believe should be addressed.

The International Law Commission’s final draft articles on the prevention and punishment of crimes against humanity are an important step in this regard. We recognize that States have a range of views on the final draft articles and the way forward. Indeed, the United States believes that notwithstanding their many merits, the draft articles can and should be modified in certain, key respects. We also believe, however, that the method by which to address such concerns is through meaningful dialogue. The United States supports the establishment of a structured process by which to exchange substantive views on the draft articles. Such a process would be fully consistent with past practice.

About past practices, it is well known that the Sixth Committee has a long tradition of consensus-based decision making. In our view, the success of that practice is based upon an implicit understanding – that our working methods are driven by engagement and inclusiveness,

not by absolutism. It is incumbent upon us to engage rigorously; to speak in a manner that is internally consistent; to advance arguments that are grounded in fact; to treat words seriously.

Allowing for a meaningful discussion of these articles should be our shared goal. We hope that next year will allow us another window of opportunity to make progress. We look forward to engaging with that objective in mind.