

Statement by Ms. Miyoung Song, Director of the Treaties Division, Ministry of Foreign Affairs of the Republic of Korea
Resumption of 78th Session of General Assembly, Sixth Committee (Agenda: Crimes against Humanity), Cluster 1
New York, 1 April 2024

Cluster 1: Introductory Provisions (Preamble and Article 1)

Thank you, Mr./Madam Chair,

As this is the first occasion the Republic of Korea has taken the floor during this resumed session, we wish to express our sincere gratitude to the Chairs, members of the Bureau, and the Secretariat for their diligent and passionate efforts in organizing this pivotal session. We particularly value the dissemination of the document outlining "possible issues for further discussion." This serves an invaluable resource, guiding our focus towards specific areas of importance and facilitating a more targeted and productive dialogue.

We would like to offer a few observations on the Preamble and draft Article 1. Concerning the Preamble, our delegation is generally content with its current structure, composition and wording. We recognized with satisfaction that the language employed in the Preamble is commonly found in multilateral treaties addressing the most serious crimes, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and

the Rome Statute. Thus, we consider the Preamble a solid conceptual foundation for the draft Articles, effectively setting a precedent for addressing crimes against humanity within a legal framework.

As highlighted in the eighth preambular paragraph, our delegation supports the emphasis on the importance of States' duty to exercise jurisdiction, as they bear primary responsibility for investigating and prosecuting crimes against humanity. It is imperative that the most serious crimes including crimes against humanity should not go unpunished. We believe the Preamble effectively outlines the inception, focus, and intended direction of the draft Articles.

Regarding draft Article 1, we generally support draft Article 1 as it is, and have a comment on the question of whether or not to include a provision on territorial scope. Our delegation believes that the phrase "in the territory", which is included in several of the draft articles, suffices when referring to geographical scope. It is noteworthy that many bilateral treaties and multilateral conventions do not explicitly include provisions on territorial scope nor on the definition of territory. Consequently, we find that a standalone provision may not be required. Instead, we concur with the approach of addressing territorial scope in the relevant individual articles.

I thank you.

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