



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS

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Statement

By

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Nations**

On

**Crimes Against Humanity
CLUSTER 2: Definition and General Obligations
(Articles 2, 3 & 4)**

April 2, 2024

CLUSTER 2

Draft Article 2

Definition of Crimes Against Humanity - para 1(h)

1. As a signatory to the Rome Statute my delegation welcomes the modeling of Article 2 of the future convention on crime against humanity after article 7 of the Rome Statute, however my delegation continues to raise concern over the narrative on the definition of “gender” as contained in article 7(h) of the Rome Statute which was further clarified in paragraph 3 of the article 7 and according to the conspiracy theory that it has become obsolete and outdated. On more clarity and moving forward with this discussion, my delegation strongly support and agree that we should bring into perspective the thinking of the drafters of the Statute on why they decided to include Article 7(3) in the Statute.

2. In addition, my delegation does not agree with the recommendation on the Decision of the Commission to delete Article 7(3) of the Rome Statute, purportedly suggested on the grounds that it is outdated. My delegation wishes to strongly debunk the notion that the Commission took the decision to delete Article 7(3) of the Rome Statute based on “an overwhelming number of submissions requested the Commission to delete it on the basis that this definition was now outdated”. We wish to request from the Commission the rational and parameter or the percentage that was used which constituted an overwhelming number. We have the list of states who made written comments or observations since 2015 till date and as captured in para. 2 of the Secretary-General’s report on the list of

states, excluding the list of others who do not constitute part of this discussion, does not suggest an overwhelming number to have convinced the Commission to delete the definition contained in Article 7(3) of the Rome Statute. Crimes Against Humanity, as codified in the founding Statutes of the International Criminal Tribunals and International laws, should be respected, and implemented.

3. My delegation continue to call for transparency and openness in this process, the Commission and the Secretariat should abide by the General Assembly decisions of Resolution 77/247 of 30th December 2022 to take into consideration, in addition to the written comments and observations of Governments, the views expressed in the discussions, including national statements which also represent the views of governments at both the seventy-seventh and seventy-eighth sessions as well as the written summary with regard taking any decision in the future convention or other appropriate action.

Draft article 2(1)

4. The Africa Protocol on amendments to the protocol on the statute of the Africa Court of Justice and Human Right defines Crime Against Humanity to mean any of the following acts when committed as part of “widespread or systematic attack or enterprise directed against any civilian population with the knowledge of the attack or enterprise. For the purpose above, “attack” directed against any civilian population. (Article 28C)

5. On draft article 2(1) my delegation supports the African Group position to include slavery, slave trade as crime against humanity. We all recall the evil of slavery and slave trade and the structural and

institutional consequences which continues to affect the African continent and the people of African descent as well as other peoples affected by the heinous, inhuman acts perpetuated in the history of humankind. These crimes including the dreaded experience of colonialism and exploitation of natural resources were not captured in either the Convention on War crimes or Genocide, but this is a great opportunity to re-write Africa's painful and dark stories. History will never forgive us to forget again not to include these crimes in the Convention on Crimes Against Humanity. My delegation is therefore expanding the scope of the request to demand the inclusion of "colonialism" and "exploitation of mineral resources" as crimes against humanity.

6. The African position is clear as contained in the African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986: [excerpts] . . . "to eradicate all forms of colonialism from Africa having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;" Colonialism in Africa came with massive exploitation of natural resources in addition to the brutal experience of slavery and slave-trade. Africa's poor performance today can be explained by its history characterized by over 400 years of slave raiding on the continent. Africa's genius of strong men and women including children were brutally taking away as slaves to build and develop the west and the others under very severe inhuman conditions, depriving them of their human dignity, freedom, and identity. This is indeed the highest form

of crime of man against mankind. The devastating impact of slavery and slave trade cannot be quantified and it is unexplainable.

7. In addition to the loss of human resources which has generational consequences for the African region, is the massive exploitation of the natural and mineral resources with the devastating impact on the environment. The colonizers again exploited the resource of the slaves in addition to the slave's labour to develop their countries. Is this not the greatest crime ever against humanity. I call on like-minded especially Africans to support the call to hold the perpetrators accountable for such crimes and to demand justice for those slaves who endured and died during slavery and slave-trade.

8. During the commemoration to mark the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, the President of the General Assembly, Mr. Dennis Francis stated " to reflect and remember the tens of millions of enslaved Africans who were trafficked and sold into bondage and in their memory, we still feel the painful brutality they endured in their struggle for freedom, he underscored the urgent need for accountability and reparations". The people of the African descent are the only race that have not been given compensation or reparations on the heinous and inhuman acts committed on the continent and its people.

9. The legacy of slave trade, slavery, colonialism and exploitation of resources and its effects are still visible and continue to undermine efforts to bring transformation and sustainable development to the continent and its peoples. The colonialists saw new territories as

places with unlimited resources to exploit, with little consideration for the long-term impacts leaving the region to deal with the effects of the past destruction of the environment. In agreement with Article 28L Bis (f) of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, it is considered an “illicit exploitation of natural resources” to exploit natural resources “without complying with norms related to the protection of the environment and the security of the people and staff.”

10. The nutrients of the lands are lost because of exploitation depriving farmers of their farmlands, impacting on food production, and increasing poverty, unemployment, and insecurity in the region. In accordance with the 2016 UNEP-Interpol Rapid Response Assessment, these “environmental crimes” may include, but are not limited to: Deforestation, Pollution: Contamination and Illicit exploitation of natural resources: The unauthorized extraction, exploitation, or depletion of natural resources, including minerals, fossil fuels, and wildlife, resulting in severe environmental degradation.

11. The human cost of the diamond trade in West and Southern Africa is relatively well-known, however less is known about the devastating effects on the environment because of the stripping of resources. The oil spill is very visible in Niger region of Nigeria and has contaminated farmland and rivers, upending livelihoods in the fishing and farming communities and the community has long endured the environmental pollution caused by the oil companies of the west. The International Community is pretending not to know

what is happening in the Democratic Republic of the Congo which has a long-time environment consequences. There has never been any concrete discussion around the plundering of the resources in the Congo, only on the conflicts because everybody is in the pool. The exploitation of natural resources with the consequences should be criminalized and be included as Crime Against humanity.

12. Africa has always been known for its rich heritage and cultural values, while the African region was known by the colonisers and they continue to propagate negative narrative that Africa region is a dark continent, the region has valuable cultural artefacts that were plundered during colonialism. African have long demanded the repatriation of these historical relics, however they are still been displayed in some museums abroad and generating huge revenue for their economies while the original owners are languishing in poverty and economic instability. Africa has been the richest region in the world with an abundance of natural resources, yet the poorest economically, the west enriched itself while systematically underdeveloped the African continent.

13. The west must right the wrongs and pay back reparations or compensation as well as repatriations of plundered cultural artefacts. It is not possible to achieve political stability without economic stability, the demand for reparations is reasonable to address the economic deficits created by colonialism and slavery and slave trade. The legacy of slave trading and including colonialism negatively pervades almost all aspects of African development manifesting in the security challenges in the continent. The several financial aids, support and assistance in different forms should not be construed as

payments, it should be explicit. The future convention on crime against humanity should address and ensure the payment of reparations for devastating impacts of crimes to its victims and to humanity at large.

14. Mr. Chair with the new scramble for Africa including the new players and the desperate need for Africa's resources, history should not repeat itself, my delegation welcomes this convention on the prevention and punishment of Crime Against humanity and in order safeguard against preparators and to hold those accountable to justice. My delegation therefore calls for the inclusion of colonialism, slavery, slave-trade, and illicit exploitation of resources as crimes against humanity that was not captured in either the Convention on Torture or Genocide or other conventions and in light of the unfolding situation in Gaza.

CLUSTER 2

Articles – 3
General obligations

- i. My delegation supports linking article 3 (1) to the national obligations of the state responsible for the prevention of crime.
- ii. My delegation does not agree to retain the qualifiers in Article 3(2-3), we must respect the principle of non – interference and it appears to target certain groups.
- iii. My delegation joins others to call for the aspect of the principle of non-interference as contained in the United Nation Charter

to be referenced in draft Article 3 of the future convention to safeguard any attempt.

Draft Article – 4
Obligation of prevention

My delegation does not accept the inclusion of other organizations as mentioned in 4(b), to the future convention on Crime Against humanity. Cooperation does not mean the organization should take on the obligation and responsibility of the state to prevent under its legal legislation. It is the duty of the assisting state to stop abetting or assisting through financing or other supports of assistance as contained in Article 25(3) for such crimes against humanity and the country involved should be held accountable.

I thank you.