

Thank you Mr. Chair.

Portugal aligns itself with the statement delivered by the EU and Timor Leste, of behalf of the Community of Portuguese Speaking Countries, and wishes to make some additional remarks in its national capacity.

The position of Portugal regarding this particular issue has been made clear during our discussions over the years and reiterated already during this resumed session. We maintain our belief that it is imperative for States to follow the recommendation of the International Law Commission and initiate a structured process towards negotiating and adopting a convention on CaH, on the basis of the Draft Articles put forward by the ILC.

Let me recall why we believe it's imperative and urgent to do so. I could go back to our previous statements or quote from what many delegations said earlier today (and, among others, my colleagues from the EU, Bolivia, Timor, Australia and Mexico eloquently clarified the nature and purpose of this exercise). But let me draw instead from the ILC, a body we established to undertake the mandate of the GA under the UN Charter for encouraging the progressive development of international law and its codification and for assisting member states in international law-making. And so I'll quote from the commentaries to the draft articles, which summarizes what many have said: "Three crimes typically have featured in the jurisdiction of international criminal courts and tribunals: genocide, crimes against humanity and war crimes. The crime of genocide and war crimes are the subject of global conventions that require States within their national law to prevent and punish such crimes, and to cooperate among themselves toward those ends. By contrast, there is no

global convention dedicated to preventing and punishing crimes against humanity and promoting inter-State cooperation in that regard”.

Mr. Chair and dear colleagues, this is the very gap we are committed to addressing (and I think it was Bolivia that said we have a moral obligation to do so – and we would very much agree with that assertion).

At the 77th session of the GA, we were able to reach a decision that allowed this Committee to benefit from a dedicated, structured space where a legal debate could be held; a space where Member States could further the understanding of each other’s’ positions and work through diverging views regarding the work of the ILC on this important topic. We believe these resumed sessions delivered on their purpose and we welcome the substantive, constructive dialogue that we witnessed this year and last year.

We are encouraged by the positive spirit that permeated the discussions, as well as by the progress we made in terms of fleshing out delegations’ concerns and understanding existing differences. It’s now time to take the next step.

Mr. Chair,

After two dedicated sessions plus a period for submission of written comments, where States had the opportunity to share their views on the ILC draft and how this could be adjusted in order to accommodate concerns, it’s time to actually start negotiating, it’s time to move into a space where differences can actually be bridged, where the proposals we heard over the course of the sessions can be debated and possibly reflected into a text, and where compromises can ultimately be made with a view to achieving an acceptable outcome in the form

of a convention. That is the very nature and purpose of a negotiation, and we need one in order to reach agreements and make progress.

As such, we strongly endorse the ILC recommendation and, thus, strongly support reaching a decision, at the next session of the 6C, that launches a structured process leading to the negotiation and adoption of a convention on crimes against humanity, using the draft developed by the Commission as a starting point of our deliberations. We see this as a crucial step, not only for delivering accountability and justice for CaH, but also within the broader context of the relationship between the GA and the ILC.

Mr. Chair,

Let me conclude by thanking all those that worked very hard to made these discussions possible, by thanking all delegations that contributed to the debate, and by reiterating Portugal's commitment to continuing to participate in an active and constructive manner in the discussion of this subject, with a view to reaching true progress on Crimes Against Humanity.

Thank you, Mr. Chair.