Yale Law School

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School of Law

Compilation of Government Responses to the UN International Law Commission's Work on Crimes Against Humanity 2019–2021

Prepared by the
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Introductory Note

This document is a compilation of government reactions to the International Law Commission's Project on crimes against humanity during three sessions of the United Nations General Assembly Sixth Committee (74th, 75th, and 76th). The comments have been taken from country statements found on the United Nations' website. A link for each full statement has been provided in the Compilation Report. Government reactions have been grouped into the following five categories:

Code	Description
Strong Positive	Explicitly favors a process to develop a convention
Positive	Takes no explicit view on a process (positive and/or constructive comments on the text)
Neutral	Takes no explicit view on a process
Negative	Opposes a process to develop a convention at this time
Strong Negative	Opposes a convention

The 2019 and 2020 portions of this document were prepared by Whitney R. Harris World Law Fellows Fizza Batool and Madaline George, under the direction of Harris Institute Director and Crimes Against Humanity Initiative Director Leila Nadya Sadat. The 2021 Sixth Committee Statements were prepared by Lowenstein Human Rights Project volunteers Brandy Allen, Lucia Baca, Cole Blum, Leighton Cook, Jason Gardiner, Yannick Zerbe, and Saif Zihiri, also under the direction of Professor Leila Nadya Sadat. This compilation is available to researchers free of charge. Please cite as "Compilation of Government Reactions to the International Law Commission's Project on Crimes Against Humanity, prepared by the Whitney R. Harris World Law Institute and the Lowenstein Human Rights Project, November 2021."

Compilation of Government Reactions to the International Law Commission's Work on Crimes Against Humanity

Prepared by the Whitney R. Harris World Law Institute

74th SESSION OF THE UNGA (2019)					
COUNTRY	**NAME OF SPEAKER**	**DATE AND TIME**	**ABBREVIATED STATEMENT**	**STATEMENT CODE**	**HYPERLINK**
Albania		Mon. Oct. 28, 2019, 11:13-11:16 AM	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")		
Argentina	Argentine Delegation	Tues. Oct. 29, 2019, 10:20-10:29 AM	***** UNOFFICIAL TRANSLATION***** "...Argentina also wishes to refer to the Commission on "Crimes against humanity" and express deep appreciation for its Special Rapporteur, Sean Murphy."... "We congratulate that fifty states, international organizations and other entities sent comments ... and that they have been taken into account for the second reading of the Articles Project"... "Argentina supports this recommendation [to the assembly], since the elaboration of an international convention on the prevention and sanction of crimes against humanity is an account pending by the international community..."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999951/argentina.pdf
Armenia	Permanent Mission of Armenia to the UN	Thurs. Oct. 31, 2019, 11:22-11:31 AM	"Concerning Chapter IV of the Report of the International Law Commission on the 'crimes against humanity topic, Armenia acknowledges that the intention of the draft articles is to fill a perceived gap in the international legal landscape by adding to a new, sister treaty to the Convention on the Prevention and Punishment of the Crime of Genocide of 19481 as well as the Geneva Conventions with respect to war crimes. ... For future action, we are in favour of a diplomatic conference to negotiate a convention rather than the immediate adoption of draft articles by the General Assembly. In light of the substantive concerns that we have expressed, we consider that this conference should be scheduled at a suitable time, such as three to five years from now, to allow States the opportunity to study this product of the International Law Commission in order to develop their positions."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328797/armenia.pdf
Australia	Mr Jordan Aitken	Tues, Oct. 29, 2019, 12:47 PM - 12:51 PM	"Australia welcomes the adoption by the Commission of its draft articles on crimes against humanity. We extend our thanks to the Special Rapporteur for his leadership, for taking into careful account the views of states and for the extensive effort he has put in to crafting the draft articles. As we consider the substance of the draft articles, we are mindful of the Commission's recommendation that States elaborate a Convention on the basis of the draft articles and the potential benefit such a convention may bring."	Takes no explicit view on a process (neutral)	http://statements.unmeetings.org/media2/23557936/-e-australia-cluster-i-statement_final.pdf
Austria	Ambassador Helmut Tichy	Mon. Oct. 28, 2019, 11:38-11:48 AM	"Austria commends Special Rapporteur Sean Murphy and the Commission for the successful completion of the second reading of the 'Draft articles on prevention and punishment of crimes against humanity' and expresses its appreciation for this contribution to the development of international criminal law. Austria welcomes the effort to base the draft articles as much as possible on the Rome Statute of the International Criminal Court, ... This approach precludes the risk of divergences. ... Austria strongly supports the recommendation of the Commission to elaborate a convention on prevention and punishment of crimes against humanity on the basis of the draft articles. In Austria's view, the successful work of the ILC, to which we have all contributed through deliberations of this Committee over several years, deserves appropriate follow-up. We therefore call on this Committee to decide that an international convention shall be concluded on the basis of the draft articles adopted by the International Law Commission. Such a convention would close the existing gap concerning the criminalization of crimes against humanity and would constitute an important supplement to the Rome Statute of the International Criminal Court: ... We believe that a diplomatic codification conference would be the most suitable forum for the elaboration of such a convention. The Austrian government is currently considering the possibility of hosting such a conference in Vienna."	Explicitly favors a process to develop a convention	https://www.un.org/en/ga/sixth/74/pdfs/statements/ilc/austria_1.pdf

Belarus	Delegation of Belarus	Tues. Oct. 29, 2019, 12:06-12:31 PM	“The delegation of Belarus congratulates Dr Sean Murphy and the International Law Commission on conclusion of the work on the draft articles on prevention and punishment of crimes against humanity. The draft is of well-balanced character and, we assume, would be a good starting point for intergovernmental negotiations, which would lead to a treaty. Of particular interest is the detailed mechanism of legal cooperation, which can serve as a model for other treaties, including bilateral ones. Belarus intends to conduct a thorough consideration of the draft articles by all interested state bodies, primarily law enforcement agencies, after which we shall provide our final position on the document. Our delegation supports the elaboration of a treaty on the basis of the draft articles, but we assume, however, that this endeavor should be approached in a cautious manner, since the draft articles deal with complex and fundamental issues of international criminal law. We believe that further work on the text should be organized by the UN secretariat under the UN General Assembly aegis with the maximum involvement of criminal law experts. As far as the diplomatic conference on the adoption of the text of the convention is concerned, we consider it productive to organize it on a later stage, after the text has been finalized at the expert level.”	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23732039/belarus_e.pdf
Belgium	Belgium Delegation	Thurs. Oct. 31, 2019, 12:04-12:08 PM	***** UNOFFICIAL TRANSLATION***** "The Belgian delegation thanks the International Law Commission for its latest report and wish to congratulate its members for the work accomplished. In particular, I wish to thank the Special Rapporteur on the prevention and repression of crimes against humanity and to welcome the second reading of draft articles. My delegation agrees with the statement made by the European Union on this point. Belgium has always attached particular importance to combating impunity for the most serious crimes affecting the entire international community. As a result, Belgium supports the drafting of a convention on the basis of the draft articles, as recommended by the International Law Commission. ... [T]he MLA Initiative, and the ILC's project, are complementary and non-competing projects. These two approaches indeed pursue the same objective of combating impunity for international crimes regardless of their field of material application and their different approach. ... These two projects are therefore complementary and can therefore coexist and continue to develop in parallel."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328705/-f-belguim-statement.pdf
Bosnia and Herzegovina		Mon. Oct. 28, 2019, 11:13-11:16 AM	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")		
Brazil	Prof. George Rodrigo Bandeira Galindo	Tues. Oct. 29, 2019, 12:31-12:47 PM	"Brazil wishes to join previous speakers in expressing its appreciation to the relevant work of the Commission on the issue, particularly to Special Rapporteur Sean Murphy, on preparing the set of draft articles on crimes against humanity, comprising 10 preambular paragraphs, 15 articles and one annex. Since the inclusion of the topic in its programme of work … the Commission has been devoted to an extensive exercise that engaged not only its members, but also governments, international organizations and others. Convinced of the need to address the existing gap in the international law framework, Brazil has been supporting this process since its inception, including by providing constructive comments to the set of draft articles. We have positively noted that Mr. Murphy’s work builds upon the Rome Statute of the International Criminal Court (ICC). … Brazil would join the large number of States that favor the elaboration of such Convention. The set of draft articles presented to us by the International Law Commission constitutes a carefully crafted text and a solid basis to guide our discussions. In order to promote an inclusive and legitimate process toward drafting a convention that could be universally ratified, Brazil is of the view that negotiations should take place in the General Assembly, engaging the entire community of Nations. In the next steps with regard to the draft set of articles, Brazil would like to raise the attention of the Commission to the need to address the relation between universal jurisdiction and ICC jurisdiction, as well as the need to include safeguards to prevent abuses of the universality principle."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999959/brazil.pdf

Bulgaria	Mrs. Dimana Dramova	Thur. Oct. 31, 2019, 3:24-3:28 PM	"We commend the work of the Special Rapporteur Mr. Sean Murphy and the adoption on the second reading of the draft articles on prevention and punishment of crimes against humanity by the International Law Commission. In that regard we strongly support the International Law Commission's proposal for the elaboration of a convention by the UN General Assembly or by an intergovernmental conference on the basis of the completed draft articles as we give preference to the second option. In that respect we align ourselves with the Statement previously made on behalf of the EU and its Member States. The Republic of Bulgaria reiterates its commitment to the fight against impunity and to the strengthening of the international legal framework for prevention, prosecution and punishment of international crimes. We appreciate the efforts to remain consistent with the existing legal framework by incorporating the Rome Statute definitions of the crimes and by drawing inspiration from other multilateral and bilateral treaties, particularly as regards mutual legal assistance. The Republic of Bulgaria notes that the adoption of a comprehensive treaty on crimes against humanity is a significant step that can help filling a gap in international criminal law. We acknowledge that the draft articles make no compromise with upholding human rights standards as no justice can be served without taking into account the rights of the accused. ... As part of the Initiative on a multilateral treaty for mutual legal assistance and extradition of the most serious crimes we believe that the two projects remain complement to each other and with the irrelevant differences could bring added value to the international legal framework."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328840/bulgaria.pdf
Cameroon	Zacharie Serge Raoul Nyanid	Thur. Oct. 31, 2019, 4:24 PM - 4:39 PM	***** UNOFFICIAL TRANSLATION***** "With regard to the theme of "prevention and punishment of crimes against humanity", my delegation, which is a fervent defender of the rule of law and the fight against impunity, attaches great importance to the prevention and punishment of crimes against humanity. However, we would like certain concepts relating to it to be elucidated, clarified and better framed, in order to avoid the creation of permanent offenses which can be used according to mood and interest. My delegation believes that there is still some work to be done to arrive at a definition of crimes against humanity and to define their scope. For its part, it wished not only that the immunity, the corollary of sovereignty, as well as the responsibility to protect which rests primarily on the State, be respected, as long as the State of origin showed its determination to pursue the perpetrators of the said offenses. My delegation also hopes that the consensus and the real will of the States which legitimize international law will always be sought. As it stands, it is the signs of controversy surrounding this concept of international law that are leading some states to denounce the gray areas surrounding this subject, or even its selective use to justify interference in the affairs of states."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/23329081/-f-cameroon-statement.pdf
Canada	Canadian Delegation	Thurs. Oct 31, 2019, 10:36-10:42 AM	"Canada welcomes the Commission's work on this topic, and appreciates the leadership demonstrated by Special Rapporteur Sean Murphy. We note that this topic has been on the Commission's agenda for many years now, and that States have been engaged in several different rounds of consultation on the topic. ... As noted in our previous written submission, the Convention raises a number of other issues that would require more detailed consideration from the Government of Canada should the decision be taken to move forward with the negotiation of a Convention on Crimes Against Humanity. Some of these issues stem from the same overarching concern with the treatment of gender. For instance, the current definition of "forced pregnancy" would need to be reexamined to ensure that transgender persons are included within the definition. ... If negotiations proceed, Canada would also want to ensure that the ILC's concerted – and welcome – efforts to draw from existing international obligations in a wide variety of conventions in the drafting of the articles has not inadvertently created inconsistencies with any of those texts. In conclusion, Mr. Chairman, Canada looks forward to continued discussions on whether to proceed with the negotiation of such a Convention, and would like to underscore our appreciation for the ILC's important work in this regard."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/23328863/-e-canada-statement.pdf

Chile	Ambassador Mariana Durney	Thurs. Oct. 31, 2019, 12:17-12:40 PM	"Regarding the topic of "Crimes against humanity", my delegation welcomes the Commission's decision to adopt on second reading the draft articles on the prevention and punishment of crimes against humanity, together with the commentaries thereto.I warmly congratulate the Special Rapporteur, Professor Sean Murphy, on this important milestone. His hard work, professionalism and openness to constructive comments enabled the Commission to produce a valuable and balanced normative text that will play a leading role in the strengthening of intemational criminal law. ... [T]he Commission has prepared a draft that would eventually oblige the States which accept it to adopt a series of specific measures that prevent these wrongful acts and effectively punish them and that are reasonable in scope, enforceable and commensurate with the seriousness of the behavior constituting crimes of this type. For this reason, my delegation considers that the text adopted on second reading fully achieves the goals set by the Rapporteur and the International Law Commission at the outset of their work on this subject and is fully in line with the Commission's tradition of preparing outstanding drafts designed to become multilateral treaties responding to the needs of the international community. ... I should like to comment on certain aspects of these draft articles in order to highlight some particularly positive elements and to mention other specific aspects which could be improved, if a multilateral convention is to be concluded on the basis of their provisions. ... I should first like to note that the text is a good combination of codification and progressive development of intemational law. ... A convention on this subject would do much to help its States parties to adopt or maintain suitable measures to achieve these goals in which the international community has a basic stake and which are important in preventing the emergence of threats to international peace and security. ... [A] convention on this subject would provide better tools for States to investigate and punish these wrongful acts at the national level. ... The Commission's draft articles thus provide a good basis for the negotiation and conclusion of a multilateral convention. Consequently, since there is no reason not to conclude a convention on this subject, my delegation considers that the recommendation of the international Law Commission should be accepted. It therefore considers that the Sixth Committee should recommend to the General Assembly the convening an international conference of plenipotentiaries to draft a convention on the prevention and punishment of crimes against humanity, to be negotiated on the basis of these draft articles."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328717/-e-chile-statement.pdf
China	Mr. Jia Guide	Mon. Oct. 28, 2019, 11:25-11:38 AM	"China always attaches high importance to the prevention and punishment of crimes against humanity as well as the fight against impunity. The elaboration of a convention, however, will involve debates over complicated issues, such as the definition and scope of crimes against humanity, and therefore must be based on the actual will of and consensus among States. At present, States are far from reaching consensus on the need for a convention. Moreover, the discussion so far at this Committee also show that many Member States still see major shortcomings since certain key provisions of the draft articles as they currently stand. For instance, many provisions derive from analogous texts found in existing international conventions, are not grounded in empirical analysis of widespread international practice, and rely primarily on the practice of international criminal tribunals that do not enjoy universality. This delegation is of the view that the time is not yet ripe for the elaboration of a convention."	Opposes a convention	http://statements.unmeetings.org/media2/21999909/-e-china-statement.pdf
Colombia	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Costa Rica	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Cote d'Ivoire	Delegation of the Republic of Cote d'Ivoire	Thurs. Oct. 31, 2019, 12:41-12:47 PM	***** UNOFFICIAL TRANSLATION***** "My delegation associates itself with the statement made by Sierra Leone on behalf of the African Group. However, on a national level, I would like to make the following observations. The issues raised in the report are of undeniable importance, particularly at the national, subregional, regional and international levels. Indeed, crimes against humanity,... constitute the common and present concerns of the international community, to which it finds satisfactory answers."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/23328742/cote-d-ivoire.pdf

Council of Europe	Mr. Jorg Polawkiewicz	Thurs. Oct. 31, 2019, 5:01-5:10 PM	"First of all, I would like to thank the Special Rapporteur, Mr. Sean D. Murphy, for the preparation of his "Fourth Report on crimes against humanity" which also included the comments and observations received from States and international organisations. ... We would also like to congratulate the ILC for adopting on second reading the entire set of draft articles on prevention and punishment of crimes against humanity together with the commentaries there to. The Council of Europe welcomes the work of the ILC in this field and supports the recommendation of the Commission to elaborate a convention on the basis of the draft articles on crimes against humanity. ... We believe that the Council of Europe's experience in this field could be useful in the future development of a universal convention on preventing and punishing crimes against humanity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328796/-e-council-of-europe.pdf
Croatia	Gordana Vidović Mesarek	Wed. Oct. 30, 2019, 4:21-4:30 PM	"Croatia would like to take this opportunity to congratulate ILC on the adoption on second reading 15 draft articles on prevention and punishment of crimes against humanity. In this regard we would also like to commend ILC and Special Rapporteur Mr. Sean D. Murphy for their work and efforts invested in the preparation of these articles. In that context, Croatia supports the recommendation made by the ILC with regard the draft articles. Furthermore, Croatia aligns itself with the statement delivered by the European Union on 'Crimes against humanity.'"	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/22000123/-e-croatia-statement.pdf
Cuba	Delegation of Cuba	Wed. Oct. 30, 2019, 3:25-3:38 PM	"We appreciate the preparation of the fourth report of the Special Rapporteur, Mr. Sean D. Murphy ... on the topic "Crimes against Humanity" and we acknowledge the work carried out by the International Law Commission in submitting a draft articles adopted on second reading. Cuba ... attaches great importance to this issue. The draft articles submitted by the Commission on Crimes against Humanity should play a fundamental role for the purposes of preventing international impunity. The fight against the impunity for international crimes committed is of utmost importance and relevance within the current international context. For that reason, Cuba welcomes the draft articles elaborated by the International Law Commission for being a valid contribution to the efforts to achieve international prevention of such crimes. It also provides us with a useful guidance for States that have not yet adopted legal regulations on the criminalization and prosecution of such crimes at the national level. ... Cuba recognizes the efforts made by the Special Rapporteur to take into account various national and regional approaches in order to enrich the draft articles and contribute to international consensus. ... The Commission should continue to consider the commentaries elaborated by States, since they will yield a practical benefit in its task of ensuring that the draft articles (and the possible future international convention on which they are based) do not conflict with the respective national legislations applicable to crimes against humanity. This action by the Commission will enable the draft articles to be widely accepted by the international community and, consequently, to become the basis for the conclusion of an international conventional instrument on the prevention and punishment of crimes against humanity and thus to serve in the efforts to strengthen the international criminal justice system. ... We wish to conclude our statement by reiterating our commitment to continue to support the commendable work that the Commission has been carrying out with respect to this and other issues under its consideration, and specificaly the work carried out by the special rapporteur on this topic, Mr. Sean D. Murphy."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/22000092/cuba-e-.pdf
Cyprus	Republic of Cyprus	Thurs. Oct. 31, 2019, 3:28-3:37 PM	"On the topic of crimes against humanity Cyprus expresses its appreciation to the Commission and to Special Rapporteur Sean D. Murphy for his work and the adoption of the entire set of the draft articles on second reading, noting that the Commission has recommended the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the articles. Cyprus remains committed to the fight against impunity and therefore supports the further strengthening of the international legal framework for the prevention, detection, prosecution and adjudication of the most serious international crimes. We acknowledge, in this regard, that there currently is no general multilateral convention establishing a framework for the prevention and punishment of crimes against humanity ... We also recognize that existing frameworks contain only limited provisions for mutual legal assistance and extradition. Cyprus further recalls that the Rome Statute ...primarily regulates the relations between States and the ICC. ... For these reasons, Cyprus sees merit in elaborating a convention on crimes against humanity, on the basis of the draft articles. Such a new set of rules could in our view be complementary to existing treaty structures, as well as to the Mutual Legal Assistance	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328753/-e-cyprus-statement.pdf

			(MLA) Initiative ... which my delegation also supports. In order to avoid duplication, we would encourage a clearer distinction between the respective initiatives. Turning to the draft articles, Cyprus appreciates the efforts of the ILC to avoid legal conflicts with the Rome Statute. ... Ensuring full consistency with the Rome Statute of the ICC is paramount in ensuring the mutual reinforcement of both structures."		
Czech Republic	Mr. Petr Valek	Mon. Oct. 28, 2019, 12:48-12:55 PM	"[T]he Czech Republic welcomes the final draft articles on the topic 'Crimes against humanity' and would like to express its appreciation to the Special Rapporteur, Professor Sean D. Murphy, for the outstanding work, which led to the adoption of the draft articles on second reading this year. The Czech Republic wishes to stress the importance of the draft articles for the development of international law framework governing the prosecution of crimes under international law. The need to fill the legal gap ... cannot be overemphasized. We appreciate that the draft articles are elabortated in a complex manner that takes intoa ccount both the substantive and prosecutral aspects ... [and] **represent a model of a modern criminal law treaty, which includes all the necessary ingredients**. ... We welcome most of the changes that were made in the draft articles and commentaries to them on the second reading, as they generally bring more clarity to the text and provide better guidance for the relevant actors. ... All in all, the Czech Republic would like to express its support for the elaboration of the convention on prevention and punishment of crimes against humanity on the basis of the draft articles, preferably by an international conference of plenipotentiaries. Such a convention would complement other conventions on prosecution of the crimes under international law and adequately fill in long-standing lacuna iuris in this area."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999920/-e-czech-republic-statement.pdf
Denmark	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Ecuador	Permanent Mission of the Republic of Ecuador to the United Nations	Thurs. Oct. 31, 2019, 4:00-4:07 PM	*****UNOFFICIAL TRANSLATION***** "Ecuador congratulates Sean D. Murphy for his great work as Special Rapporteur on this topic, and welcomes the draft articles on the prevention and punishment of crimes against humanity. Ecuador supports the recommendation that the General Assembly of this Organization or an International Conference of plenipotenlates elaborate a convention on the basis of said project, in order to fill a gap in the international legal system related to the most serious International crimes and seek to promote international cooperation at the horizontal level between States for the prevention and punishment of this crime and the adoption of national law in the matter."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328770/-s-ecuador-statement.pdf
Egypt	Dr. Ahmed Abdelaziz	Thurs. Oct. 31, 2019, 10:05-10:17 AM	*****UNOFFICIAL TRANSLATION***** On the subject of Chapter 4 of the ILC's report, the draft articles on the prevention and punishment of CAH, my delegation would like to express appreciation to the Commission and the Special Rapporteur Mr. Sean Murphy. The great effort involved in preparing the 15 articles and the extensive commentary thereof, Egypt believes that the Commission's product to international law in question may represent an important addition to the international legal architecture for combating crimes against humanity, to ensure that the perpetrators of the grave crimes are held accountable, and to end impunity. Nevertheless, Egypt believes that achieving the Draft Articles for the desired purposes requires that the Assembly not be rushed by the public at the current session, by deciding the discuss an international convention to prevent and punish crimes against humanity or to convene a diplomatic conference for this purpose on the basis of the ILC's Draft Articles and make available time for all countries to undertake the necessary study of the draft articles and to align them with their domestic constitution and legislations. In this regard, we join the delegations that proceed us in discussing the inadequacy of making a decision on an international convention at this current session ... The appropriate decision should be taken in a future session. Egypt appreciates the mentioned internal study process as well as more from interstate consultations it is necessary for consensus on the many provisions dealt with in the articles ... The foregoing is just a limited number of issues raised by the draft articles in their current form. Without limitation, which demonstrates the need for continued study and consolation between countries before moving on to a stage of negotiating on an international agreement."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/23328713/-a-egypt-statement.pdf

El Salvador	Republic of El Salvador	Wed. Oct. 30, 2019, 3:38-3:53 PM	***UNOFFICIAL TRANSLATION*** "On the subject of "Crimes Against Humanity", my delegation wishes to join in the thanks expressed to the special rapporteur Mr. Sean D. Murphy, for his special contribution to the preparation of the draft bill on prevention and punishment of Crimes against humanity ... Undoubtedly, the draft of the articles in reference, represents a significant contribution in the topics related to the establishment of the national competence of the States for this type of crime, such as the prevention obligation attributed to them, the non-refoulement of a person when there are good grounds to believe that he would be in danger of being a victim of a crime against humanity, among other important issues in the matter, and whose regulation is necessary in order to ensure the protection of human rights. ... [M]y delegation is allowed to support the recommendation of the International Law Commission, in the sense of promoting that the draft articles be incorporated into a convention on the subject; because this would attribute a greater obligation and legal certainty to the States and, in a better way, would ensure compliance with the obligations as regards the prevention and control of this type of crimes; since, as our Constitutional Chamber has stated Supreme Court of Justice in its jurisprudence: "crimes against humanity [...] are inhuman acts of a particular gravity that denote a feeling of cmeldad towards human existence, a sense of debasement of dignity and of the detracting of human values and rights non-derogable fundamentals or norms of international jus cogens; therefore they constitute authentic crimes of the State and international crimes as they seriously undermine human beings.""	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/22000099/el-salvador.pdf
Estonia	Republic of Estonia	Thurs. Oct. 31, 2019, 11:39-11:51 AM	"Estonia would like to congratulate ILC for finalizing their work and adopting draft articles on prevention and punishment of crimes against humanity accompanied with commentaries. Estonia has supported the work of ILC in the field of crimes against humanity from the inclusion of the topic in the ILC's work programme and more actively during the last years. Estonia highly values the work of Special Rapporteur Mr Sean D. Murphy and reports prepared. ... We are glad that the process of ILC on the preparation of draft articles and their commentaries has been a transparent and inclusive one and that all interested states, organizations, as well as civil society have had the possibility to contribute. ... We are also inspired by the attention paid in the ILC drafting process to the commentaries of States. ILC has completed its work and now it is for States to continue it. Estonia would like to join all other delegations who have already expressed their support to the draft articles in their entirety and to the elaboration of a relevant convention based on the draft articles. We are flexible whether the work will be carried out within the framework of UNGA or at an international conference. However, the latter being our preference. There are two aspects we would like to stress in this connection. Firstly, we would like to express our strong support to the recommendation of the ILC to elaborate a convention based on the draft articles and its commentaries. Secondly, we would like to stress the inclusiveness of the drafting process and its quality, so that after completion of the work, we will come to a universally accepted and universally ratified international convention, which helps to safeguard peace and security and well-being of our nations. ... [The] draft articles take into account the developments of international law, set a realistic outlook for the future and constitute an appropriate basis for the preparation of a convention against crimes against humanity. ... Elaboration of the convention on elimination and prevention of crimes against humanity will fill the current gap in international law and will strengthen the international criminal law system alongside relevant international treaties on genocide and war crimes. This will assist, inspire and oblige states to review their national laws and strengthen international cooperation to stand against most serious international crimes and fight impunity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328695/-e-estonia-statement.pdf
European Union	Mr. Lucio Gussetti	Mon. Oct. 28, 2019, 11:13-11:16 AM	"[L]et me first start by thanking the International Law Commission and in particular the Special Rapporteur, Mr. Sean D. Murphy, for their continuous and tireless efforts in the preparation of the draft articles on prevention and punishment of crimes against humanity, and by congratulating the ILC for the adoption on second reading of a full set of 15 draft articles. The present statement reflects the longstanding commitment of the European Union, as well as of its Member States, in the fight against impunity for the most serious crimes of concern to the international community as a whole. ... [T]he EU sees the elaboration of a Convention as a major step to strengthen the international criminal justice system, to put an end to impunity for the perpetrators of crimes against humanity and to contribute to their prevention.The EU therefore strongly supports the	Explicitly favors a process to develop a convention	https://www.un.org/en/ga/sixth/74/pdfs/statements/ilc/eu_1.pdf

			elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably, by an international conference of plenipotentiaries."		
Finland	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
France	Mr. Francois Alabrune	Mon. Oct. 28, 2019, 12:19-12:34 PM	***UNOFFICIAL TRANSLATION*** The French delegation welcomes the adoption, at second reading, of the draft articles on the prevention and punishment of crimes against humanity and the comments thereon. In the opinion of the French delegation, this very successful draft articles should logically be adopted in the form of an international convention of as broad a scope as possible. France supports the organization of a plenipotentiary conference for the purpose of adopting such an international convention. To conclude on crimes against humanity, it should be stressed that this draft articles constitutes a model for the ILC: very high quality work, carried out within a reasonable time, on subjects which are destined to become international instruments meeting the needs of States."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328954/france-statement.pdf
Georgia		Mon. Oct. 28, 2019, 11:13-11:16 AM	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")		
Germany	Federal Republic of Germany	Wed. Oct. 30, 2019, 3:06-3:15 PM	"Germany highly welcomes the work of the International Law Commission on the topic of crimes against humanity. We thank Special Rapporteur Sean Murphy for his outstanding contribution and the Commission for completing its work on the draft articles. We appreciate that the Commission not only invited member States to comment on the articles in their various draft stages, but that it took on board their suggestions and concerns. In many respects, this has been the ILC at its best. ... We deem it important that all States - including those that have expressed certain reservations with regard to the ICC as an institution - would have at their disposal a legal instrument that aims at preventing and punishing, at the national level, crimes against humanity. The draft articles do not contain unusual or burdensome obligations for states. They rather remain within the familiar framework of international criminal cooperation. ... This year's General Assembly has the important task of putting the draft prepared by the International Law Commission on the right track. ... Germany fully supports the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/22000082/germany.pdf
Greece	Ms. Maria Telalian	Tues. Oct. 29, 2019, 11:302-11:14 AM	"Greece would like to thank the Special Rapporteur for his extensive fourth report on this matter, compiling the comments submitted by States, international organizations and others on the Draft Articles adopted on first reading and explaining the way he intended to address them"... "We also welcome the Draft Articles on prevention and punishment of crimes against humanity adopted this year on second reading as well as of the Commission's decision to recommend the elaboration of a convention either by the General Assembly or by an international conference of plenipotentiaries, on the basis of these Draft Articles"... "With regard to the text of the Draft Articles adopted on second reading, we would also like to welcome some significant improvements brought thereto..." "Regarding the recommendation of the Commission on the outcome of its work, and more specifically the elaboration of a Convention, Greece supports the opening of a negotiation process on the basis of the current Draft Articles, and is ready to actively participate therein"... "In our view, however, a solution has to be found in relation to the MLA Initiative" ... "...there is a significant amount of overlap between the Draft Articles and the first Draft of the Convention on which discussions between the supporters of the Initiative were held -albeit not conclusively as to the scope of the future Convention- last March in The Netherlands"... "We also agree with the Rapporteur's assessment that the simultaneous pursuit by States of both initiatives might be inefficient and confusing and risks the possibility that neither initiative succeeds. In our view, this risk can be avoided and the two projects can indeed become mutually complementary only if the irrespective scope and objectives become clearly distinct: a pure criminal convention, on the one hand, deprived of disproportionately extensive provisions on extradition and mutual legal assistance and, on the other, a pure procedural treaty on extradition and mutual legal assistance addressing genocide, crimes against humanity and war crimes...."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999939/greece.pdf

Holy See	H.E. Archbishop Bernardito Auza	Thurs. Oct. 31, 2019, 4:49-4:55 PM	"Crimes against humanity must be condemned and efforts at all levels aimed at relegating such crimes to the pages of history must be given due priority. ... [T]he Holy See welcomes the text of the "draft articles on prevention and punishment of crimes against humanity" prepared by the International Law Commission as well as its decision to recommend to the General Assembly the elaboration of an International Convention, on the basis of those draft articles, by the same General Assembly or by conference of plenipotentiaries. As my Delegation has stated in the past, the Holy See supports the work aimed at the elaboration of such a Convention and will engage constructively in the negotiations. ... As work towards a possible Convention continues, my Delegation suggests that the following two issues be kept in mind: First, the new Convention should give all people an opportunity to seek justice and to have their voices heard on an international level, especially those under threat of these crimes. ... Second, the future Convention must provide for the need to assist States with fragile or weak judicial and security systems, ... My Delegation would like to conclude by encouraging international actors to commit themselves to act in the timeliest manner possible to prevent violence and to act decisively to stop atrocities at their onset. In addition to new legal instruments, we need to strengthen further the preventative diplomacy mechanisms and early warning systems so as to prevent the commission of crimes against humanity and other mass atrocities."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328790/-e-holy-see-statement.pdf
Honduras	Permanent Mission of the Republic of Honduras to the United Nations	Thurs. Oct. 31, 2019, 12:00-12:04 PM	*****UNOFFICIAL TRANSLATION***** "...Honduras thanks the Commission for approving, under the leadership of Special Rapporteur Sean D. Murphy, the Draft Convention for the Prevention and Punishment of Crimes against Humanity, which It has been developed since 2014, composed of 1 draft preamble, 15 draft articles and 1 draft annex, and commentary. This draft Convention complements international human rights law, international criminal law and international humanitarian law. ... This t is why the Republic of Honduras supports the recommendation of the ILC that the General Assembly or an international Plenipotentiary Conference prepare a convention on the basis of the Draft Convention for the Prevention and Punishment of Crimes against Humanity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328890/honduras-cluster-1-cdi-rev-31-oct.pdf
Hungary	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Iceland	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
India	Ms. Uma Sekhar	Thurs. Oct. 31, 2019, 10:17-10:21 AM	"As regards to the topic on 'crimes against humanity', we welcome the fourth report of the Special Rapporteur, Mr. Sean Murphy. ... In this regard, we reiterate our position that, considering the international mechanisms that are already dealing with the matter, including the International Criminal Court, necessity of having a Convention exclusively addressing crimes against humanity need to be examined. In our view, the Rome Statute provides sufficient legal basis for the domestic criminalization and prosecution of crimes against humanity. In addition, any work on this topic could lead to duplicating the efforts already undertaken in existing regimes."	Opposes a convention	http://statements.unmeetings.org/media2/23328673/india.pdf
Indonesia	Delegation of the Republic of Indonesia	Thurs. Oct. 31, 2019, 3:53-3:59 PMA38:C38	"On the work of Crimes against Humanity, Indonesia takes note of the entire set of draft articles on prevention and punishment of crimes against humanity ... We would like to highlight the utmost importance of the provisions contained within the draft articles, particularly Articles 6 and 7 on criminalization under national law and establishment of national jurisdiction respectively. Equally crucial are Articles 13 and 14 of the Draft, which comprise of essential elements on the prevention and punishment of crimes against humanity, namely extraditions and mutual legal assistance. ... Indonesia also wishes to reiterate its position that ending impunity and denying safe haven to individuals who commit crime against humanity is our responsibility. At the same time let us bear in mind that, in fact, there are still divergences of position concerning the scope and application of the principle of universal jurisdiction, which reflect, among others, in the scope and list of such crimes."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/23328765/-e-indonesia-statement.pdf

Iran	H.E. Mr. Abbas Bagherpour Ardekani	Thurs. Oct. 31, 2019, 3:38-3:53 PM	""[W]e would like to thank the Special Rapporteur Mr. Sean D. Murphy for his contributions to this process. We, the Member States, are all committed to the noble objective of preventing and punishing crime against humanity, fighting impunity and ensuring accountability for serious crimes. The project would be effective if guided purely by human rights and human dignity and provide assurances to prevent and punish crimes against humanity free from political considerations and selective approaches detrimental to the whole process. In continuation of my delegation's previous remarks, I would like to make the following comments in this regard: ... In the light of the above and taking in to consideration the diverging comments and observations of the Member States, it is our understanding that the draft Articles still need some work so as to allow the relevant authorities of the Member States to make an informed decision. ... We are of the view that such an important instrument should be the product of an inclusive intergovernmental and member states driven process and the work of the ILC could be considered as a valuable source in a well-defined process that could be shaped under the auspices of the Sixth Committee."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/23328755/-e-iran-statement.pdf
Ireland	Mr. James Kingston	Thurs. Oct. 29, 2019, 11:15 AM - 11:21 AM	"In relation to Crimes agaisnt Humanity, Irelad aligns itself with the statement delivered by the European Union and would like to offer the following additional obersations. … Ireland believes that it is crucial to ensure that the important momentum achieved by the Commission's work on this important topic is not lost. In that regard, Ireland strongly supports the call for the elaboration of a Convention based on the draft Articles, preferably by an international conference of plenipotentiaries. My delegation welcomes the consideration given by the Special Rapporteur and the Commission to the relationship between their work and the Joint initiative for a Multilateral Treaty for Mutual Legal Assistance and Extradition for Domestic Prosecution of the Most Serious International Crimes. Ireland remains supportive of these two complementary initiatives. My delegation beleives that both are important and both have the potential to contribute in a practical and signficiant way to the fight against impunity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23329044/-e-ireland-statement.pdf
Israel	Ms. Sarah Weiss Ma'udi	Thurs. Oct. 29, 2019, 10:29 - 10:52 AM	"The Government of Israel would like to express its deep appreciation to the International Law Commission and the Special Rapporteur, Mr. Sean Murphy, for their valuable work related to the codification of "Crimes against Humanity". Israel welcomed the work of the International Law Commission from the outset, as an expression of its consistent commitment to the prevention and punishment of grave international crimes that are of concern to the international community as a whole, including crimes against humanity. Israel notes the provisional adoption by the Drafting Committee on second reading of the Draft Preamble, the Draft Articles and the Draft Annex: Prevention and punishment of crimes against humanity. While, in our view, several concerns raised by Israel and other States throughout this process were not sufficiently addressed in the documents adopted by the Drafting Committee, we, nonetheless, sincerely commend the Special Rapporteur for a transparent work process, and for the methodology which he has employed, which emphasized the importance of relying on State practice. … In general terms, Israel is of the view that a comprehensive treatment of the prohibition on crimes against humanity would benefit the international community. We further believe that in order to secure the broadest acceptance of such a project, and to ensure its utility, it is of critical importance that the Draft Articles accurately reflect customary law and widely accepted principles on the subject and – of no less importance -- that they contain effective safeguards against potential abuse. … Prior to any agreement on the desired forum for the negotiation and elaboration of any convention on this subject, it is clear that further deliberation is required on several critical and outstanding issues raised by many States, including Israel. … Indeed, in light of the concrete and detailed comments many States have submitted regarding specific Draft Articles, the differences that exist, and the importance of the subject matter, it seems inadvisable to regard the current Draft Articles automatically as a "zero draft" for any 'future process. Equally, it seems appropriate that States be given adequate time to review and consolidate their positions and effectively address outstanding issues in a process informed by the work of the ILC on this topic, which should serve as a basis for such discussion. We would thus support the proposal to establish a forum within the framework of the seventy-sixth session of the Sixth Committee, in which States would come prepared to review this matter, and engage in an inclusive, robust and efficient discussion focused on clarifying outstanding issues and resolving significant differences towards the potential elaboration of a convention. ... We are all no doubt familiar with the way in which hasty and ill-considered political bargains can be	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/23329042/-e-israel-statement.pdf

			generated under the pressure to conclude a convention at all costs once a conference has been convened, and avoid the appearance of failure. Ostensible agreement may be achieved in the moment, but the result risks producing bad law and bad outcomes for decades to come, while risking the exclusion of many States from joining foundational legal documents such as the one under discussion here. The wiser and more sustainable course; in our perspective, is to move more cautiously, even if somewhat more slowly, to ensure a firm legal foundation is established, wide legitimacy is achieved and as inclusive a process as possible is undertaken, so that the ultimate legal product adopted is one that is effective and will stand the test of time."		
Italy	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Japan	Mr. Yukiya Hamamoto	Thurs. Oct. 31, 2019, 10:58-11:09 AM	"...I would like to address the topic of the draft articles on “prevention and punishment of crimes against humanity”. Japan would like to congratulate the successful completion of the second reading. Especially, Japan extends its gratitude to Professor Sean Murphy, the Special Rapporteur. Japan regards this topic, not as the codification of existing law, but as a legislative work aimed at making a treaty. In order for the draft articles to be adopted as a treaty and receive broad support among States, national criminal laws of States need to be taken into account. From that perspective, I would like to stress five points. ... Japan would like to emphasize that it is important to put an end to impunity for crimes against humanity. Japan highlights these points in order to ensure that the draft articles gain wide support among a large number of States."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/23328683/-e-japan-statement.pdf
Liechtenstein	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Lithuania	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Luxembourg	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Malaysia	Ms. Norizan Che Meh	Thurs. Oct. 31, 2019, 12:08-12:12 PM	"Malaysia records its gratitude and deep appreciation as well as warm congratulations to Mr. Sean D. Murphy, Special Rapporteur of this topic for his outstanding contribution that has been made towards the preparation of the draft articles through his tireless efforts and devoted works until its excellent completion. ... Malaysia further comprehends that matters pertaining to impunity of the perpetrators of international crimes, including crimes against humanity are of prime importance and require crucial attention relating to the investigation and prosecution of such offences, as well as international cooperation. In this regard, considering the current development of the study on this topic and the adoption of the draft articles by the ILC, Malaysia is flexible with the recommendation for the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328715/-e-malaysia-statement.pdf
Malta	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	

Mexico	Mexican Delegation	Tues., Nov. 05, 2019, 3:15 - 3:24 PM	***UNOFFICIAL TRANSLATION*** "Mexico considers it positive that the Commission's work on this important issue has materialized in a draft of articles that may eventually be adopted by the international community in the form of a Convention. In accordance with the recommendation of the ILC, Mexico hopes that the Sixth Committee will not rule out the possibility that the UN General Assembly or a conference of plenipotentiaries will elaborate a convention based on the articles. … Unfortunately, we live in times in which crimes against humanity continue to be committed in the world. Precisely for this reason, the debate on the role of States in the face of threats to international peace and security that these atrocities may entail is so urgent. The study of crimes against humanity, and in particular of the obligations aimed at their prevention, eradication and sanction, and the applicable principles of law, continue to be of the utmost importance. We will closely follow the negotiations in the Sixth Committee on the treatment of this issue, hoping that we can define a process aimed at negotiating a convention. We thank Special Rapporteur Sean Murphy for his work."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23329077/-s-mexico-statement.pdf
Montenegro		Mon. Oct. 28, 2019, 11:13-11:16 AM	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")		
Morocco	The Permanent Mission of the Kingdom of Morocco to the United Nations New York	Tues., Nov. 05, 2019, 10:08 - 10:18 AM	***UNOFFICIAL TRANSLATION*** "In this regard, and without wishing to bounce back on the substance of the subjects whose examination was completed under the first thematic group, it is important for us to point out that on the draft articles relating to crimes against humanity in particular, and of which we highly value the efforts that have been undertaken for its finalization, the Kingdom of Morocco will subsequently deliver its detailed comments in writing, it being specified that at this stage, we believe that some of its key aspects need to be the subject of an in-depth examination with all the national public institutions which will be concerned in the future by the implementation of the Convention that it is called to become."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/23329104/-f-morocco-statement.pdf
Netherlands, The	Dr. René Lefeber	Tues. Oct. 29, 2019, 10:08-10:20 AM	"The Netherlands welcomes the ILC Draft Articles on Crimes Against Humanity and strongly supports the recommendation of the Commission for the elaboration of a convention by an international conference of plenipotentiaries on the basis of the draft articles. We associate ourselves with the statement on the draft articles by the EL which is reflective of our support and the longstanding commitment of the European Union as well as of its Member States to the fight against impunity for the most serious crimes of concern to the international community as a whole. ... As one of the initiators of ... the MLA-initiative- now supported by 69 States- please allow me to also address the question regarding the relationship between a future convention on crimes against humanity and the MLA-initiative. Let me note that although there are convergent qualities between the MLA- initiative and the ILC Draft Articles, there are also relevant differences. ... Based on their respective qualities and characteristics, I would like to stress that the two initiatives are mutually supportive as they work towards the same goal: both seek to fill a gap in the legal framework that underpins the fight against impunity for the worst international crimes. While doing so, both initiatives proceed along different trajectories and with different scopes. Both frameworks can therefore be seen as complementary, and can co-exist and continue to develop side by side."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999929/netherlands.pdf
New Zealand	Ms Gabrielle Rush	Thur. Oct. 29, 2019, 11:52 AM - 12:00 PM	"New Zealand echoes the tributes paid to the Special Rapporteur, Mr Sean Murphy, by the Commission and other delegations, and thanks him for his fourth report. This report reflects his careful consideration of over 750 comments, including comments from 38 member states. We are pleased to see that the 15 draft articles have now been delivered to the General Assembly. The draft articles reflect two amendments which we would like to highlight. Firstly, we are pleased to see Article 3 on General Obligations now includes an explicit obligation for states not to engage in acts that constitute crimes against humanity. This clarity means there can be no doubt or room for obfuscation in the future. Secondly, New Zealand thanks the Special Rapporteur for carefully considering whether it was appropriate or necessary for the draft articles to include a definition of gender. New Zealand considers the decision to remove this definition to be a positive development which reflects the diversity of concepts of gender identity across the world. This change also removes the risk of such a definition being at odds with national legislation. We have heard the different views expressed during this debate on how we should proceed with this important work, and we consider that through further dialogue we will collectively identify a path toward its	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23329084/-e-new-zealand-statement.pdf

			conclusion. New Zealand considers that the elaboration of a convention, based on the Commission's work, would complete the important exercise of codification of the most serious crimes of international concern."		
Norway (on behalf of Nordic Countries)	Statement	Mon. Oct. 28, 2019, 11:16-11:25 AM	"The adoption this year on second reading of the entire set of draft articles on prevention and punishment of crimes against humanity stands out as a particularly significant achievement. … [W]e would especially like to extend our compliments to the Special Rapporteur Mr. Sean D. Murphy and express our deep appreciation for his outstanding contributions to this significant achievement. … The draft articles and their commentaries have significant potential for great practical relevance to the international community. The Nordic countries welcome the ILC's recommendation to the General Assembly to elaborate a convention on the basis of the draft articles, on prevention and punishment of crimes against humanity, either by the General Assembly itself or by an international conference of plenipotentiaries. Among the three core international crimes, only crimes against humanity lack a convention. International norms can in turn contribute to national laws, national jurisdiction and cooperation among States in the fight against impunity. The Nordic countries continue to steadfastly support this work that is a timely and welcome contribution to the fight against impunity."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999912/-e-norway-on-behalf-statement.pdf
Panama	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Paraguay	Permanent Mission of the Republic of Paraguay to the United Nations	Thurs. Oct. 31, 2019, 4:39-4:43 PM	*****UNOFFICIAL TRANSLATION***** "...With regard to Chapter IV of the Report, my delegation greets and congratulates Mr. Sean Murphy, Special Rapporteur on the topic "Crimes against humanity", for the second reading of the draft articles on the prevention and punishment of crimes against humanity. Bearing in mind that, of the crimes on which the international criminal courts and courts have often been competent, the crime protocol and the war crimes have already been subject to conventional regulations of a universal nature, Paraguay considers it essential that the international international community move towards an international instrument. Only legally binding on the prevention and punishment of crimes against humanity" ... "Consequently, Paraguay reiterates its strong support for the establishment of a universally binding universal convention on crimes against humanity and considers that its approval is fundamental in the current framework of international law, in particular, in the sphere of the international humanitarian right, the international right and international right of human rights, which highlights the fundamental need to prevent and sanction these crimes, as well as the promotion of cooperation between them."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328787/paraguay.pdf
Peru	Permanent Mission of the Republic of Peru to the United Nations	Thurs. Oct. 31, 2019, 4:43-4:49 PM	*****UNOFFICIAL TRANSLATION***** "...In relation to Chapter IV of the Commission's Report, it seems appropriate to highlight the merit of having completed the second reading of the draft articles on prevention and punishment of crimes against humanity.... we want to transmit our appreciation to Special Rapparteur Professor Sean Murphy for his work and accompany the recommendation of the International Law Commission for the General Assembly or an international conference of plenipotentiaries to draw up a convention on the basis of said project... Undoubtedly, crimes against humanity are part of the most serious crimes of importance to the international community as a whole, which makes it necessary to fine-tune the authority of the criminal authorities and contribute to their prevention..."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328788/-s-peru-statement.pdf
Philippines	Maria Angela A. Ponce	Thurs. Oct. 31, 2019, 4:24 PM - 4:39 PM	"On Chapter IV, "Crimes against humanity", we consider the draft articles as an important contribution to the international community's collective efforts to deter and curtail atrocity crimes. The Philippines affirms its commitment to fight against impunity for atrocity crimes, notwithstanding our withdrawal from the Rome Statute, especially since the Philippines has had, for 10 years now, national legislation punishing atrocity crimes. … It criminalizes, at a national level, crimes against humanity, a primary obligation called for in the draft articles. While we understand the enthusiasm of certain delegations and of the Commission to proceed immediately to the negotiation of a convention based on the draft articles … we are of the view that further consideration by States on the draft articles and commentaries is still needed at this stage. This is a process that, as other delegations have said, cannot proceed in haste. We share the	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/23329079/philippines-31-oct.pdf

			United States' concern that the draft articles need to be flexible in implementation, account for a diversity of national systems, parties to the Rome Statute and States that are not parties to the Rome Statute; as well as the concern on overbroad assertions of jurisdiction by national and international courts."		
Poland	Mr. Konrad Marciniak	Mon. Oct. 28, 2019, 12:56-1:07 PM	"With regard to the topic "Crimes against humanity" Poland welcomes the adoption by the Commission of the set of articles on the second reading and would like to thank in particular the Special Rapporteur Mr. Sean Murphy for his fourth report and generally for the able leadership he continues to provide. As upholding international law is one of our priorities, we are of the view that supplementing current international framework concerning prevention and punishment of atrocity crimes is of vital importance. Thus, my delegation believes that there is a need to continue the work, including through convening of the intergovernmental conference of plenipotentiaries, towards drafting a convention on the basis of the articles prepared. At the same time, we reserve the right to provide some detailed comments concerning the text of the articles during subsequent work in this respect."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999918/-e-poland-statement.pdf
Portugal	Ms. Susana Vaz Patto	Wed. Oct. 30, 2019, 4:30-4:40 PM	"Allow me to express my delegation's appreciation to the Special Rapporteur, Mr. Sean Murphy, and to the Commission for their thorough work on this. In our view, it represents a significant advancement in the prevention and punishment of crimes against humanity. ... Over the past years, during our discussions on this subject at the Sixth Committee, Portugal has had the opportunity to underscore the relevance that we attach to this topic. The final outcome that we have before us confirms our conviction that it is possible to build, on the basis of these draft Articles, a suitable internationally binding legal framework. Therefore, we welcome and support the Commission's recommendation to the General Assembly to elaborate an international convention on the basis of the draft articles on prevention and punishment of crimes against humanity. ... Notwithstanding Portugal's support to the draft Articles, allow me to offer a few remarks. ... My delegation would also like to make a brief reference to the Mutual Legal Assistance Initiative, ... In our view, these proposals are complementary and there are different ways in which they can be developed together. However, the existence of these two projects should not be used as an excuse to not proceed with any of them. To conclude, it is Portugal's position that this is the right moment to convene an international conference to negotiate and adopt a convention on 'crimes against humanity' on the basis of the draft Articles produced by the Commissio. To conclude, it is Portugal's position that this is the right moment to convene an international conference to negotiate and adopt a convention on 'crimes against humanity' on the basis of the draft Articles produced by the Commission. We sincerely hope that the General Assembly rises to its responsibility under the Charter of the United Nations to codify and progressively develop international law and thus decides on the necessary steps to bring these draft Articles into life."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328669/portugal.pdf
Republic of Korea	Mr. Ki-Jun You	Thurs. Oct. 31, 2019, 11:16-11:22 AM	"I would like to express my sincere gratitude to the Commission for adopting the draft articles on the Prevention and Punishment of Crimes against Humanity. I would also like to convey my deep appreciation to the Special Rapporteur, Professor Sean D. Murphy, for his contribution to the Commission's work in this area. The Republic of Korea generally supports the overall content of these draft articles. We believe that, if adopted, they could provide a suitable legal basis for strengthening law enforcement cooperation among States, particularly in the absence of bilateral treaties on extradition or mutual legal assistance. We would like to stress that the draft articles should be in line with the Rome Statute of the ICC as much as possible, so as to maintain coherence and stability in international criminal justice system. ... The Republic of Korea is also of the view that careful consideration should be given to the relationship between the draft articles on crimes against humanity and other relevant international instruments, including the initiative to adopt a new Convention on Mutual Legal Assistance for Crimes against Humanity, Genocide, and War Crimes. ... In addition, my government, in principle, shares the view that further efforts for the elaboration of a convention building on the draft articles adopted by the Commission should be made either at the UN General Assembly or a diplomatic conference. Whatever the future plan may be, the Republic of Korea believes that further discussions among States about consultation methods and procedures are needed, and that the opinions of States should be fully heard throughout these discussions."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328685/republic-of-korea.pdf

Republic of Moldova		Mon. Oct. 28, 2019, 11:13-11:16 AM	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")		
Romania	Mrs. Alina Orosan	Mon. Oct. 28, 2019, 11:54-12:08 PM	“[M]y delegation echoes the statement of the European Union and extends its deep appreciation to the Commission and the Special Rapporteur, Mr. Sean D. Murphy, for the impressive work done on this topic and for the rich research material provided in the context. Romania favours developing the draft articles into a global convention on prevention and punishment of crimes against humanity which will provide a strong legal basis for inter-state cooperation on the prevention, investigation and prosecution of such crimes. There is also a need for a coherent approach in relation to all crimes of grave concern to the humankind to ensure that no fragmentation occurs especially in what concerns inter-state cooperation and mutual legal assistance. In this manner the overall objective of prevention and punishment of these crimes can be effectively attained.”	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999955/romania_28-oct-am.pdf
Russian Federation	Statement by the Representative of the Russian Federation	Wed. Oct. 30, 2019, 4:03-4:21 PM	*****UNOFFICIAL TRANSLATION***** With great interest we became acquainted with Mr. Murphy’s fourth report on the topic “Crimes against humanity”, which marked the final stage of the Commission’s consideration of this topic prior to the adoption of the draft articles during the second reading. We express appreciation to the Special Rapporteur for his thoughtful and responsible attitude towards his work. We note the inclusion in the document of a detailed analysis of the positions of governments, international organizations, and other structures. This is principally important for the work of the Commission as a unique entity, which represents an embodiment of the thoughts of all the world’s judicial systems. Demand for the results of the Commission’s work in the future is directly related to taking into account the opinions and practices of governments. This is also a guarantee of the maintenance of the Commission’s authority, based on an objective and candid approach to the consideration of a large variety of issues. We have taken note of the recommendation to the Commission by the UN General Assembly regarding the further role of the draft articles. We believe that the perspective of the development of a convention, into the basis of which they could be placed, demands a thorough assessment. This will need time. ... [I]n parallel with the Commission’s draft articles there is a separate initiative, put forward by certain governments, on the development of a convention of international cooperation regarding investigations and criminal apprehensions in cases of genocide, crimes against humanity, and war crimes. Its text largely echoes the Commission’s draft articles. We share the concern of the Special Rapporteur that the simultaneous realization of two projects on a similar topic may be complicating, and in the end neither of them may be crowned with success. Besides this, so far as we understand, a diplomatic conference with the goal of adopting a convention on legal aid has also been scheduled for next year. It would be wise to consider the format of future work taking these circumstances into account. We would like to comment on the position of the draft articles, which could become problematic in future work on a convention. …”	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/22000110/-r-russian-statement.pdf
Senegal	Permanent Mission of the Republic of Senegal to the United Nations	Thurs. Oct. 31, 2019, 3:24-3:28 PM	*****UNOFFICIAL TRANSLATION***** "My delegation agrees with the statement made by the African group and would like, on a national basis, to make some general remarks before returning to the "crime against humanity". In this respect, my delegation would argue that the scale of work should not prevent us from noting that it is possible to improve the presentation of the report and to nationalize the issues of concern to the Commission. ... [M]y delegation welcomes the second reading of the draft articles on the "crime against humanity" and congratulates the Special Rapporteur, Professor M.Sean D. Murphy, who, in this framework, adopted this pluralistic approach. Attaching paramoount importance to the fight against impunity for the most serious crimes that strike out collective conscience, Senegal adheres to the idea of drawing up an international convention on the basis of these draft articles. However, it remains clear to my delegation that acting in concert to bring an end to mass crimes requires everyone to respect the fundamental foundations of our human society. This is why the deletion, ... for the definition of gender, concerns us and will undoubtedly remain one of the major obstacles to the elaboration of the convention. Furthermore, convinced that in order to effectively combat impunity, we not only need a credible framework that would assist in the prosecution of the perpetrators but also develop and strengthen national capacities for investigations and prosecutions.Senegal has adhered to the ... MLA initiative. ... We believe that both of	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328751/-f-senegal-statement.pdf

			these initiatives are mutually reinforcing and complementary to our common objective of combating the impunity of the most serious crimes, an objective that requires the promotion of coordinated approaches."		
Africa Group		Mon. Oct. 28, 2019, 11:04-11:13 AM	"The African Group pays tribute to the Commission, its Bureau, Members and the Special Rapporteurs, especially Mr. Sean Murphy of the United States of America for the adoption of the draft articles on the prevention and punishment of Crimes against Humanity with the commentaries on second and final reading,"	Takes no explicit view on a process (neutral)	http://statements.unmeetings.org/media2/21999907/-e-sierra-leone-statement.pdf
Sierra Leone	Dr. Michael Imran Kanu	Thurs. Oct. 31, 2019, 3:08-3:23 PM	"Sierra Leone is firmly committed to the global fight against impunity for the most serious crimes of concern to the international community as a whole. We believe that all States should spare no effort to bring to justice those most responsible for genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. ... Sierra Leone believes that global accountability efforts could be significantly strengthened by a multilateral treaty on crimes against humanity. Such a treaty will fill a major gap in the current substantive law of international crimes. It will, inter alia, provide much needed clarity and stability to crimes against humanity that so far has only been possible for genocide and war crimes especially if it enhances horizontal cooperation between States in the investigation and prosecution of crimes against humanity. Against this background. Sierra Leone warmly congratulates the Commission for the adoption, upon second reading ... of a draft convention on the prevention and punishment of crimes against humanity. The draft articles appear to reflect an appropriate mix of codification and progressive development of international criminal law, consistent with the mandate and working methods of the Commission. ... Sierra Leone wishes to express to the special rapporteur, Mr. Sean Murphy, our deep appreciation and warm congratulations for the excellent contribution he has made to the preparation of the draft articles through his tireless efforts and devoted work and for the results achieved. We are equally grateful to the Commission for its efforts to address the extensive number of comments received on the first reading draft text, including those from Sierra Leone. We regret that most African States did not comment on the first reading text. This would have shared more of Africa's experience with the challenges of addressing atrocity crimes, including crimes against humanity, in often fragile conflict and post-conflict contexts. Such participation might have even strengthened the text of the draft articles as well as African ownership of the final outcome. ... Allow us to make a few brief remarks on the substance. ... Overall, although we are still studying the final outcome from the Commission and without prejudice to our position in any future negotiations, Sierra Leone can share our general impression that the draft articles adopted by the Commission provide a robust and transparent foundation for a future global convention on the prevention and punishment of crimes against humanity. We hope that the Commission's excellent and timely work on this topic will in the future be remembered as yet another signal ILC contribution to the development of international criminal law."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328748/-e-sierra-leone.pdf
Singapore	Ms. Daphne Hong	Tues. Oct. 29, 2019, 10:52-11:14 AM	"Singapore expresses its appreciation to the Commission for completing its work on the topic “Crimes against humanity” in an open and consultative manner. We also wish to commend, in particular, the Special Rapporteur, Professor Sean Murphy, for producing a quality product in a relatively short time ... [W]e greatly appreciate the Commission’s clear efforts to engage with Member States. We do, however, remain of the view that the draft articles should be further improved or clarified in the manner proposed in our written comments. ... We have also read with interest the numerous written submissions made by others, many of which contain very detailed comments. These submissions contain many valuable ideas, but also demonstrate that there remain some divergences in views. In this regard, my delegation looks forward to hearing the views of other delegations in the course of the present debate, including on the issue of what further action should be taken on these draft articles. ... Crimes against humanity are among the most serious crimes of concern to the international community. It is imperative that the international community works together to end impunity for perpetrators and provide justice for victims. In this regard, the Commission’s draft articles and commentaries can contribute to the strengthening of accountability by providing useful practical guidance to States on this topic."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/21999935/singapore.pdf

Slovakia	Mr. Metod Špaček	Mon. Oct. 28, 2019, 12:08-12:18 PM	"Slovakia notes with sheer satisfaction that the Commission has completed its works on the topic of Crimes against humanity having adopted the set of 15 draft articles with commentaries on second reading. We use this opportunity to congratulate the Commission for the outcome that is genuinely suitable for immediate codification. The set of articles is carefully drafted with adequate commentaries. Thus, the final outcome of the topic fully meets our expectations we had at the beginning of the Commission's work. Slovakia, therefore, absolutely endorses the recommendation of the Commission to the General Assembly to proceed to elaboration of convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles. We have a preference for the second option, since a diplomatic codification conference is the most suitable forum for the elaboration of a convention on the basis of ILC draft articles. Slovakia also adheres to the Commission's special tribute to the Special Rapporteur, Professor Sean D. Murphy for his extraordinary work and commitment to the topic, as well as devoted and tireless efforts. Especially, we appreciate the consistency of the approach with which the topic has been treated, still with due regard to the comments made by States, thus producing an outstanding and balanced outcome. Besides, we give the Special Rapporteur credit for the 4th report, as well. The report demonstrates a significant amount of overlap between the MLA initiative and the draft articles. Slovakia takes note with concerns of this analysis, as well as of the view of the Special Rapporteur that pursuit of both initiatives might be inefficient and confusing and risks the possibility that neither initiative succeeds. Nevertheless, we are still inclined to believe those two initiatives are to be complementary and we are determined to engage in procedural steps leading to adopting a new convention on prevention and punishment of crimes against humanity on the basis of the draft articles. We strongly encourage other States not to misuse the analysis and the view of the Special Rapporteur as a bar to proceed to the elaboration of the convention."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999915/-e-slovakia-statement.pdf
Slovenia	Mr. Borut Mahnič	Wed. Oct. 30, 2019, 3:53-4:03 PM	"Slovenia wishes to express its appreciation to the international Law Commission and, in particular, the Special Rapporteur Shawn D Murphy for his extensive efforts on the topic, including for his fourth report, on the basis of which the Commission adopted an entire set of draft articles on the prevention and punishment of crimes against humanity. ... Slovenia recognizes the particular importance of the topic at hand. ... Slovenia recognizes that the codification of the crimes against humanity in a special convention would help fill the existing codification lacunae in international law on a global level. Slovenia therefore hopes that the draft articles may serve as the basis for the conclusion of an international convention on the prevention and punishment of crimes against humanity. Slovenia welcomes the thorough examination in the Special Rapporteur's fourth report of the comments and observations made by the states, international organizations and NGOs. ... Although the examination of the topic in Slovenia is subject to inter-ministerial cooperation, which is yet to be concluded, we would like to make the following observations. ... As one of the initiators of the MLA initiative, ... Slovenia notes that the MLA initiative and the ILC's topic 'crimes against humanity' have convergent qualities ... however, there are important differences between the two. In addition to the broader scope of the MLA initiative . . . the MLA initiative focuses on the practical usability of mutual legal assistance and extradition procedures. Its procedural provisions are thus considerably more extensive than are those of the ILC's draft articles on crimes against humanity. ... Slovenia considers that both efforts are complementary in nature and that they seek to improve upon the existing international legal structures aimed at addressing international criminal justice. At the same time, we fully share the understanding that one of the overriding considerations should be the avoidance of diverging substantive treaty provisions, indeed, the MLA initiative aims to achieve the greatest degree of complementarity, including with the provisions of the Rome Statute."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/22000107/slovenia.pdf

South Africa	Thabo Molefe	Thurs. Oct. 31, 2019, 4:08-4:18 PM	"First of all, please allow my delegation to congratulate Professor Sean Murphy, Special Rapporteur, on his report and for the exemplary work that has been done on the topic of crimes against humanity. We are also grateful to those that provided written comments on this topic in the preceding year. ... The process for drafting a convention on the prevention and punishment of crimes against humanity commenced in 2008. We are thus very pleased to see that the draft articles have now been adopted on the second reading. South Africa places great emphasis on inter-State cooperation and the development of domestic laws to ensure the prevention of the most serious crimes, such as crimes against humanity. Whilst international courts serve an important ... States remain the first line of defence in the investigation and prosecution of perpetrators of international crimes. The draft articles present a mechanism through which States can strengthen their domestic laws as well as to allow for cooperation with other States in order to ensure accountability for crimes against humanity. South Africa would have liked to see the inclusion of war crimes and genocide within the parameters of the draft articles. However, we note that a multilateral convention focused on mutual legal assistance and extradition for all serious international crimes is underway. Nevertheless, it would be necessary to ensure that such initiative and the draft articles remain complementary to each other. ... South Africa largely supports the content of the draft articles and is pleased to note that some of its previous concerns have been clarified in the report. South Africa supports the elaboration of a convention, in principle. To do so via the General Assembly may take considerable time, particularly if one has regard for the slow pace of finalization of the draft articles on Responsibility of States for Internationally Wrongful Acts, and Diplomatic Protection. However, the previously mentioned initiative for extradition and mutual legal assistance for all atrocity crimes will follow the route of a diplomatic conference. It may thus be better to elaborate a convention in the General Assembly – thus covering all options. Ultimately, the manner selected should be one that will not be unduly delayed and that will allow for the largest number of ratifications in order for cooperation to be successful.	Explicitly favors a process to develop a convention	https://www.un.org/en/ga/sixth/74/pdfs/statements/ilc/south_africa_1.pdf
Spain	Dr. Carlos Jiménez Piernas	Thur., Oct. 31, 2019, 10:22 - 10:36 AM	"…I would first like to point out that Spain, by all means, subscribes the statement made earlier on behalf of the European Union and its member States, especially with regard to the draft articles on crimes against humanity, adopted at second reason by the Commission this year, on which we also congratulate its Special Rapporteur, Professor Sean Murphy. In this regard, Spain supports the promotion of a Convention on the basis of the Draft Articles, but with the conviction that this promotion will only be successful, and its result valuable, on the basis of a consensus among the States members of the United Nations."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328674/-s-e-spain.pdf
Sudan	Dr. Elsadig Ali Sayed Ahmed	Tues. Oct. 29, 2019, 11:21-11:30 AM	*****UNOFFICIAL TRANSLATION***** "Mr. President, on the subject of crimes against humanity we say: The issue of combating impunity represents a noble purpose of achieving justice. It is not disputed, and falls primarily in the responsibilities of the national judicial and judicial bodies of the country concerned in accordance with its terms of reference stipulated in the framework of its internal legal systems. ... [I]n our opinion in general, we value the committee's decision to refer the draft articles to us as countries to express our observations on how to proceed with them. We find that a proposal for an agreement on this important issue is an idea worthy of finding momentum. It is an objective discussion with a note that Member States are in urgent need of appropriate time for in-depth consideration of a draft articles submitted by the International Law Commission. We give our sincere thanks and appreciation to the Special Rapporteur, Mr. Sean Murphy."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/21999942/sudan.pdf
Sweden	N/A		(See Norway's statement on behalf of the Nordic Countries) (joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	

Switzerland	Swiss Confederation	Wed., Oct. 30, 2019 4:40 - 4:44 PM	***UNOFFICIAL TRANSLATION*** "Mr. President, We commend the International Law Commission, in particular Special Rapporteur Sean Murphy, for the high quality of the draft articles on the prevention and punishment of crimes against humanity. Switzerland fully supports the Commission's recommendation to draw up a convention based on this project. Such a convention would fill a gap in the existing international legal framework. It would provide a definition of crimes against humanity and specify the related obligations, particularly in the field of national repression and prevention. It would therefore contribute to the fight against impunity for the most serious crimes. A future convention should be careful not to weaken existing obligations under international law. It would also be important that it does not contradict a possible general convention on mutual legal assistance in the prosecution of international crimes, but is complementary to it."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23329075/-f-switzerland-statement.pdf
Thailand	Mrs. Vilawan Mangklatanakul	Tues. Oct. 29, 2019, 1:02 -1:09 PM	"Thailand wishes to commend the Special Rapporteur, Mr. Sean Murphy, for his outstanding contribution to the work of the ILC on this topic and take note of the adoption of the entire set of the draft articles on prevention and punishment of crimes against humanity on second reading by the Commission. Thailand reiterates its support for the Commission's work on this topic. My delegation is positively considering the recommendation by the Commission for an elaboration of a convention by the General Assembly or by a diplomatic conference on the basis of the draft articles. We are of the view that such a convention will help facilitate national prosecutions, end impunity and strengthen international cooperation in the suppression of crimes against humanity. We emphasise the need for the prevention of heinous crimes and the strengthening of the rule of law. …. On these notes, we will continue to follow the further development of this topic closely."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/21999964/thailand.pdf
The Gambia	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	
Togo	Mr. Dekalega Fintakpa Lamega	Thurs. Oct. 31, 2019, 10:42-10:51 AM	***UNOFFICIAL TRANSLATION*** "Under Chapter IV of the report, Togo takes note of the change of name of the draft articles on crimes against humanity which is now entitled "Prevention and repression of crimes against humanity" a title which seems more expressive. Pending the appropriate decision by the Togolese Government as to the desirability of elaborating, as the Commission recommends to the General Assembly, a Convention on the basis of the 15 draft articles adopted by the Commission, my delegation wishes to make the following preliminary comments: ... These clarifications being made and like the Commission, Togo expresses to Mr. Sean D. Murphy, appointed Special Rapporteur on this important issue since 2014, its gratitide and its congratulations for the exceptional contribution he has made, by his dedication and tireless efforts in the preparation of the draft articles on the prevention and suppression of crimes against humanity and the results achieved in that regard..."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/23328681/togo.pdf
Turkey	The Republic of Turkey	Thurs. Oct. 31, 2019, 11:31-11:38 AM	"With regard to the topic: "crimes against humanity", we would like to thank the Special Rapporteur Sean D. Murphy for his fourth and final report and congratulate the Commission for the completion of the draft articles. Regarding the recommendation of the Commission on the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles, my delegation is of the view ... that more time is needed to discuss about this issue before we decide on further procedure, since the draft articles and their commentaries have just been completed. In this sense, for now we just have some remarks about the draft articles for possible future work. ..."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/23328689/-e-turkey-statement.pdf
Ukraine	Ms. Oksana Zolotarova	Thurs. Oct. 31, 2019, 12:47-12:54 PM	"We value efforts and dedication of the Special Rapporteur, Mr. Sean D. Murphy in preparation of the draft articles on the prevention and punishment of crimes against humanity. Ukraine actively followed and supported this work, and provided its comments on the draft articles, in particular on the definition of crimes against humanity. My delegation in many occasions stated its full commitment to fight against impunity and underlined the crucial importance to bringing to justice of all perpetrators of genocide, war crimes, crimes against humanity, and other serious violations of international law. In this regard, we welcome the adoption by the Commission, on the second reading, the entire set of draft articles on prevention and punishment of crimes	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/23328744/-e-ukraine-statement.pdf

			against humanity. We support the recommendation of the Commission to elaborate the convention on the basis of the draft articles."		
United Kingdom	Mr. Iain MacLeod	Mon. Oct. 28, 2019, 12:34-12:48 PM	"The United Kingdom is grateful to the Commission and to the Special Rapporteur, Mr. Sean Murphy, for their impressive and important work on the topic 'crimes against humanity'. The United Kingdom welcomes the Commission's adoption on second reading of a set of draft articles on prevention and punishment of crimes against humanity, and accompanying commentaries. The draft articles navigate this complex and sensitive area well through a rigorous, practical approach that draws significant inspiration from international criminal law precedents. The United Kingdom considers the draft articles to be a positive and useful example of the potential for the Commission to promote the codification and progressive development of international law, by distilling existing international law and practice in a focused, responsible and practical way. Since States provided their written comments to the Commission last December, the Commission has made some amendments to the draft articles and their commentaries. Many of these amendments are helpful. ... In light of the changes made by the Commission, the limited scope of the draft articles and the United Kingdom's support for an extradite-or- prosecute convention in respect of crimes against humanity, the United Kingdom would support the Commission's recommendation for States to elaborate the draft articles into a convention in the UN General Assembly or at a diplomatic conference. In the United Kingdom's view, a future convention on this subject would complement, rather than compete with, the Rome Statute. A new convention could also facilitate national prosecutions, thereby strengthening the complementarity provisions of the Rome Statute. The elaboration of the draft articles also provides a good opportunity for States to work together to tackle a lacuna in the fight against the most serious crimes."	Explicitly favors a process to develop a convention	http://statements.unmeetings.org/media2/21999917/-e-united-kingdom-statement.pdf
United States of America	Mr. Marik A. String	Tues. Oct. 29, 2019, 11:49-12:06 PM	"Mr. Chairman… The United States has a long history of supporting justice for victims of crimes against humanity and other international crimes. ... We would like to thank the Special Rapporteur for this project, Sean Murphy, for his prodigious efforts. He has brought tremendous value to this project, and we particularly appreciate his efforts to take into account States' views on this topic. Robust interaction and a productive relationship between States and the ILC is vitally important to the relevance and continuing vitality of the Commission's work. We have also particularly appreciated his extensive consultations with Member States. ... With due appreciation of the importance and gravity of the subject, the United States submits that it is not yet the moment to consider negotiating a convention based on the draft articles. Careful consideration must be given to the draft articles and commentaries by all States. In addition, although some of the written comments submitted by the United States and others were taken into account in the final draft articles, the ILC chose not to incorporate other State proposals for revision. The United States is therefore concerned that as currently formulated, the draft articles lack clarity with respect to a number of key issues, and believes these issues must be addressed in order to reach consensus among States and to ensure that any future convention would be effective in practice. ... For these reasons, the United States respectfully proposes that the subject of Crimes Against Humanity be included on the Sixth Committee Agenda for the 76th session, for further work based on the draft articles. Consideration should be given to potential modalities of work that would enable thorough, substantive exploration of the challenges that are posed by a potential convention on crimes against humanity, such as a working group. An inclusive and rigorous approach would have the greatest probability of a successful outcome that strengthens the ability to provide justice for victims of crimes against humanity."	Opposes a process to develop a convention at this time (more time needed for study and/or revision)	http://statements.unmeetings.org/media2/21999967/united-states-of-america.pdf
Uruguay	N/A		(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Explicitly favors a process to develop a convention	

Uzbekistan	Mirvohid Azimov	Thurs. Oct. 31, 2019, 10:51-10:57 AM	***UNOFFICIAL TRANSLATION*** "Our delegation would like to congratulate the Commission and the Special Rapporteur, Mr. Sean Murphy, with the completion of work on the subject “Crimes against humanity”. We highly value the effort of the Commission and the Special Rapporteur on the development of draft articles on this topic. The codification of norms on the prevention and punishment can promote governments to adopt and harmonize national legislative acts, thereby opening a path to a more effective international cooperation in the realm of prevention, investigation, and prosecution of crimes against humanity. We would like to make the following comments to the draft articles. ..."	Takes no explicit view on a process (positive and/or constructive comments on the text)	http://statements.unmeetings.org/media2/23328850/u-rev.pdf
Viet Nam	Delegation of Vietnam	Thurs. Oct. 31, 2019, 11:09-411:16 AM	"[W]e wish to congratulate Special Rapporteur Dr. Murphy for the completion of his fourth report on Crimes against humanity, and specifically the draft articles on prevention and punishment of crimes against humanity. The necessity of a new convention on crimes against humanity as well as its formation, from our perspective, should be carefully examined by the UN General Assembly, and in this case, at the Sixth Committee. My delegation supports the repression and punishment against crimes against humanity on the basis of respect for national sovereignty and non intervention in domestic matters of other States, consistent with the principles enshrined in the Charter of the United Nations. However, we are not convinced that the analysis based on the practice of the ICC, which does not enjoy wide spread consensus of the international community in investigating and prosecuting serious international crimes reflects the consensus on an international treaty dealing with crimes against humanity. Moreover, should there be an international treaty on this matter, we note that there exist differences among the criminal legal systems of States, and in order to address this issue, there needs to be the possibility for State reservation against provisions that the reservation of which are not in contravention to the objects and purposes of the treaty. ..."	Opposes a convention	http://statements.unmeetings.org/media2/23328684/viet-nam.pdf

SUMMARY TABLE		
State & Entities Commenting and/or Joining a Statement	**86**	
Explicitly favors a process to develop a convention	62	72%
Takes no explicit view on a process (positive and/or constructive comments on the text)	8	9%
Takes no explicit view on a process (neutral)	2	2%
Opposes a process to develop a convention at this time (more time needed for study and/or revision)	11	13%
Opposes a convention	3	3%

Compilation of Government Reactions to the International Law Commission's Work on Crimes Against Humanity

Prepared by the Whitney R. Harris World Law Institute

75th SESSION OF THE UNGA (2020)					
COUNTRY	**NAME OF SPEAKER**	**DATE AND TIME**	**ABBREVIATED STATEMENT**	**STATEMENT CODE**	**HYPERLINK**
Albania		Wed. Oct.14, 2020	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Argentina	Argentine Delegation	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** Argentina highlights the leadership of the Commission in the progressive development and codification of international law. In this regard, he wishes to refer to the work of the Commission on “Crimes against humanity” and to express deep appreciation to its Special Rapporteur, Sean Murphy. In particular, we highlight the preparation of Report A / CN.4 / 725 and the significant progress made in addressing the issue since its inclusion in the Commission's work program in 2014. … Likewise, we highlight the broad and active participation of States, international organizations and other entities that sent comments to the Draft Articles and we value that they have been considered in the second reading of the Draft Articles . . . Argentina reiterates its firm commitment to the fight against impunity for the most serious crimes under international law and considers that a legally binding international instrument on this matter will consolidate the legal structure of international criminal law. Likewise, we wish to highlight the MLA initiative . . . In conclusion, my country reiterates its firm support for this process to advance in the fight against impunity and the strengthening of our common goal of contributing to the development and progressive codification of international law.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/11GbhMOk8zrC_en.pdf
Armenia	Mrs. Sofya Margaryan	Thurs. Oct.15, 2020	Armenia welcomes an open and inclusive process on the discussion of the draft articles on the prevention and punishment of crimes against humanity. Building further cooperation on this important subject will be an important step towards a world, where the rights of people, no matter where they are, must be properly protected. Armenia recognizes the importance of the jus cogens character of the prohibition of crimes against humanity, as reflected in the preamble of the text. We note that a degree of consensus has been duly captured in the draft articles reflecting the shared objective of combating impunity for the perpetrators and delivering justice to the victims. It is important to build upon this consensus to develop the capacity of the international community to protect people, the owners of the Charter of the United Nations, from crimes against humanity.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/yp40VHAnWf5a_en.pdf
Austria	Ambassador Alexander Marschik	Wed. Oct.14, 2020	Firstly, Austria would like to commend Special Rapporteur Sean Murphy and the International Law Commission once again for the successful elaboration of the “Draft articles on prevention and punishment of crimes against humanity”. We believe that these articles are an important contribution to the development of international criminal law, and we strongly support the recommendation of the Commission to elaborate a convention on this topic on the basis of the draft articles. In Austria’s view, the successful work of the Commission deserves appropriate follow-up. We therefore reiterate our call to this Committee to decide that an international convention be concluded on the basis of the draft articles. We still believe that a diplomatic codification conference would be the most suitable forum for the elaboration of such a convention, and – as we have stated before – the Austrian government would be ready to consider the possibility of hosting such a conference in Vienna. While we recognise that such a conference may not be convened during these difficult times of the COVID-19 pandemic, this does not mean that we have to delay any discussion on the way forward. We have closely listened to last year’s debate on the draft articles. We heard some voices that asked for more time to consider this important issue in depth. Owing to the exceptional circumstances of this year, such additional time is now provided to all delegations, but at the same time, we believe that a clear timeline for future consideration of this issue, without prejudging its outcome, is imperative to ensure progress. 3 Furthermore, we heard the comments made on specific draft articles asking for further discussion among states of outstanding issues, such as the implications of the “without prejudice” clause in draft article 2(3), the conditions for the establishment of national jurisdiction for crimes against humanity, or the provision of procedural safeguards against politically motivated prosecutions. In order to discuss these issues, we should establish an adequate forum and efficient consultation process that allows for in-depth discussions. We suggest the establishment of an ad-hoc committee for the intersessional period, with a specific mandate and timeline.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/JhGV3zwTDGf9_en.pdf
Azerbaijan		Thurs. Oct.15, 2020	Statement made in right of reply.	N/A	

Bangladesh	Mr. Tareq Md Ariful Islam	Wed. Oct.14, 2020	We wish to see a UN Convention on Crimes against Humanity as a reality. The negotiation process to convert the ILC draft articles to a convention must be carried out in an inclusive and transparent manner.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/gE8K8cGOzmcT_en.pdf
Bosnia and Herzegovina		Wed. Oct.14, 2020	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Brazil		Wed. Oct.14, 2020	Convinced of the need to address the gap in the existing international law framework, Brazil has supported this process since its inception, including by providing constructive comments to the set of draft articles. . . . The set of draft articles presented to us by the International Law Commission constitutes a good basis to guide our discussions. The Sixth Committee has an unfulfilled task, which is to agree on a structured process towards drafting a convention that could be universally ratified. For that, it is imperative to prioritize a format that provides the legitimacy and inclusiveness needed to the discussions. Brazil is ready to engage in this exercise, and to work constructively towards a consensual process that may ultimately lead to a convention on crimes against humanity.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/6ELJmtLx9S25_es.pdf
Chile		Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** Chile considers that the “draft articles on prevention and punishment of crimes against humanity" constitutes an ideal basis for negotiating and conclude a multilateral convention and therefore considers that the recommendation of the international Law Commission must be welcomed, in the sense of elaborating a convention on the basis of said project in this sense, Chile is open to the Sixth Committee recommending to the Assembly General the convening of an international conference of plenipotentiaries with the mandate to draw up a convention on the prevention and punishment of crimes of against humanity, to be negotiated on the basis of the aforementioned draft articles.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/Y28nRILDw1LI_zh.pdf
China	n/a	Thurs. Oct.15, 2020	***UNOFFICIAL TRANSLATION*** China recognizes the importance of preventing and punishing crimes against humanity and takes note of The International Law Commission’s proposal for a convention on the basis of the Draft Articles. Here, China focuses on clarifying the following principles and positions on the formulation of the convention: First, the formulation of a convention must be premised on defining the concepts of of crimes against humanity. ... Before a basic consensus can be reached on the definition of "crime", it is not appropriate to rush international legislative process. ... Second, the formulation of the convention should be based on sufficient national practice. In recent years, the United the Sixth Committee has held many discussions on crimes against humanity. Many countries believe that some key clauses of the "Draft Paragraph" lack solid arguments based on extensive state practice. It is derived from the provisions of other international conventions by analogy or deduction, or one-sided reliance on Universal practice of international criminal justice institutions. In reflecting universal state practice. On the other hand, the "Draft Articles" still have defects. Third, the establishment of a convention should be guaranteed by an atmosphere of solidarity and cooperation. Crimes against humanity are serious international crimes that the international community needs to combat together, but in recent years, It has been politicized and abused frequently. If any party goes beyond the scope of the law, promoting self-interest and political manipulation on the issue of crimes against humanity will only cause opposition from all parties, undermining international cooperation. Without an environment of unity and close collaboration, it is unlikely for the international legislative process to be started, even if it did start, it will not be sustainable. Based on the above, China believes that under the current situation, the the timing of the convention is premature. At this stage, China supports all parties to continue take stock of and analyze relevant countries practice, fully exchange views, gather political will, and gradually accumulate consensus.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/I95xezUOXbDP_zh.pdf
Colombia	Juan Cuéllar Torres	Thurs. Oct.15, 2020	***UNOFFICIAL TRANSLATION*** Colombia wishes to thank the CDI once again for the presentation of the draft articles on the prevention and punishment of crimes against humanity with his comments and, in particular, to the special rapporteur of the subject, Sean Murphy. We want to highlight the dedicated work of the Rapporteur and the Commission in relation to this topic, of great importance and relevance for the international community. Next, allow me to present some preliminary comments that my delegation considers relevant for the revision of the text presented. ... [I]n article 6 of the project, by means of which it seeks to criminalize crimes against humanity, Colombia proposes to add the classification of their “financing”, taking into account the role played by the funders of these heinous crimes, whether they are natural or legal persons or criminal organizations. On the other hand, we consider that in order to apply the principle of Non-Refoulement - or Non Refoulement - in Article 5, it is necessary to guarantee that if the State decides not to extradite, it nevertheless assumes the obligation to carry out an internal judicial process (aut dedere aut judicare). In the same way, if it is a refugee, it is necessary to add that the beneficiary is obliged to prove that condition. Lastly, my delegation considers that the participation of victims in the criminal process is essential to guarantee their rights, therefore, article 12 of the draft should include a definition of what constitutes a victim.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/w2wVqqjQEdqo_es.pdf

Costa Rica	Ana L. Villalobos	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** Last year Costa Rica received with great optimism the draft articles on prevention and punishment of crimes against humanity adopted by the International Law Commission, as well as your recommendation that this draft form the basis for the General Assembly or well a diplomatic conference, draw up an international convention. Today we continue to maintain that position. Costa Rica, like other delegations, accepts the analysis made by the Commission on this draft articles and the joint initiative for a multilateral aid treaty reciprocal judicial process and extradition, for the internal prosecution of the most severe international crimes, called MLA. We are part of the related thought group of this initiative and we consider that both instruments should be complementary and that, as long as there is coherence between the two, they will be indispensable tools in the prevention and punishment of Crimes against humanity.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/cqpD8cE1CxhL_en.pdf
Cuba	Delegation of Cuba	Wed. Oct.14, 2020	We appreciate the work carried out by the International Law Commission in order to present the draft articles on this topic. Cuba is a historic defender of respect for international law and its principles, especially for international criminal law. The fight against the impunity of crimes against humanity has great significance and importance in the current international context. For this reason, Cuba considers that the draft articles prepared by the International Law Commission is a valid contribution to the efforts to concretize prevention and international repression of this type of crimes and will 2 contribute to the efforts to reinforce the international criminal justice system. Likewise, it provides a useful guidance for States that have not yet adopted regulations relating to the criminalization and prosecution of those crimes at the national level. ... [I]t considers it appropriate to reiterate that a Convention on this matter must reflect, as a fundamental principle, that the primary responsibility to prevent and punish serious international crimes that take place under its jurisdiction must fall, first of all, on the State in question… The Sixth Committee must continue to consider this issue based on the comments of States, given the concerns that still exist in some substantive matters of the draft articles presented. This discussion will report a practical benefit to ensure that a possible future international convention, based on them, is not in contradiction with national laws applicable to crimes against humanity. Only in this way it will be possible for a future Convention to be widely accepted by the international community and for its drawing-up to take into account the differences between the different existing national systems of law, as well as those States that are not Parties to the Rome Statute of the International Criminal Court. ... We reiterate that the binding force of this type of instrument derives from the consent of States in the process of establishment of international law. We cannot consider the ILC, by itself, as a sort of legislative body in charge of establishing norms of international law. Its valuable contribution has been to record the issues in which the States have prepared regulations with significance for international law and to propose those matters with respect to which the States might be interested in studying the possibility of preparing them. In this regard, the drawing-up of draft articles is not an exercise of codification of customary international law, but rather an effort in the progressive development of law.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/cqpD8cE1CxhL_en.pdf
Czech Republic	Ms. Kristina Pelkiö	Wed. Oct.14, 2020	We fully support the statement on behalf of the European Union and its member States on this topic. We believe that these draft articles deserve particular attention of the international community since their aim is to prevent and punish crimes against humanity and provide legal framework for interstate cooperation in this respect. We would like to recall that crimes against humanity are of such a grave nature that they shock the conscience of mankind and therefore all States have a duty to hold their perpetrators criminally responsible. The crimes against humanity form part of core crimes under international law, but unlike the other crimes, their prevention and punishment is regulated on an international level only partially and insufficiently. The Czech Republic has always supported the elaboration of a complex convention on prevention and punishment of crimes against humanity - a convention which would finally fill the legal gap and complement other conventions on prosecution of the most serious crimes under international law. We note with satisfaction that the adopted draft articles represent a model of a modern criminal law treaty and that they are based on comprehensive research taking duly into account other generally accepted criminal law instruments. In this context, the Czech Republic again expresses its appreciation to the International Law Commission and namely Special Rapporteur Sean Murphy for formulating these articles. Fight against impunity for crimes under international law is a common goal but also a duty of all States and therefore the Czech Republic strongly supports this new legal framework that would assist in bringing the end to impunity for these crimes. To conclude, Mr. Chairman - the Czech Republic remains committed to its duty not to let go these crimes unpunished and would like to express once again its support for the elaboration of convention on the basis of these draft articles, preferably by an international conference of plenipotentiaries.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/ehyaT6dBfsHj_en.pdf
Dermark	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	

Egypt	Dr. Ahmed Abdelaziz	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** My delegation aligns itself with the statement of South Africa on behalf of the African group. We renew our support to promote mechanisms to fight crimes against humanity, achieve justice, and prevent impunity for all perpetrators of crimes against humanity. Egypt believes there is a need to provide ample time to duly study the draft articles proposed by the international law commission on crimes against humanity. We must not rush a discussion on an international convention based on these articles or the diplomatic conference to adopt it as an international convention. We need to provide sufficient time for all countries to study the draft articles appropriately and ensure they go in line with their national legislation and constitution. I would like to recall the serious concerns expressed by my delegation in the previous session with a number of other delegations on the draft articles proposed. The draft articles addressed the principle of universal jurisdiction in articles 2, 7,9, and 10. There were different points of view on this issue and the 6th committee was unable to agree on it although we have been discussing the scope and application of the principle of universal jurisdiction for more than ten years. This is why it is important to provide ample time and more time for countries to discuss and ensure the necessary consensus. Based on the above and taking into account the difficulty of holding appropriate negotiations on this item in the current session because of the COVID-19 pandemic, my delegation suggests to postpone this item to the next session and to only introduce technical updates to last sessions' resolution.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/PwuBEVLOrSfS_ar.pdf
El Salvador	Egriselda López	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** The Republic of El Salvador recognizes that the atrocious violations against human rights must be prevented and punished at the national level, as well as through efforts sets in the international community. In this sense, our country is a State Party to various instruments... . In view of the existing legal framework, El Salvador considers that the adoption of a convention in the matter would contribute to typify and regulate these very serious behaviors, to highlight the need to prevent and punish them, as well as to harmonize national laws on acts of that nature, thereby enabling more effective interstate cooperation for research, prosecution and extradition for such crimes. In particular, on the draft articles at hand, my delegation wishes to reiterate its observation regarding draft article 2.2, letter "i" regarding the definition of "Enforced disappearance". ... My delegation believes that the existence of a binding instrument on the matter will contribute for Member States to strengthen their national legal framework, in order to promote greater mutual legal assistance in relation to investigation and prosecution to reduce impunity for these crimes. In short, the Republic of El Salvador wishes to reiterate its commitment to continue with the best efforts to overcome impunity in the commission of these atrocious acts, ensuring the investigation and prosecution of those responsible for ordering or committing crimes against humanity. Likewise, we reaffirm our interest in continuing with the analysis of a possible convention in the matter.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/Xr83C6tpWmC8_es.pdf
Estonia	Republic of Estonia	Wed. Oct.14, 2020	Estonia continues to firmly support the elaboration of a Convention on crimes against humanity on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries. The elaboration of a Convention on the elimination and prevention of crimes against humanity would fill the current gap in the international treaty law and strengthen the international criminal law system alongside the relevant international treaties on genocide and war crimes. A new Convention would complement the Rome Statute and be fully in line with its basic principle of complementarity. A new Convention would assist, inspire and oblige states to review their national laws and strengthen international cooperation to stand against the most serious international crimes and fight impunity. Estonia stands ready to contribute constructively to discussions on this very important topic.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/QpwjejDGS3Jp_en.pdf
European Union		Wed. Oct.14, 2020	The draft articles adopted by the International Law Commission reflect the call for further efforts of the international community to end impunity for perpetrators of crimes against humanity and to provide justice for victims of such crimes. As staunch supporters of the fight against impunity worldwide, the European Union and its Member States are fully supportive of the initiative towards a new Convention on the Prevention and Punishment of Crimes against Humanity. We see the elaboration of a Convention as a major step towards strengthening the international criminal justice system and as an illustration of States working together to close gaps in international law. A new Convention would reinforce the legal framework on the criminalization of crimes against humanity and would facilitate national investigations, prosecution, and punishment of such crimes. The Convention would offer an additional legal tool to prevent and punish crimes against humanity at the national level and, at the same time, a new legal basis for inter-state cooperation on that matter. We also recall the MLA initiative, supported by all EU Member States, aiming at enhancing interstate cooperation in the prosecution of perpetrators of international crimes. We see both processes as complementing each other. Adoption of these new instruments would substantially contribute to the fight against impunity at international level. The European Union and its Member States strongly support the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries. We stand ready to take the next steps towards this end.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/7UeyKzmS9ejy_en.pdf

Finland	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
France	N/A	N/A	(Did not make a statement on this topic, but joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
Georgia		Wed. Oct.14, 2020	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Germany	N/A	N/A	(Did not make a statement on this topic, but joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
Guatemala	The Guatemalan Delegation	Wed. Oct.14, 2020	Guatemala as a founding member of the Group that promotes the Responsibility to Protect (R2P), which was conceived at the United Nations Summit in 2005, with the aim of to prevent the most heinous war crimes, ethnic cleansing and crimes against humanity, attaches great importance to this international security standard and to the defense of human rights humans. The role of the International Criminal Court, based on its founding document: The Rome Statute is indispensable today to end impunity for these crimes atrocious. As a State party to the International Criminal Court, we attach great importance to the noble work of the ICC, as it is transcendental in nature and stands at the center of an international system justice with a far-reaching global impact. We consider that the firm commitment and support, as well as the cooperation of the States parties is crucial to enhancing the capacity of the Court to ensure accountability for crimes, do justice and provide redress to victims, as well as help prevent future offenses, as provided by the spirit of the Rome Statute. In conclusion, I would like to emphasize that my delegation, based on our peaceful vocation and respect for Human Rights, considers it prudent to organize a Conference Intergovernmental for the elaboration of a Convention on crimes against humanity in the future, since it would constitute a solid contribution to contribute to International Law on matter.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/K2dtna7xOv6v_es.pdf
Iceland	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	
India	Mr. Yelda Umasankar	Wed. Oct.14, 2020	My delegation is of the view that existing international instruments already accommodate for crimes against humanity as punishable offences. Member States that are parties to the Rome Statute are fully aware of this fact. Our understanding is that even those member states that have not yet subscribed to the Rome Statute, their extant national legislations already capture these offences. Therefore, we would like to reiterate our position that, since international mechanisms dealing with the said matter are already in existence, the necessity for an exclusive Convention does not arise and if a need for such a Convention is felt by the wider UN membership, then the draft articles need to be thoroughly examined taking into full consideration commentaries of all Member States. However, we would like to caution that any work on this topic would lead to duplicating existing international legal mechanisms. It may be recalled that during our previous discussion on the draft Resolution on Crimes against Humanity, an attempt was made to recognize the need to prevent crimes against humanity and adopt a legally binding instrument. In this context, we would reiterate our view that it is premature to draw any conclusion on the nature and format of the draft Articles without having any in-depth discussions on the draft Articles. A way forward, could be in the form of setting up a Working Group in the Sixth Committee to continue further discussions in order to arrive at a possible consensus on this important topic. Finally, given the shared concerns among the member States (including India), that these Draft Articles are not necessarily based on empirical analysis of international practice and are largely put together by analogy or deduction from the provisions of other international conventions, we are of the view that these draft Articles are neither new nor universal. Thus, the proposal to have a successful conclusion of the Convention at this stage is too premature.	Opposes a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/fcSLcrOmUhnS_en.pdf
Indonesia	The delegation of Indonesia	Thurs. Oct.15, 2020	Indonesia wishes to take this opportunity to reiterate its position that ending impunity and denying safe haven to individuals who commit crimes against humanity is our collective responsibility. At the same time, let us bear in mind that there are still divergences of position concerning the scope and application of such crimes. As for the way forward on a Global Convention on Crimes Against Humanity, we affirm that it is critical to have further deliberations and consultations, recognizing the delicate and complex nature of the issue. We therefore encourage Member States to conduct further consultations through the Sixth Committee to deepen understanding and hence bring us closer to an agreement/consensus.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/uQaSQAo2JhQn_en.pdf

Iran	Mr. Ali Nasimfar	Thurs. Oct.15, 2020	Given the divergence in the comments and observations of the Member States it is obvious that further work is needed so as to allow the relevant authorities of the Member States to provide their comments and engage in an inclusive and intergovernmental negotiation. The work of the ILC could be considered as a source, in this process that should be shaped under the auspices of the Sixth Committee. Therefore, it is premature at this stage to call for a diplomatic conference to adopt the proposed draft articles… In conclusion, my delegation believes that the draft articles on the "Prevention and punishment of Crimes against Humanity" should be remain open to further in-depth discussion and consideration of member states in this committee. It is important to focus on legal issues, avoid politicization and selectivity and create a framework that genuinely addresses the plight of mankind, whenever they face crimes against Humanity, in full conformity with the principles and objectives of the UN Charter.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/6rImkr8gxgdE_en.pdf
Israel	Ms. Sarah Weiss Ma'udi	Thurs. Oct.15, 2020	First, Israel would like to recall the need for specific and well-articulated safeguards to the establishment of mechanisms for the enforcement of, and adherence to, the proposed draft articles. Israel remains concerned that enforcement and jurisdiction mechanisms under the draft articles could potentially be abused by states and other actors in order to advance political goals, or attain publicity, rather as a genuine legal tool to be utilized as a means to protect the rights of victims and to put an end to impunity for serious international crimes, in appropriate circumstances. Israel would also like to reiterate that the draft articles should accurately reflect well-established principles of international law. Israel believes that several draft articles do not reflect customary international law, ... As also noted in past statements, Israel values highly the particular attention given in the Commentary to crimes against humanity committed by non-State actors. ... As a final matter, Israel would like to address the Commission's recommendation to elaborate a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles. It appears that the discussion in the Sixth Committee last year reflected widely divergent views among Member States. Whereas some supported moving forward quickly towards adopting modalities for an international conference, others called for a more restrained and cautious approach due to the absence of consensus regarding several significant issues of substance. Due to the importance Israel attaches to this topic, Israel maintains its view that prior to any agreement on the desired forum for the negotiation and elaboration of any convention on this subject, it is clear that further deliberation is required on several critical and outstanding issues raised by many States, including Israel. In light of the concrete and detailed comments many States have submitted regarding specific draft articles, the differences that exist, and the 2 importance of the subject matter, it seems inadvisable to regard the current draft articles automatically as a "zero draft" for any future process. Equally, it seems appropriate that States be given adequate time to review and consolidate their positions and effectively address outstanding issues in a process informed by the work of the Commission on this topic as a basis for such discussion. Therefore, Israel would like to reiterate its suggestion to establish a forum in the framework of the Sixth Committee in which States would come prepared to review this matter, and engage in an inclusive, robust, and efficient discussion focused on clarifying outstanding issues and resolving significant differences towards the potential elaboration of a convention.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/lVdRfhcmUlD2_en.pdf
Lebanon		Thurs. Oct.15, 2020	My delegation believes that the conclusion of the ILC work on this topic is an important step towards the development of international law; particularly, international criminal law, International Humanitarian Law and Human Rights Law. It is now up to us, members of the General Assembly, to take ownership of the final product of the Commission and move the discussion forward. Mr. Chair, Lebanon remains strongly attached to achieving justice for the most heinous crimes, strengthening accountability and ending impunity; and my delegation sees strong merits in having a 'specialized' Convention on crimes against humanity. The elaboration of an international legally binding instrument would contribute to closing a normative gap, as well as reinforce national mechanisms. This is why we support moving towards a Convention on the prevention and punishment of crimes against humanity, on the basis of the draft articles. And as reflected in the recommendation of the ILC, it could either be done by the General Assembly or a conference of plenipotentiaries, although we have a preference for the latter. The ultimate objective must be a universally accepted Convention, as is the case for the other two high crimes under international law: the Convention on the prevention and punishment of the crime of Genocide, and war crimes codified in the Geneva Conventions. Mr. Chair, We are mindful that certain elements require further attention, with some draft articles that could be improved, and we are also aware there are still legitimate concerns which have not been addressed. Whatever the format, we support a way forward which would ensure a meaningful and resultsoriented process; with substantive discussion and negotiations; and which progresses in a sound as well as stepwise manner, preferably with a defined timetable.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/Y38ToNLTmTwV_en.pdf

Malaysia	Ms. Sarah Ruhama	Thurs. Oct.15, 2020	Malaysia records and expresses its appreciation to the International Law Commission (“ILC”) for its continuing contribution to the codification and progressive development of international law, including for the completion of the draft articles on Prevention and Punishment of Crimes Against Humanity (“draft articles”) during its seventy-first session last year...In this regard, Malaysia remains flexible and supportive to the continuation of elaboration and discussion of the draft articles be it by the General Assembly or by an international conference of plenipotentiaries. Malaysia reiterates our hope for the draft articles to be examined prudently to ensure that any further work should not overlap with existing regimes but rather to complement it.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/OSDmMvPoyCLY_en.pdf
Mexico	Mexican Delegation	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** Mexico has been a promoter of the work of the International Criminal Court since its foundation, and we are concerned about the denunciations of the Rome Statute in years recent We take the opportunity to reiterate that they should be discussed measures to ensure that the Court and its members can perform professionally with independence and impartiality. Both the Magistrates as the personnel assigned to the Prosecutor's Office need this certainty to effectively combat crimes against humanity and other crimes over which the Court has jurisdiction. That is what the States that are part of the Rome Statute. In this context, the articles adopted by the CDI take up the evolution legislation on this issue reflected in the Rome Statute itself, as well as relevant contemporary international law on the matter.Taking into account that there is still a legal vacuum to fill regarding crimes against humanity, it is important that we move forward towards the adoption of a convention for the prevention and punishment of these crimes, based on the articles prepared by the CDI. This will contribute to close a legal gap both internationally and nationally.To do this, we must move towards a substantive discussion that serves to agree on a negotiation process, with clear deadlines, that includes all the states. In the previous session, the Sixth Committee was very close to reach an agreement in this regard. We hope that now that we have had more time to reflect and consider the recommendation of the ILC, we can define a critical path of action, without prejudging its outcome, which lead us to a negotiation process. We acknowledge that some delegations have comments and substantive considerations regarding the articles adopted by the ILC, which is legitimate. We are convinced that the relevant forum for addressing and addressing these substantive concerns is precisely in an intergovernmental negotiation conference. Finally, we highlight that today the Sixth Committee has the opportunity to break the inertial cycle of inaction that has occurred in recent decades on articles submitted for consideration by the CDI. Taking into consideration the importance of this issue, as well as the profound positive impact that can represent for the fight against impunity and for the strengthening of the rule of law, we find ourselves at a unique juncture where advancing on this issue would represent a double benefit: on the one hand, the progress in the development of international criminal law and, on the other, to strengthen and improve the dynamics and relationship between the CDI and the Sixth Commission.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/paI4r8r7Ormm_es.pdf
Montenegro		Wed. Oct.14, 2020	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Myanmar		Thurs. Oct.15, 2020	Statement in right of reply.	N/A	
New Zeland	Luke Roughton	Wed. Oct.14, 2020	New Zealand reaffirms its belief that the commission of such crimes must be condemned, and that Member States must make every effort to prevent and punish their commission. We recognise that the effective prevention and prosecution of such crimes is enabled by taking measures at the national level, and by enhancing international cooperation, including with respect to extradition and mutual legal assistance. The articles adopted by the Commission also recognise this, and contain provisions dedicated to these topics. New Zealand considers that the elaboration of a convention, based on the work of the International Law Commission on this topic, would complete the important exercise of codification of these crimes. Because such crimes are of concern to the entire international community, and in the interests of fostering widespread cooperation of states in this area, we believe the way forward must be the subject of a broad-based and inclusive dialogue. We support efforts to proceed towards a roadmap for negotiation of a draft convention, and look forward to working with all other Member States to that end.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/QAtARaHL2pgY_en.pdf
North Macedonia		Wed. Oct.14, 2020	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Norway	N/A	N/A	(See statement by Sweden on behalf of the Nordic countries; joined Mexico's statement following the Resolution)	Explicitly favors a process to develop a convention	

Palestine	The State of Palestine	Thurs. Oct.15, 2020	The International Law Commission has recommended the elaboration of a convention by the General Assembly or by an international conference, on the basis of the draft articles. We have an obligation to transform the work of the ILC into a legally binding instrument of universal character. While the prohibition of crimes against humanity constitutes a peremptory norm of international law, consolidating the definition of these crimes and the relevant obligations of all States in this regard will strengthen and complement the existing legal framework and will further the fight against impunity for crimes of concern for the international community as a whole. This is at the core of the work and purpose of this Committee.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/GtFE71HQU3G2_en.pdf
Paraguay	Permanent Mission of the Republic of Paraguay to the United Nations	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** ... Paraguay considers it essential that the international legal community progress towards a legally binding instrument on prevention and punishment of crimes against humanity. That is why we highlight the importance of Chapter IV of report A / 74/10 of the International Law Commission, entitled “Crimes against humanity” and the draft articles on the prevention and punishment of crimes against Humanity We consider that said project prepared by the Law Commission International contains elements that are necessary to fill gaps or legal and interpretive ambiguities, and in this way give impetus to the efforts of the international community in its fight against impunity. Mr. President, Paraguay reiterates its strong support for the establishment of a legally binding universal convention on crimes against humanity and considers that its approval is essential in the current framework of International law.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/wKX9jkLNx7fg_es.pdf
Philippines	Maria Angela A. Ponce	Thurs. Oct.15, 2020	We consider the draft articles as an important contribution to the international community’s collective efforts to deter and curtail atrocity crimes. The question however of concluding a convention on Crimes Against Humanity based on them is a conceptual leap that requires further examination both by Member States on a national level, and by this Committee in the exercise of its mandate as the primary forum for the consideration of legal questions in the General Assembly. This is a process that cannot proceed in haste… The increased encroachment into the exercise of state sovereignty, overbroad assertions of jurisdiction by national and international courts, politicization of human rights, decreasing legitimacy of the Rome Statute – over which many of the draft articles are based -- and the existence of parallel and a multiplicity of initiatives including the proposed convention on mutual legal assistance leave us convinced that it is imperative for this Committee to further engage in discussion on the substantive aspects of the draft articles. In closing, we laud the ILC’s efforts to promote, encourage and advance the rule of law through the progressive development of international law and its codification. At the same time we let us not forget that the Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. The Sixth Committee must exercise that mandate and not be rushed into handing over that mandate to a diplomatic conference over which no consensus has so far been reached.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/XXyCVvb5YJpX_en.pdf
Portugal	Mr. Sergio Carvalho	Wed. Oct.14, 2020	Portugal aligns itself with the statement previously delivered by the European Union on this agenda item, and would like to convey the following remarks in its national capacity. Mr. Chairman, The recent outcome of the work of the International Law Commission on this topic has strengthened our belief that it is possible – and urgent – to develop a suitable international legally binding framework on the basis of the draft Articles on Crimes Against Humanity. The position of my delegation remains unchanged: as soon as possible, we must heed the recommendation of the International Law Commission and convene a diplomatic conference to negotiate and adopt a convention on the basis of the Draft Articles on Crimes Against Humanity. We are ready to move forward and take a decision to that effect already at this session of the General Assembly. 2 Such an international legally binding instrument would offer an additional important substantive and procedural mechanism towards fighting impunity and ensuring accountability for Crimes Against Humanity. We trust that the General Assembly – through this Committee – will act on its responsibility under the Charter of the United Nations to codify and progressively develop international law. Mr. Chairman, In line with statements we had the opportunity to deliver in previous sessions, my delegation would like to recall the Mutual Legal Assistance Initiative. Through this Initiative, the possibility of concluding an international convention to enhance cooperation among States is also under consideration – not only where Crimes Against Humanity are concerned but also other most serious crimes. The existence of the two projects should not be used as an excuse not to advance any of them. Portugal is convinced they can be developed and implemented together towards a common goal in setting an effective and comprehensive international legal framework for the fight against these crimes.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/ak3bf4woNFOm_en.pdf

Republic of Korea	(Ms) Hyunseung Lee	Wed. Oct.14, 2020	The Republic of Korea has been joining the efforts of the international community to enhance the rule of law and to put an end to impunity for perpetrators of heinous crimes. For example, the Republic of Korea has been a staunch supporter of the International Criminal Court since its inception, and has been actively engaged in the discussions on the draft articles on the Prevention and Punishment of Crimes against Humanity when it was considered under the topic of 'Report of the International Law Commission' in this Committee for the previous years. Taking this opportunity, we would like to once again express our deep appreciation to the International Law Commission for its work, and in particular to Special Rapporteur Mr. Sean D. Murphy for his outstanding contributions. The Republic of Korea shares the view that the draft articles adopted by the International Law Commission will contribute to enhancing the accountability for serious crimes under international law. We note that currently there exists no global convention governing the prevention and punishment of crimes against humanity, and that a new convention will complement the existing treaty law and promote inter-state cooperation for investigation, prosecution and punishment. The Republic of Korea believes that if adopted, the draft articles could provide a suitable legal basis for strengthening law enforcement cooperation among States, particularly in the absence of bilateral treaties on extradition or mutual legal assistance. The draft articles could strengthen the current system of international criminal law, by maintaining coherence and stability in line with the existing core legal instruments such as the Rome Statute. Additional consideration could be given to the relationship between the draft articles on crimes against humanity and other relevant international instruments, including the initiative to adopt a new Convention on Mutual Legal Assistance for Crimes against Humanity, Genocide, and War Crimes. In this respect, we believe that further efforts can be made for the elaboration of a convention, where the draft articles adopted by the Commission could provide a good basis, while taking into consideration the opinions of Member States. We look forward to the further discussions among States about how to move forward, including consultation methods and procedures.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/2k5wAEoP4ruc_en.pdf
Republic of Moldova		Wed. Oct.14, 2020	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Russian Federation	Representative of the Russian Federation	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** New draft articles include a number of controversial elements, which may complicate the cooperation of states in the matter prosecution and punishment of criminals. Our delegation voiced them during the previous session and will not be repeated in this regard in to save time. Let's just say that one of the brightest examples are the prescription to cooperate with international investigative and judicial mechanisms. Everyone knows well the politicized nature of a number of such structures. The definition of the crime itself is based on the Rome Statute International Criminal Court - a treaty to which not a number of countries. We also note that in parallel with the draft articles of the Commission there is a separate initiative put forward by several states to develop a convention on international cooperation in the investigation and prosecution of genocide, crimes against humanity and war crimes. Its text largely echoes the Commission's draft articles, and a diplomatic conference for its adoption was scheduled for the past summer and postponed solely due to the pandemic coronavirus. In the light of the above, the question arises whether states can now take a large-scale decision to launch a new complex the negotiation process, especially in the current environment uncertainty? It seems to make sense at this stage to postpone such a global solution and enable states once again analyze its feasibility, and also conduct more in-depth analysis of the draft articles.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/tj2RbQxzXawl_ru.pdf
Saudi Arabia	Permanent Mission of the Kingdom of Saudi Arabia to the United Nations	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** With regard to the draft articles on crimes against humanity and their punishment, The Kingdom of Saudi Arabia stresses the importance of standardizing the definitions contained in the relevant draft convention such as slavery, torture and enforced disappearance of persons, in accordance with the relevant UN agreement. It is important not to introduce new definitions may confuse the interpretation and concept of these terms...The Kingdom of Saudi Arabia is of the view that it is important to study the legal procedures on fighting impunity applicable in state's national legislations, given the differences and discrepancies in application and approaches. In so doing, principles of the UN charter and international law should be observed, in particular, the principle of sovereign equality of states.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/5afMdQEjVzqd_ar.pdf

Senegal	Mamadou Racinely	Thurs. Oct.15, 2020	***UNOFFICIAL TRANSLATION*** My delegation would like to once again express its deep gratitude to the Committee on international law for its constant contribution to the codification and progressive development of international law in general and for the remarkable work done in finalizing the draft articles on "crimes against humanity" in particular. This is also the place to pay tribute to the Special Rapporteur, Mr. Sean D. Murphy.Mister President My delegation agrees with the statement by the African group and would like to make four remarks nationally. 1. My delegation, which attaches paramount importance to the fight against impunity, welcomes with enthusiasm and fully supports the idea of discussing the consensual establishment of an effective international legal framework that would prevent and punish crimes against humanity. 2. It is my delegation's belief that the draft articles adopted on second reading by the International Law Commission (ILC) constitutes in this regard, a credible and relevant for a future convention on the subject. 3. My delegation also remains convinced that alongside the legal framework, there remains essential to develop and strengthen national capacities for investigations and prosecutions and support cooperation in the fight against mass crimes. It is the full meaning of our commitment to the initiative for a new multilateral treaty on mutual legal assistance and extradition for the national prosecution of the most important international crimes more serious known as the “MLA Initiative” next to Argentina, Belgium, Mongolia, Netherlands and Slovenia. 4. Finally, we invite all delegations to engage, without delay, in an inclusive debate, open and transparent to remove, as quickly as possible, all major obstacles to the development of the eponymous agreement on the basis of said draft articles.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/Ykq0wz7yrFDQ_fr.pdf
Sierra Leone	H.E Dr. Michael Imran Kanu	Wed. Oct.14, 2020	The recommendation to elaborate a convention, on the one hand, is clearly a good path towards elevating crimes against humanity to the level of genocide, and war crimes with their conventions. It will be a gap-filling treaty with the added element of the obligation to prevent such crimes, rather than just punish perpetrators. In this prevention and punishment drive, States will be in a position to develop their national laws and judicial systems and cooperate with other States in the prevention, investigation and prosecution for such crimes. However, on the other hand, Sierra Leone is deeply concerned that our debate is being blighted and our consciences scarred by the continuing perpetration of crimes against humanity with impunity. The onus is therefore on the Sixth Committee to take action. Owing to the working methods of the ILC and the symbiosis that exist with the Sixth Committee, Sierra Leone offered comprehensive substantive comments on the topic when invited to do so by the Commission on the adoption of the Draft Articles on first reading. In underscoring the independence of the ILC, we note the deference to the views of States by the Commission, and in particular the incorporation of some of our views in the Draft Articles on prevention and punishment of crimes against humanity and commentaries (contained in chapter IV of the report of the Commission A/74/10) on second reading. We further used the opportunity in the fall debate in the 74th session on the agenda item - the “Report of the International Law Commission on the work of its seventy-first session” to reflect 2 on areas where our views were not incorporated in the Draft Articles. Appreciating the Commission’s method of work, my delegation takes this opportunity to pay tribute to the Special Rapporteur, Mr. Sean D. Murphy, and the Commission for the high-quality and timely work, which embodied the ‘all embracing’ inclusive approach mandated by the ILC Statute...In acknowledging the richness of the debate last fall, it is much apparent that the Sixth Committee is faced with two fundamental streams of thought. The first is understandably a follow through on the substantive comments and reflections by Member States on the Draft Articles. In our view, the debate on substantive matters can appropriately take place in intergovernmental negotiations, without prejudice to our Committee compiling the comments for future use in such negotiations. The second viewpoint critically spotlights the process question and the best possible path to give effect to the recommendation of the ILC. Sierra Leone believes the best use of our time, in the Sixth Committee, based on our working method, recent practice and time limitations, is to resume the suspended last session’s negotiations on the modalities for the way forward. Given the broad support for the ILC’s recommendation expressed by Member States, our Committee is now left with the important task to move forward and to define the timelines. We have tools in the Sixth Committee’s toolbox, including establishing a subsidiary body (for example, a preparatory committee, an ad hoc working group of the whole, to state a few) to discuss modalities of the negotiations, such as the definition of the zero draft, adoption of the rules of procedure for an intergovernmental conference; and future proofing this with clear timeframe for the entire process. This is the structured approach which Sierra Leone will call upon the Sixth Committee to give serious consideration. In closing, Chair, Sierra Leone is mindful of the legal and moral obligations on States to strengthen the fight against impunity over crimes against humanity that 2 continues to horrify us today. We strongly urge the Sixth Committee to do for ‘Crimes against humanity’, what it did for genocide over 80 years ago. It is in this way States can better achieve the goal of enhancing the fights against impunity for the worst crimes condemned by international law.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/aGKlP9wA6Sa7_en.pdf

Singapore	Nathaniel Khng	Wed. Oct.14, 2020	Singapore reiterates its appreciation to the International Law Commission for its work on this important topic. Crimes against humanity are among the most serious crimes of concern to the international community. It is imperative that the international community works together to end impunity for perpetrators and provide justice for victims. In this regard, the Commission's draft articles and commentaries can contribute to the strengthening of accountability by providing useful practical guidance to States on this topic. Mr Chair, 2 Singapore was amongst those delegations that submitted written comments to the Commission on this topic. Like others, we considered the draft articles very carefully, and made some suggestions on how they could be clarified or improved. We greatly appreciate the Commission's efforts to engage Member States. We do, however, remain of the view that the draft articles could be improved or clarified in the manner proposed in our written comments. To cite one example, Singapore had commented that draft article 7, paragraph 2, is intended to provide an additional treaty-based jurisdiction in respect of an alleged offender on the basis of presence alone when none of the other connecting factors are present. In other words, our understanding is that draft article 7, paragraph 2 only permits States to establish jurisdiction over crimes committed by a national of a State party and does not extend to establishing jurisdiction over nationals of non-States parties. We remain of the view that this should be expressly reflected in the text of this draft article.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/HWSxFMSJIA56_en.pdf
Slovakia	Mr. Peter NAGY	Wed. Oct.14, 2020	Slovakia wishes to repeat its appreciation for last year´s outcome of the work of the International Law Commission on the topic Crimes against humanity. We are convinced that the set of 15 articles with commentaries present more than a solid basis for a new convention. It is our firm belief that significant part of the articles reflect customary international law, thus together with the remaining carefully drafted articles form a genuinely suitable outcome for immediate codification. Slovakia fully endorses the recommendation of the Commission to the General Assembly to proceed to the elaboration of convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the articles. We have a slight preference for the second option, since a diplomatic codification conference seems to be the more suitable forum. Having said that, we would like to address the potential overlap of the so-called MLA initiative with the draft articles. Despite the view of former Special Rapporteur, Slovakia believes these two initiatives are complementary. Moreover, the diplomatic conference would allow enough space for States to ensure the complementarity between them. For this reason, we strongly encourage other States not to use this argument as a bar to proceed to the elaboration of the convention on crimes against humanity on the basis of the ILC articles...It is our understanding that the ILC recommendation is widely supported. Therefore, we are open and willing to engage with all States to identify and establish a mechanism, based on a clear timeline and process, resulting in convening a diplomatic conference, thus allowing the predominant perception on this topic among States to materialize.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/76w0pKyDH6za_en.pdf
South Africa (on behalf of the African Group)	Mr Thabo Molefe	Wed. Oct.14, 2020	***Summary**** While the draft articles on prevention and punishment of crimes against humanity might constitute a basis for a future convention, the legitimate concerns of Member States must not be ignored, and there should be no attempt to impose legal theories or definitions derived from international agreements that did not enjoy universal acceptance. Similarly, the Group shared the view that, in order to combat impunity effectively, there was a need not only to establish an effective legal framework that enabled the prosecution of perpetrators, but also to develop and strengthen national capacities for investigation and prosecution. International assistance to developing countries was essential in that regard. An open, inclusive and transparent debate was needed, using all the time necessary for the proper evaluation of the draft articles.	Opposes a process to develop a convention at this time	https://undocs.org/en/A/C.6/75/SR.5
Sudan	Dr. Elsadig Ali Sayed Ahmed	Wed. Oct.14, 2020	*****UNOFFICIAL TRANSLATION***** Broadly speaking, notwithstanding the tremendous efforts undertaken for the draft resolutions a large number of them were copied without alterations from other treaties and conventions which remain controversial. Other articles were altered, modified in terms of their meaning and this could lead to negative consequences under negotiations of this type of convention. In general we can state that this draft article cannot constitute a foundation for a convention, for a solid convention on this important matter where we all agree, namely the need to end impunity for crimes against humanity and war crimes. Sudan supports all legal efforts that will lead to achievement of justice and delivery of justice for victims, particularly those most vulnerable namely women and children, to provide them with protection to ensure that we safeguard the principle of combating impunity while ensuring that states fully have their right to implement their national jurisdiction and to refrain from moving towards other alternatives so long as those states are either incapable or do not wish to exercise their competence and pursue well defined criteria. In general we appreciate the submission of the draft articles to the 6th committee before observation and to consider the steps to take, however we believe that more time is necessary to study the draft articles before deciding on the procedure regarding them.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/ShzFgIKWscobar.pdf

Sweden (on behalf of the nordic countries)	Statement	Wed. Oct.14, 2020	The draft articles adopted by the International Law Commission have significant potential for establishing a convention on crimes against humanity of great practical relevance to the international community. Among the three core international crimes only crimes against humanity lack a convention. The elaboration of a Convention on the basis of the draft articles, as recommended by the ILC, would strengthen the international criminal justice system and could contribute to strengthening national laws and criminal jurisdiction in the fight against impunity for crimes against humanity. It would thus be an important addition to the international legal framework and promote inter-state cooperation and effective and efficient investigations of crimes against humanity. Mme/Mr Chair, The Sixth Committee has the opportunity to carry on the important work of the ILC by agreeing on an ambitious resolution providing efficient guidance on the way ahead. There is substantial support for the ILC recommendation to the General Assembly to elaborate a convention on the basis of the draft articles, either by the General Assembly itself or by an international conference of plenipotentiaries. This process must not be delayed. The Nordic countries continue to steadfastly support this work that is a timely and welcome contribution to the fight against impunity and stand ready to take the next steps.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/yJTheQrkWmzY_en.pdf
Switzerland	M Vincent Rittener	Wed. Oct.14, 2020	Switzerland fully supports the International Law Commission's recommendation to draw up a convention on the basis of its draft articles. We consider the draft articles to be a solid foundation. Such a convention would fill a gap in the existing international legal framework. It would contain a definition of crimes against humanity and set out corresponding obligations, in particular in relation to enforcement and prevention at national level. It would thus reinforce the primary responsibility of states in this area. The convention would thereby contribute to the fight against impunity for the most serious crimes. This convention should be well integrated into the existing framework of international law. It is important that it be complementary to a possible general convention on mutual legal assistance in the prosecution of international crimes. This would require avoiding duplication and especially potential conflicts between the two conventions. Switzerland supports the International Law Commission's recommendation to start negotiations aimed at adopting a convention on crimes against humanity. We encourage all Member States to make constructive commitments in this regard to allow the Sixth Committee to follow up on this recommendation.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/ONVMttFvKgSd_fr.pdf
Turkey	The Republic of Turkey	Thurs. Oct.15, 2020	We believe that thorough consideration by States of each other's views concerning various aspects of the matter constitutes an important first step in the overall examination by the Sixth Committee of the Commission's recommendation. This is why Turkey supported last year the proposal to request States to provide written views, and suggested that States be invited to consider the Commission's recommendation in view of the draft articles themselves as well as the comments of Member States. We hope that this will be possible in the period ahead. Mr. Chair, Similar to the potentially adverse effects of a lack of unity in how we approach this matter, duplication and divergence of actions could also risk undermining the impact of any steps that Member States may take within and outside the United Nations, as well as the efforts to ensure efficiency and harmonization in the work of this organization. This was also referred to by the Special Rapporteur himself in his last report on the topic. Turkey was among those delegations that shared comments in the previous stages of this topic, and we look forward to continuing consideration of this matter and the recommendation before us, based on a comprehensive understanding of States' views, as well as of the status and possible outcome of other initiatives that aim to reach similar goals.	Opposes a process to develop a convention at this time	https://estatements.unmeetings.org/estatements/11.0060/20201015/tEbLAhXuuamu/aLFHwvPhEfN8_en.pdf
Ukraine		Wed. Oct.14, 2020	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
United Kingdom of Great Britain and Northern Ireland	n/a	Wed. Oct.14, 2020	The United Kingdom is grateful for this important work, which has provided an opportunity for States to work together to tackle a lacuna in the fight against the most serious crimes. We believe that, in broad terms, the provisions of the draft Articles on the substantive definitions of the crimes are well-founded in State practice and opinion iuris, as demonstrated in relevant treaties (notably the Rome Statute of the ICC), in national legislation and in judicial decisions. As we have said before, the United Kingdom also specifically commends the ILC for improvements made to the draft Articles, including making the wording of the draft Articles more inclusive by removing the definition of "gender". The United Kingdom supports the Commission's recommendation for States to elaborate the draft articles into a convention in the UN General Assembly or at a diplomatic conference. We believe there is a sufficient consensus around the core provisions of the draft articles to suggest that a Convention on this subject could successfully be negotiated. We firmly believe that such a convention could be a powerful legal tool to promote the accountability of perpetrators of atrocity crimes. We were disappointed it was not possible to agree on how to take this forward at the Sixth Committee's last meeting. The United Kingdom would welcome the Committee agreeing a concrete timetable or the opening of negotiations on such a convention.	Explicitly favors a process to develop a convention	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/w1owoa7CPtDu_en.pdf

Venezuela	Delegation of the Republic Bolivariana of Venezuela	Wed. Oct.14, 2020	***UNOFFICIAL TRANSLATION*** The Bolivarian Republic of Venezuela ... considers that the draft articles presented by the International Law Commission provide a good basis for the elaboration of a future Convention on the Prevention and Punishment of Crimes against Humanity, ... Our country is committed, both in its national legislation and in practice, to the respect and protection of all human rights and fundamental freedoms. ... We conclude our intervention by calling on the responsible members of the international community to redouble their efforts to guarantee that there is no impunity for the perpetration of crimes as heinous as those against humanity, as well as to strengthen cooperation in this matter, in order to continue to consolidate the achievements made in the field of international criminal justice and, eventually, achieve the proscription of these crimes as a peremptory norm of international law. However, this will only be possible when the double standards and the politicization of human rights are put to an end once and for all, which are recurrently instrumentalized to advance dark interests, including neocolonial agendas that bet in favor of destabilization plans to promote, even by force, unconstitutional changes of government.	Takes no explicit view on a process (positive and/or constructive comments on the text)	https://estatements.unmeetings.org/estatements/11.0060/20201014/s0rd8lGY3LCj/4sPwQR4m6E28_es.pdf

SUMMARY TABLE		
State & Entities Commenting and/or Joining a Statement	**55**	
Explicitly favors a process to develop a convention	36	65%
Takes no explicit view on a process (positive and/or constructive comments on the text)	6	11%
Takes no explicit view on a process (neutral)	0	0%
Opposes a process to develop a convention at this time	12	22%
Opposes a convention	1	2%

Compilation of Government Reactions to the International Law Commission's Work on Crimes Against Humanity

Prepared by Yale Law School's Lowenstein Project on the Crimes Against Humanity Initiative

76th SESSION OF THE UNGA (2021)

	Participated 2019	Participated 2020	Participated 2021	Name of Participants (2021)	Date (2021)	ABBREVIATED STATEMENT	STATEMENT CODE	HYPERLINK
Albania	N/A (EU)	N/A (EU)	N/A (EU)		**N/A**	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Argentina	Y	Y	Y	Martín Juan Mainero	15-Oct	*****UNOFFICIAL TRANSLATION***** While the Rome Statute made considerable progress in the normative work of defining crimes against humanity, it did not fill the legal vacuum with respect to their prevention and punishment. [...] We have before us the ILC Draft Articles, which is a high quality product, on which we can start deliberations. We are aware that there are different views on the way forward. For this reason, it is important that during this session we at least agree on a road map to structure our deliberations. Argentina reiterates its firm commitment to the fight against impunity for the most serious crimes under international law and considers that a legally binding international instrument in this area will consolidate the legal edifice of international criminal law. We are therefore prepared to encourage proposals to advance the elaboration of a convention and will work during this convention and we will work in a constructive spirit at this session.	Explicitly favors a process to develop a convention	Un
Armenia	Y	Y	Y	Tigran Galstyan	13-Oct	Armenia welcomes an open and inclusive process on the discussion of the new Convention on the Prevention and Punishment of Crimes against Humanity, which is intended to fill a perceived gap in the international legal landscape by adding to a new, sister treaty to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, as well as the Geneva Conventions with respect to war crimes. [...]Armenia condemns in the strongest terms policies of ethnic hatred, especially those led by state actors, and views them as an affront to the values, ideals and principles of the United Nations, including the collective commitment to prevent and punish crimes that “deeply shock the conscience of humanity”.	Explicitly favors a process to develop a convention	Un
Austria	Y	Y	Y	Alexander Marschik	15-Oct	Like so many allies Austria is also very much committed to the fight against impunity for the most serious international crimes. It is therefore no surprise that Austria supports the conclusion of an international convention on the basis of the “Draft articles on prevention and punishment of crimes against humanity” elaborated by the International Law Commission. [...] Now we need to take the next step. We must set up a structured process for consultations and the consideration of the ILC’s recommendation. An Ad Hoc Committee for the intersessional period would be a suitable forum to consolidate areas of agreement and discuss open issues in a constructive, efficient manner on an expert level. At the same time, a clear timeline for the work of the Ad Hoc Committee and for the further consideration of the topic by the Sixth Committee must be set.	Explicitly favors a process to develop a convention	Un
Azerbaijan	N	N	Y	Tofig F. Musayev	15-Oct	Needless to say, the primary objective of the development of normative standards in the field of criminal justice must be the strengthening of international criminal law to ensure effective accountability, inter-State cooperation and legal assistance. We are of the opinion that this objective could be achieved through overcoming or, at the very least, lessening divergent views through an inclusive and transparent deliberations and the broadest possible consensus.	Takes no explicit view on a process (neutral)	Un
Bangladesh	N	Y	Y	Nasir Uddin	13-Oct	We also welcome the commission’s recommendation to elaborate a Convention on Crimes against Humanity by the General Assembly or by an international Conference based on the articles drafted by the ILC. ... we also wish to see a UN Convention on Crimes against Humanity as a reality. In this regard, the draft articles of ILC provide a solid basis to begin with. However, we must ensure that the negotiation process to codify crimes against	Explicitly favors a process to develop a convention	Un

						humanity be carried out in a consensus-based, inclusive and transparent manner.		
Belgium	Y	Y	Y	N/A	13-Oct	*****UNOFFICIAL TRANSLATION***** Belgium supports the elaboration of a convention on the basis of the draft articles, as recommended by the International Law Commission. [...] To this end, an Ad Hoc Committee of the General Assembly, with a clear mandate and timeframe, would be an appropriate forum to discuss approaches and move towards the convening of a diplomatic conference [...]. The MLA initiative [...] focuses on the creation of a modern framework for mutual legal assistance and extradition in respect of crimes of genocide genocide, crimes against humanity and war crimes. These two projects are therefore complementary and can therefore coexist and continue to develop in parallel.	Explicitly favors a process to develop a convention	Un
Bosnia and Herzegovina	N/A (EU)	N/A (EU)	N/A (EU)			Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Brazil	Y	Y	Y	Vinícius Fox Drummond Cançado Trindade	13-Oct	Brazil joins the large number of States that favor the elaboration of such Convention. The set of draft articles presented to us by the International Law Commission constitutes a good basis to guide our discussions. The Sixth Committee has an unfulfilled task, which is to agree on a structured process of drafting a convention that could be universally ratified. For that end, it is imperative to prioritize a negotiation framework that provides the legitimacy and inclusiveness needed to the discussions. Brazil is ready to engage in this exercise, and to work constructively towards a process that may ultimately lead to a convention on crimes against humanity.	Explicitly favors a process to develop a convention	Un
Cameroon	Y	N	Y	Zacharie Serge Raoul Nyanid	15-Oct	*****UNOFFICIAL TRANSLATION***** With regard to the definition of crimes against humanity, my delegation is concerned about the concerned by the ILC's adoption of the definition given in the Rome Treaty establishing the International Criminal Court, which, it should be recalled, is not universal. [...] With regard to the legalization of these crimes, my delegation notes that there is no established opinio juris sirve necessitatis on the matter at this stage, and therefore believes that a binding legal instrument is not appropriate, given that it would lead to encroachments on national sovereignties, with all the conceivable damage. My delegation also notes that there is no legal vacuum in this area and is therefore in favor of calm international cooperation, free of any politicization of suspicions and manipulation to punish these crimes. It seems to us unnecessary to multiply the number of conventions just to enrich the United Nations repertoire in this area.	Opposes a convention	Un
Canada	Y	N	N			Did not speak during this session. But alligned itself with EU during the explanation of position on November 18th.	Explicitly favors a process to develop a convention	
Chile	Y	Y	N	N/A	N/A	Did not speak during this session. But alligned itself with EU during the explanation of position on November 18th.	Explicitly favors a process to develop a convention	N/A
China	Y	Y	Y	Geng Shuang	13-Oct	*****UNOFFICIAL TRANSLATION***** At present, there are still divergent views on the definition of crimes against humanity. As for the application of crimes against humanity, there is still no extensive and unified national practice. [...] The international community is also deeply divided on sensitive issues such as the immunity of State officials from foreign criminal jurisdiction and universal jurisdiction, and is far from reaching consensus on these issues. In the absence of sufficient State practice and a general willingness to conclude treaties, the process of international legislation on crimes against humanity should not be initiated hastily. [...] In recent years, individual countries have arbitrarily labeled other countries as committing "crimes against humanity" for political purposes. [...] The arbitrary expansion of jurisdiction by international criminal justice institutions over cases of crimes against humanity has given rise to controversy and is a cause for concern. [...] These practices politicize serious legal issues and undermine the international community's mutual trust and cooperation. [...] China believes that, under the current circumstances, the time is not yet ripe for the formulation of a convention on crimes against humanity.	Opposes a process to develop a convention at this time	Un

Colombia	(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Y	Y	Lucía Solano	13-Oct	***UNOFFICIAL TRANSLATION*** The country considers that an international legally binding instrument in this area could serve to consolidate and strengthen international criminal law. Nevertheless, the instrument proposed by the Commission could benefit from some additions or complements. [...] What these comments demonstrate is that Colombia is prepared to initiate a process of revision of the text of the draft articles, employing for this purpose the mechanism that the States deem most appropriate. However, it is aware that not all delegations share this position. In this regard, my country is open to considering alternatives that will allow us to move forward in a decisive manner in the development of international criminal law so that those responsible for the most serious crimes against humanity do not go unpunished.	Explicitly favors a process to develop a convention	Un
Costa Rica	(Did not make a statement on this topic, but joined Austria's statement following the Resolution)	Y	Y	N/A	15-Oct	***UNOFFICIAL TRANSLATION*** We have listened to the concerns of some delegations that have expressed in previous years that the negotiation of a convention cannot yet proceed, because there are aspects that need to be defined. However, the intention is that those issues that are still pending should be addressed in the transparent, inclusive and participatory negotiation process of a diplomatic conference or an intergovernmental conference, whatever the nature of that conference may be. diplomatic or intergovernmental conference, whichever procedure is chosen. whichever procedure is chosen. [...] Costa Rica supports either of the two possibilities, a Convention elaborated by the General Assembly or by an international plenipotentiary by the General Assembly or by an international conference of plenipotentiaries, since it considers it a Costa Rica considers that it is necessary for all States, including those that have not yet ratified the Rome Statute, to have an international legal instrument. ratified the Rome Statute, to have an international legal instrument to prevent and punish the crime. to prevent and punish this type of crime and to strengthen procedures at the national level. procedures at the national level.	Explicitly favors a process to develop a convention	Un
Cuba	Y	Y	Y	N/A	13-Oct	The fight against impunity for crimes against humanity is of paramount importance and transcendence within the current international context. Therefore, Cuba considers that the draft articles prepared by the International Law Commission are a valid contribution to the efforts to materialize the international prevention and punishment of these types of crimes and will contribute to the efforts to strengthen the international criminal justice system. [...] Only when States were unable or unwilling to exercise jurisdiction over these crimes, the application of other prosecution mechanisms should then be considered.	Explicitly favors a process to develop a convention	UN
Czech Republic	Y	Y	Y	Marek Zukal	13-Oct	The Czech Republic has been following the work of the International Law Commission and the 6th Committee on the topic of “Crimes against humanity” very closely. We fully align ourselves with the statement delivered by the representative of the European Union on behalf of the European Union and its Member States on this topic. Despite being clearly recognized as crimes under international law, the crimes against humanity are not sufficiently regulated on the international level. The rules related to remaining categories of crimes under international law, such as genocide and war crimes, have already been codified in several international instruments. Crimes against humanity, however, still wait for such codification. This state does not reflect the gravity of crimes against humanity. Cruelty of these atrocities should lead us all to adoption of such norms that would clearly outlaw them and fill this considerable legal gap in international law.	Explicitly favors a process to develop a convention	Un
Denmark	Y	N	N/A (Nordics)	N/A	N/A	Did not speak in its national capacity. Aligned itself with Nordic statement (See "Sweden).	Explicitly favors a process to develop a convention	N/A (See Statement of Sweden)

Ecuador	Y	Y	Y	N/A	N/A	***UNOFFICIAL TRANSLATION*** We consider that a significant advance in international law is precisely that all States should have an international instrument that fills the vacuum or reinforces existing procedures at the national level through cooperation and harmonization of elements. Therefore, my delegation supports the in-depth discussion of the draft articles. In this regard, we welcome for this purpose the recommendation that the General Assembly of this Organization or an international conference of this Organization should of this Organization or an international conference of plenipotentiaries should draw up a convention on the basis of the said draft articles.	Explicitly favors a process to develop a convention	Un
Egypt	Y	Y	Y	Dr. Ahmed Abdelaziz	13-Oct	***UNOFFICIAL TRANSLATION*** Egypt believes in the importance of strengthening international mechanisms to confront crimes against humanity from a comprehensive perspective. [...] However, the draft articles are not without many legal problems that have already been raised in our previous statements, including references to and use of the Rome Statute of the International Criminal Court ..... from a position that does not have universal membership, and to devote the principle of universal jurisdiction to resources 7, paragraphs 2, 9, and 10, which does not enjoy international consensus, and other contentious issues included in the ILC report. [....] We still believe that it is too early for the Sixth Committee to take a decision on the draft articles from discussing a structured international convention or convene a diplomatic conference for its adoption in the form of an international convention in accordance with the recommendations of the International Law Commission, and that the necessary time must be provided for all member states to study the draft articles in an appropriate manner, and to harmonize them with its national constitutions and legislation.	Opposes a process to develop a convention at this time	Un
El Salvador	Y	Y	Y	N/A	13-Oct	***UNOFFICIAL TRANSLATION*** The international community should not allow the paralysis caused by the HIV/AIDS pandemic to divert its attention from the common goal of strengthening the international criminal law framework. The international community should not allow the paralysis caused by the COVID-19 pandemic to divert its attention from the common goal of strengthening the international criminal law framework for crimes against humanity. of crimes against humanity, and therefore considers that the existence of a new instrument on the subject could help that the existence of a new instrument on the subject could help Member States to strengthen their national legal framework to promote, among framework to promote, among others, greater mutual legal assistance in relation to the investigation and prosecution of crimes against humanity. investigation and prosecution in order to reduce impunity for these crimes. In view of the above, my delegation reiterates its willingness to continue the deliberations on this important agenda item and encourages Member States to continue their efforts in this area. important agenda item and encourages delegations to consider in the draft resolution on this matter the definition of practical scenarios or ways to the definition of scenarios or practical ways to adopt an action-oriented decision on the articles in question. the articles in question.	Explicitly favors a process to develop a convention	Un
Estonia	Y	Y	Y	N/A	15-Oct	Estonia continues to firmly support the elaboration of a Convention on crimes against humanity on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries. A new Convention will also assist, inspire and oblige states to review their national laws and strengthen international cooperation to stand against the most serious international crimes and fight impunity. Estonia supports establishing a clear timeline and mandate for these discussions in an appropriate forum.	Explicitly favors a process to develop a convention	Un

European Union	Y	Y	Y	Simona Popan	N/A	We recall that in the fall of 2019, many delegations supported the ILC's recommendation to elaborate a convention by the General Assembly or by an international conference of plenipotentiaries based on the Draft Articles. While some delegations now consider that a number of the draft articles require further clarification, we trust that there is consensus around the core aspects of the Draft Articles, namely the prevention and punishment of the crimes against humanity, so as to enable the negotiation of a Convention on this matter. [...] An Ad Hoc Committee could offer an ideal framework to that effect, where the more ambitious and the more cautious approaches could be discussed in a balanced, constructive and efficient expert setting. An Ad Hoc Committee would not, and should not be, an end in itself. It would rather serve the purpose of ensuring progress on this subject. Therefore, we believe that it is essential for such an Ad Hoc Committee to have a clear mandate and a clear timeline for the completion of its work.	Explicitly favors a process to develop a convention	Un
Finland	Y	Y	N/A (Nordics)	N/A	N/A	Did not speak in its national capacity. Aligned itself with Nordic statement (See Sweden).	Explicitly favors a process to develop a convention	N/A
France	Y	Y	Y	N/A	15-Oct	*****UNOFFICIAL TRANSLATION***** The French delegation fully supports the adoption of such a convention, which would strengthen the international legal framework for combating the most serious crimes. [...] During the 75th session of the General Assembly, my delegation and several other other delegations had regretted the absence of substantial negotiations on the negotiations on the subject due to the circumstances related to the pandemic of COVID 19. The 76th session of the General Assembly is therefore the moment to to make concrete progress on this agenda item.	Explicitly favors a process to develop a convention	Un
Georgia	N/A (EU)	N/A (EU)	N/A (EU)			Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Germany	Y	Y	Y	N/A	13-Oct	While some delegations still consider that some draft articles may require further clarification, we trust that there is consensus as to the core provisions of the draft articles: We are convinced that the draft provides a solid basis for successful negotiations on a convention on this matter within suitable institutional frameworks to address remaining concerns in an effective and inclusive manner. We share the view that at this stage an Ad Hoc Committee of the 6th Committee could offer an ideal framework to that effect, where the more ambitious and the more cautious approaches could be discussed in a balanced, constructive and efficient expert setting. [...] Germany fully supports the elaboration of a convention on the basis of the draft articles, as recommended by the ILC, preferably by an international conference of plenipotentiaries – and will proactively facilitate the work of an Ad Hoc Committee to this end.	Explicitly favors a process to develop a convention	Un
Guatemala	N	Y	Y	N/A	13-Oct	*****UNOFFICIAL TRANSLATION***** The responsibility to prevent crimes against humanity falls on the shoulders of all member states. We attach great importance to R2P. [references the draft convention on R2P]. My delegation [...] believes it wise to organize an intergovernmental conference to establish a treaty on CAH.	Explicitly favors a process to develop a convention	statement recording (at 2hrs 30)
Haiti	N	N	Y	Wisnique Panier	15-Oct	*****UNOFFICIAL TRANSLATION***** We fully support the Commission's recommendations for the elaboration of a convention on the basis of the draft articles in question. I would like to focus on the issue of enslavement, which is one of the crimes against humanity listed in Article 7 of the Rome Statute of the International Criminal Court and in Article 2 of the ILC's draft articles. [...] To this end, the question of reparation and compensation for the victims of the slave system is a necessity today. The time has come for the United Nations to establish responsibilities and achieve compensatory justice for the victims. The international community must address the legacy of the colonial past in all its contemporary forms and manifestations. [...] In conclusion, 75 years after the Nuremberg Trials, we still do not have a specific multilateral treaty on the prevention and punishment of crimes against humanity, unlike the crimes of genocide and war crimes, which are already covered by several multilateral legal instruments. This is an important gap to be filled in the international legal system. The ILC draft articles are already an important step towards the	Explicitly favors a process to develop a convention	Un

						codification of crimes against humanity. My delegation reaffirms the Republic of Haiti's commitment to the principle of human dignity of the human person and its unwavering commitment to the prevention and punishment of and repression of crimes against humanity.		
Honduras	Y	N	Y	N/A	15-Oct	*****UNOFFICIAL TRANSLATION***** [...] [T]the Republic of Honduras joins the large list of Member States of the United Nations General Assembly that support the ILC's recommendation that the General Assembly of the United Nations General Assembly of the United Nations that supports the ILC's recommendation that the General Assembly or an international conference of plenipotentiaries elaborate a convention on the Assembly or an international conference of plenipotentiaries to elaborate a convention on the basis of the Draft Convention for the on the basis of the Draft Convention on the Prevention and Punishment of Crimes against Humanity. [...] In order to achieve tangible progress in the Sixth Committee, Honduras also joins the call of other friendly countries to leave the status quo and take action to achieve the countries to leave the status quo and take action to achieve discussion of the draft articles at the intergovernmental level. the draft articles at the intergovernmental level.	Explicitly favors a process to develop a convention	UN
Hungary	Y	N	Y	N/A	13-Oct	As crimes against humanity pose a serious threat to the international community and the rules-based international order, strong and effective legal measures are desired to prevent them and bring perpetrators to justice. Unlike war crimes and genocide, crimes against humanity still fall mostly outside the treaty framework. Therefore, it is long overdue to address this legal gap with a convention that, solely by its existence, would help to fight impunity and would also reflect the strong determination of the international community in this regard.	Explicitly favors a process to develop a convention	Un
Iceland	Y	Y	N/A (Nordics)	N/A	N/A	***Did not speak during this session in its national capacity*** See NORDIC Statement delivered by Sweden.	Explicitly favors a process to develop a convention	See Statement of Sweden
India	Y	Y	Y	Kajal Bhat	13-Oct	Regarding the draft Articles on Crimes Against Humanity, my delegation is of the view that existing international instruments already accommodate crimes against humanity as punishable offences. ... since international mechanism dealing with the said issues are already in place, there is no requirement of a Convention on the subject matter. In case need for such a Convention is felt by the wider UN member states, then the draft articles need to be examined in depth, taking into full consideration concerns of all Member States. My delegation opposes any work on this topic that results in duplicating existing international legal mechanisms	Opposes a convention	Un
Indonesia	Y	Y	Y	N/A	Oct-21	As crimes against humanity pose a serious threat to the international community and the rules-based international order, strong and effective legal measures are desired to prevent them and bring perpetrators to justice. Unlike war crimes and genocide, crimes against humanity still fall mostly outside the treaty framework. Therefore, it is long overdue to address this legal gap with a convention that, solely by its existence, would help to fight impunity and would also reflect the strong determination of the international community in this regard.	Explicitly favors a process to develop a convention	Un

Ireland	Y	N	Y	Amb. Flynn	15-Oct	Ireland strongly supports the recommendation of the International Law Commission to elaborate a Convention on the basis of the Crimes against Humanity draft articles. It is time for the international community to address this significant gap in the international treaty law framework and contribute, in a meaningful way, to the fight against impunity. [...] The admirable work by the International Law Commission deserves appropriate recognition and consideration by the Sixth Committee. The draft articles reflect the Commission's balanced and nuanced approach to this topic, and are the proper starting point to codify the law in this area. [...] While Ireland still believes that an international conference of plenipotentiaries would be the preferred next step, we have reflected on the discussions over the last number of years and appreciate that some Member States are not yet ready for that next phase. In order to address the concerns of such States, and to ensure that the momentum achieved by the Commission on this important topic is not lost, Ireland can support the proposal for the creation of an Ad Hoc Committee. This will allow for time for a detailed debate and discussion and allow for reflection on the next steps towards the elaboration of a Convention. However, for such an Ad Hoc Committee to be effective, its terms of reference must be clear and it must operate under a precise timeframe for the completion of its work. [...] Progress proved elusive last year, owing in part to the difficult circumstances surrounding the pandemic. Let's seize the moment, commit to a clear timeline and work together to avoid any prolonged delays.	Explicitly favors a process to develop a convention	UN
Islamic Republic of Iran	Y	Y	Y	Naser Asiabipour	13-Oct	The current fragmentation of views on both the draft Articles as well as recommendation of the ILC concerning the modalities on the fate of the draft implies a lack of consensus to address all aspects of this serous crime unanimously. In this regard, attempts to incorporate definitions emanating from nonuniversal instruments, let alone national laws and practices in the context of progressive development, has stymied the process by preventing the member States from further reaching consensus. [....] It is obvious that the political will to prevent such a heinous crime and other core crimes while also combatting impunity, as well as preventing the politicization of it, is not necessarily supposed to be driven from adopting an additional treaty instrument. On the other hand, selective as well as arbitrary and politically-motivated application of such a prospective convention for the benefit of some specific Countrirs is still a legitimate concern for many independent countries in accepting a new convention.	Opposes a process to develop a convention at this time	Un
Israel	Y	Y	Y	Sarah Weiss Ma'udi	13-Oct	Given the Jewish people's history, the State of Israel attaches great importance to the work of the International Law Commission on this topic, and has welcomed it from the outset. [...] . In this context, Israel reiterates its suggestion to establish a forum in the framework of the Sixth Committee in which States would come prepared to review this matter, and engage in an inclusive and robust discussion focused on clarifying outstanding issues and resolving significant differences, with an eye towards examining the potential elaboration of a future convention. Israel believes that such a proposal would allow this important project to move forward in a constructive manner, while at the same time would encourage consensus building among Member States. Israel would come to these discussions ready to engage actively, and to share our substantive comments and concerns regarding this matter.	Explicitly favors a process to develop a convention	Un
Italy	Y	N	Y	Enrico Milano	15-Oct	Italy would like to highlight the need of full coordination between any future negotiations on a convention stemming from the ILC Draft Articles and parallel, complementary initiatives promoting horizontal judicial cooperation on the prosecution of international crimes. Areas of legal overlapping with regard to judicial cooperation on crimes against humanity should not result in inconsistencies complicating the task of national law-makers when incorporating those instruments in their domestic legal order. [...] . The Sixth Committee, as the legal committee of the General Assembly, must take up its responsibility and identify the most appropriate and meaningful modalities to fully review the recommendation of the ILC, keeping to account Member States' different positions on the content of the draft articles. We hope that	Explicitly favors a process to develop a convention	Un

						this year's resolution will reflect the collective commitment of Member States in this regard.		
Jordan	N	N	Y	Mahmoud Daifallah Hmoud	15-Oct	Jordan is not convinced by arguments made opposing the adoption of the draft articles in a treaty form. The definition of 3 CAH contained in the draft articles reflect existing practice that was established for decades since the Nuremburg trials, including through case law of the ICTY, ICTR and national legislations and courts decisions. The fact that the definition follows closely that contained in the Rome Statute is an attestation of this definition being well-established under international law. At the same time, the draft articles do not prejudice future development regarding the definition and allow national legislation to provide for wider protection. [...] . Jordan supports the adoption of a convention on crimes against humanity on the basis on the ILC draft articles, whether through the general assembly or a diplomatic conference. To this end, we agree on the establishment of an ad-hoc committee to discuss the text ad procedure for adoption as soon as possible	Explicitly favors a process to develop a convention	Un
Kenya	N	N	Y	James Warui Kihwaga	15-Oct	My delegation takes note of the submission and final recommendation of the Commission — namely for States to consider closing the existing gap in the treaty framework, by giving consideration to the draft articles as presented, and further agreeing on a possible process leading towards the adoption of an international instrument.	Explicitly favors a process to develop a convention	Un
Lebanon	N	Y	Y	Mr. HITTI	15-Oct	Lebanon is in favor of moving towards the elaboration of a Convention on the prevention and punishment of crimes against humanity, on the basis of the draft articles adopted by the International Law Commission (ILC). We do believe it would contribute to filling a normative gap and strengthening national legal systems. It can ultimately represent a notable step to combat impunity and to ensure justice for victims.[...] . To this end, we support establishing a framework with a clear mandate, in which there can be meaningful, inclusive and results-oriented process. Such framework should include a defined timetable, and guarantee we can progress in a sound and stepwise manner, without prejudging the outcome	Explicitly favors a process to develop a convention	Un
Liechtenstein	Y	N	Y	Sina Alavi	13-Oct	Liechtenstein strongly supports strengthening international cooperation in the fight against impunity for the most serious crimes, which of course includes crimes against humanity. The project undertaken and completed at the ILC-stage has the potential to further elevate the importance of this set of horrific crimes. Working towards a future convention on crimes against humanity is therefore essential to ensure justice for the victims of these atrocity crimes.	Explicitly favors a process to develop a convention	Un
Malaysia	Y	Y	Y	Hanizah Mohd Izzuddin	15-Oct	Malaysia remains flexible and supportive to the continuation of elaboration and discussion of the draft articles be it by the General Assembly or by an international conference of plenipotentiaries. Malaysia reiterates our hope for the draft articles to be examined prudently to ensure that any further work should not overlap with existing regimes but rather to complement it.	Explicitly favors a process to develop a convention	Un
Mexico	Y	Y	Y	Pablo Arrocha	13-Oct	Today we once again have the opportunity to break the inertial cycle of inaction that has existed in recent decades on articles referred for consideration by the ILC. Thus, we find ourselves at a juncture where progress on this topic would represent a double benefit: on the one hand, progress in the development of international criminal law and, on the other, strengthening and improving the dynamics and relationship between the ILC and the Sixth Committee by opening a new and renewed chapter between the two bodies. ... My delegation is ready to participate actively in our negotiations, without a dynamic of dichotomies of positions for or against, but rather with an inclusive vision that demonstrates that the that the Commission lives up to its responsibility for the progressive development and codification of international law in the field of international law.	Explicitly favors a process to develop a convention	Un
Montenegro	N	N/A (EU)	N/A (EU)		N/A	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	

Myanmar	N	N	Y	Kyaw Moe Tun	15-Oct	Our painful experiences clearly demonstrate the urgent need of the international convention on prevention and punishment of crimes against humanity. We earnestly hope that such convention will be adopted in the near future. It will help save lives of innocent people from the crimes against humanity. In conclusion, Madam Chair, I wish to stress that the draft articles adopted by the International Law Commission reflect the call for further efforts of the international community to end impunity for perpetrators of crimes against humanity and to provide justice for victims of such crimes. In this regard, Myanmar supports the elaboration of a Convention on the basis of the draft articles, as recommended by the ILC.	Explicitly favors a process to develop a convention	Un
Netherlands	Y	N	Y	Liselot Egmond	13-Oct	My delegation would therefore strongly welcome the opening of treaty negotiations. At the same time, we understand that some delegations would first welcome further scrutiny of certain elements of the draft articles. We believe that an Ad Hoc Committee would offer an ideal forum for further examination of the draft articles while at the same time offering the possibility to make concrete progress towards the opening of treaty negotiations. As has been outlined by several delegations, it is essential for such an Ad Hoc Committee to have a clear mandate and a clear timeline for the completion of its work.	Explicitly favors a process to develop a convention	Un
New Zealand	Y	Y	Y	Luke Roughton	15-Oct	New Zealand supports working towards negotiations for a convention, based on the draft articles. A convention is important in articulating clear, legally binding rules and consequences for the commission of crimes against humanity. It is a critical step for the international community to take action to prevent these serious atrocities and ensure accountability for the perpetrators of them. [...] Because such crimes are of concern to the entire international community, and in the interests of fostering widespread cooperation of states in this area, we believe the way forward must be the subject of a broad-based and inclusive dialogue. New Zealand encourages all member states to approach the way forward constructively, and with an understanding that establishing a forum for exchanging views on the draft articles can only enrich our appreciation for each other's views on them. We have nothing to lose in doing so, and much to gain.	Explicitly favors a process to develop a convention	Un
Nigeria	N	N	Y	Zainab Zakari Awami	13-Oct	Crimes against humanity threatens peaceful coexistence and security of lives and properties. If these crimes go un-checked, impunity will strive in the absence of justice. [...] My delegation calls on Member States to consider the recommendation to elaborate the draft articles into convention. If elaborated, it will serve as a firm legal framework in the promotion of accountability at national level. Nigeria, therefore, would support an open and inclusive dialogue by all parties involved and we welcome the collective proposals emanating from various deliberations by Member States that will lead to consensus on this agenda item, while taking note of existing national and international laws.	Explicitly favors a process to develop a convention	Un
North Macedonia	N	N/A (EU)	N/A (EU)		N/A	Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Norway	Y (on behalf of the nordic countries)	Y	N/A (Nordics)	N/A	N/A	Did not speak during this session. Aligned itself with the nordic statement (see "Sweden").	Explicitly favors a process to develop a convention	See Statement of Sweden
Pakistan	N	N	Y	N/A	13-Oct	While the work of the ILC could be considered as a useful starting point, it is still premature to draw any concrete conclusion on the nature and format of the draft Articles without having any in-depth discussions on them first. ... Given the divergence of views, it is clear that more time is needed to allow all delegations to study the draft articles and ensure consistency with their national constitutions and laws. At the same time, it would be unwise to rush the process into using the draft ILC articles as the "basis" for a convention, or to convene an international conference for that purpose at this stage. To bridge differences, a proposed way forward could be in the form of setting up a Working Group in the Sixth Committee to continue further discussions in order to arrive at a possible consensus. ... In conclusion, my delegation believes that the draft articles should remain open to further in-depth discussions and consideration of member states in the Sixth Committee. It is important to focus on legal issues, avoid politicization and selectivity and	Opposes a process to develop a convention at this time	Un

						create a framework that genuinely addresses the issue of accountability and impunity for crime against humanity, in full conformity with the principles and objectives of the UN Charter.		
Palestine	N	Y	N	N/A	N/A	Did not speak/align itself during this session.		
Paraguay	Y	Y	Y	N/A	13-Oct	***UNOFFICIAL TRANSLATION*** We believe that having a specific legal instrument in the international sphere can contribute to providing us with legal standards that inspire States to direct their efforts to putting an end to these crimes. [...] In our opinion, a convention on the basis of the draft articles submitted by the ILC will help to strengthen international law in this area, and we are open to working to achieve greater commitments. In this regard, we believe that we can find consensus in an inclusive process in which the voice of all members of the international community can be heard; to this end, we need to secure concrete commitments and work plans.	Explicitly favors a process to develop a convention	Un
Peru	Y	N	Y	Alessandra Falconi	15-Oct	***UNOFFICIAL TRANSLATION*** In a world in which, throughout history, millions of people have been victims of crimes against humanity, we consider it essential to have a future Convention that complements the existing legal framework. [...] Finally, in reiterating that Peru is committed to respect for human dignity, the guarantee of human rights, and the maintenance of international peace and international peace and security, we deem it necessary for the General Assembly establish a preparatory process for a Diplomatic Conference, in order to protect the populations and ensure the accountability and punishment of those responsible for these crimes that offend the essence of human dignity.	Explicitly favors a process to develop a convention	Un
Philippines	Y	Y	Y	N/A	13-Oct	At this point, however, the Philippines is of the view that the question of the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles needs further deliberation both by Member States on a national level, and by this Committee. We have cautioned against the premature commencement of negotiations for a convention, noting the concerns raised by states during our previous deliberations – including on state sovereignty, overbroad assertions of jurisdiction, politicization of human rights, as captured in the relevant summary records. The issue of developing national capacities in the investigation and prosecution of crimes against humanity, as well as the implications of the extradition and mutual legal assistance articles are also critical with respect to the good faith implementation of commitments. Implementation is key, whether with respect to international agreements or domestic laws.	Opposes a process to develop a convention at this time	Un
Poland	Y	N	Y	N/A	13-Oct	Certainly, there exists a deficiency in international criminal law consisting of the lack of any convention on crimes against humanity (as opposed to those on genocide or war crimes). Thus, in our view a new Convention on the Prevention and Punishment of Crimes against Humanity is urgently needed. The Draft Articles prepared by the International Law Commission constitute a very good starting point in this respect. In particular, they address the need to adopt national laws, establish national jurisdiction, and provide for interstate cooperation to punish such crimes, which are among the most horrendous atrocities imaginable. It should be stressed that the Draft Articles rely extensively on provisions that most States have already accepted in widely-adhered-to treaties, such as the 1984 Convention against Torture and the 2003 Convention against Corruption. Poland believes that States ready to accept the need for a treaty to combat torture and corruption will find all the more reason to support a convention on preventing and combating the widespread or systematic murder of civilian populations. Finally, it is to be noted that the Draft Articles are not in any way dependent or contingent on the Rome Statute, which Poland fully supports. Thus, the position of certain States with respect to the International Criminal Court, should not in any way be affected by, or influence, future work on the Draft Articles.	Explicitly favors a process to develop a convention	Un

Portugal	Y	Y	Y	N/A	13-Oct	My delegation aligns itself with the statement delivered by the European Union on the agenda item on Crimes Against Humanity, and would like to convey a few additional remarks in its national capacity. Our position remains unchanged: it is possible and imperative that States heed the recommendation of the International Law Commission and convene a diplomatic conference to negotiate and adopt a convention on the basis of the Draft Articles on Prevention and Punishment of Crimes Against Humanity. Such an international legally binding instrument would offer an additional important substantive and procedural mechanism towards fighting impunity and ensuring accountability for Crimes Against Humanity	Explicitly favors a process to develop a convention	Un
Republic of Korea	Y	Y	Y	Dongkyu Moon	15-Oct	Given that everyone recognizes this necessity, there is no reason to delay discussions to establish a legal framework against such crimes. The elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles, as recommended by the ILC, will strengthen the rule of law at both the national and international level. [...] . The Republic of Korea supports further discussion through a mechanism, such as the Ad hoc Committee or working group, if such a mechanism can contribute to the elaboration of the convention	Explicitly favors a process to develop a convention	Un
Republic of Moldova	N/A (EU)	N/A (EU)	N/A (EU)			Did not speak during this session in its national capacity. Alligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Russian Federation	Y	Y	Y	N/A	15-Oct	*****UNOFFICIAL TRANSLATION***** Last year's debate on the future work on the draft articles of the International Law Commission on Crimes Against Humanity confirmed the significant divergence in the positions. There is no consensus on the content of the draft articles of the The situation has not changed, neither on the content of the Commission's draft articles nor on the future fate of this ILC "product". During the meetings of the Committee, delegations have repeatedly expressed diametrically opposed views on the definition terms in the draft articles, the provisions on the criminal responsibility of legal persons, the interaction of States with the various Mechanisms for the collection of evidence concerning crimes against humanity and many others. In our view, the problem is not the lack of a new international treaty, but rather a lack of political will to use the international legal tools we have. [...] A headlong attempt to create a new international treaty may result in a text that is not consensual from the outset. The lack of universal support for an instrument that purports to codify the universally recognized principles and norms of international law in this area will in practice in practice will only undermine and call into question those principles.	Opposes a convention	Un
Saudi Arabia	N	Y	Y	Nidaa Hussain Abu-Ali	15-Oct	Regarding the draft articles on the prevention and punishment of crimes against humanity, we reiterate our position that we must not propose new definitions that might cause confusion in the interpretation of the relevant terms or obscure the concepts they stand for. It is important to standardize the definitions of the terms used in the draft convention such as slavery, torture, or forced disappearance, so that they match the definitions given in the relevant UN conventions. ... Since there is discrepancy among states regarding the applicable avenues to ensure justice, we must ensure that we do not go beyond the principles contained in the UN Charter and international law, especially the sovereignty of states, state immunity, and sovereign equality.	Opposes a process to develop a convention at this time	Un
Senegal	Y	Y	Y	Mr. Diakite	15-Oct	*****UNOFFICIAL TRANSLATION***** Our country is constantly committed to fight effectively against the most serious crimes that the world has known for several decades and fully supports the idea of discuss in a consensual manner the establishment of an international legal framework to prevent and punish crimes against humanity. ... We call upon all Member States of the United Nations to United Nations to truly engage in an inclusive discussion, open and transparent debate to remove all major obstacles to the the Convention on the basis of the draft articles of the International Law Commission (ILC), which is already in its second reading and which undoubtedly constitutes a credible and relevant basis for the future international legal instrument in this field.	Explicitly favors a process to develop a convention	Un

Sierra Leone	Sierra Leone (on behalf of African Group)	Y	Y	Sierra Leone	13-Oct	The path toward elaborating a treaty is cleary a good one. [...] Such a treaty would be better than just punishing perpetrator. The onus is on the 6th Committee to act. [...] Discussions on substantive matters can take place in an intergovernmental conference. [...] The best use of our time [...] is to focus on the modalities on our way forward.	Explicitly favors a process to develop a convention	Statement recording (at 59:00)
Singapore	Y	Y	Y	N/A	13-Oct	Singapore was amongst those delegations that submitted written comments to the Commission on this topic. Like others, we considered the draft articles very carefully, and made some suggestions on how they could be clarified or improved. We greatly appreciate the Commission's efforts to engage Member States. We do, however, remain of the view that the draft articles can be improved or clarified in the manner proposed in our written comments. [...] We invite delegations to refer to the other parts of Singapore's written comments, which are available on the Commission's website. We have also read with interest the numerous statements and written submissions by other delegations. These contain many valuable ideas, but also demonstrate that there remains some divergence in views. In this regard, my delegation looks forward to continuing discussions with other delegations on these important matters as well as on the issue of what further action should be taken on the draft articles.	Takes no explicit view on a process (positive and/or constructive comments on the text)	Un
Slovakia	Y	Y	Y	H. E. Mr. Michal Mlynár	13-Oct	It is our understanding that there is a common agreement on the core obligation to prevent and punish crimes against humanity and on the necessity to fill a legal gap in addressing these crimes of concern to the international community as a whole under international law. This not only unifies us all, but also bounds us all to ensure that we create an appropriate legal framework. We encourage all States to put aside political or other differences and strive together for progress on this important topic. In the end, this is the only way to fulfill our mandate under Article 13 of the UN Charter.	Explicitly favors a process to develop a convention	Un
Slovenia	Y	N	Y	Petra Langerholc	13-Oct	Slovenia therefore supports the recommendation in the ILC Report of 2019 on the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries based on the draft articles. Regarding this issue, there is a long way ahead of us, and work should be undertaken as soon as possible. There should be no excuses and we must pursue global efforts to strengthen the legal framework for prosecuting perpetrators of one of the most serious international crimes without any further delay. My delegation would also like to recall the "MLA" initiative launched by Argentina, Belgium, Mongolia, the Netherlands, Senegal and Slovenia aimed at developing a modern operational framework ensuring effective inter-state cooperation for the prosecution at national level of crimes of genocide, crimes against humanity and war crimes.	Explicitly favors a process to develop a convention	Un
South Africa	Y	N	Y	Thabo Molefe	13-Oct	The wounds caused by crimes against humanity underlie South Africa's support for the proposed convention. We see much merit in elaborating a convention which will serve to ensure accountability for crimes against humanity. Notably the only category of most serious crimes which is currently not governed by an international convention. [...] Accordingly, South Africa reiterates its support previously expressed for the elaboration of a convention and remains open to the process through which this may be done, provided that whichever process is decided upon should not be unduly delayed and should lay the foundation for the largest number of ratifications in order for cooperation to be successful. [...] South Africa still suffers from the wounds of its past and knows first-hand that healing cannot take place without accountability. A convention on crimes against humanity offers an opportunity to ensure accountability through effective investigation, prosecution and punishment.	Explicitly favors a process to develop a convention	Un

Spain	Y	N	Y	Amb. Agustín Santos Maraver	15-Oct	Spain supports the efforts leading to the elaboration of a Convention on the basis of the draft articles of the International Law Commission prepared by Professor Sean Murphy adopted on second reading in 2019. Spain also wishes to reiterate, as it did in 2019 when the draft articles were adopted and so reflected in the annual report of the International Law Commission, its conviction that this initiative will be successful, and will have the consensus of the Member States of the United Nations. [...] [t]he future Convention must have certain characteristics, which can be summed up as consensus and universality. [...] I would like to point out that this process should be seen as a great opportunity for the important relationship between the International Law Commission and this Sixth Committee. [...] Spain invites all States to engage in a constructive and effective debate, particularly those which sustain more ambitious positions and those which are more reticent, in order to achieve the desired outcome.	Explicitly favors a process to develop a convention	Un
Sri Lanka	N	N	Y	N/A	13-Oct	*** Talked about substantive issues more than process, generally seems to favor a Convention***	Takes no explicit view on a process (neutral)	Statement recording (at 15:40)
Sudan	Y	Y	N	N/A	N/A	Did not speak during this session.	N/A	N/A
Sweden	Norway (on behalf of Nordic countries)	Sweden (on behalf of the nordic countries)	Y	N/A	13-Oct	Crimes against humanity are among the most serious crimes under international law and their prevention and punishment is of concern to the international community as a whole. Yet, among the three core international crimes only crimes against humanity lack a convention. Despite being clearly prohibited under international law, civilian populations continue to be victims of such atrocities and perpetrators continue to act with impunity. We must redouble our efforts to prevent and punish these heinous crimes. The draft articles adopted by the International Law Commission have significant potential for establishing a convention on crimes against humanity. The elaboration of a Convention on the basis of these draft articles, as recommended by the ILC, would strengthen the international criminal justice system and contribute to strengthening national laws and criminal jurisdiction in the fight against impunity for crimes against humanity. It would thus be an important addition to the international legal framework and promote inter-state cooperation and efficient investigations of crimes against humanity.	Explicitly favors a process to develop a convention	Un
Switzerland	Y	Y	Y	N/A	13-Oct	To achieve this goal, let us strive to negotiate solutions that are as specific as possible. Let us work towards putting in place a structured process that follows up on the recommendation of the International Law Commission. To do this, it is important to establish a clear timetable for the next steps forward. An ad hoc committee with a clear and specific mandate should also be set up. This will allow us to examine any unresolved issues and establish an appropriate consultation process.	Explicitly favors a process to develop a convention	Un
Syrian Arab Republic	N	N	Y	Elie Ahed Altarsha	13-Oct	***UNOFFICIAL TRANSLATION*** The primary responsibility for preventing and punishing serious crimes rests with the State concerned and its relevant institutions, and that it has the sovereign power to exercise - in its national courts -jurisdiction over and punishing crimes against humanity. [...] . In this context, my delegation supports the many requests made by Member States for further comprehensive and objective study, ensuring consistency with national laws.	Opposes a convention	Un
Turkey	Y	Y	Y	Mine Ozgul Bilman	15-Oct	In view of these considerations, we have consistently highlighted both in the previous stages of the evolution of this topic, as well as after the adoption of the draft articles by the Commission, that this topic needs to be addressed in a diligent and inclusive manner, and at a reasonable pace which will enable the international community to move forward in unison towards its shared goal. ... In view of the foregoing, we support the Sixth Committee to carry out a meaningful and structured exchange of views on the substance of the draft articles, without prejudice to the outcome of such discussions. We look forward to engaging with Member States in the coming days to be able to take this important first step in the Committee's overall examination of the Commission's recommendation.	Explicitly favors a process to develop a convention	Un
United Kingdom of Great Britain	Y	Y	Y	Chanaka Wickremasinghe	13-Oct	As we have said before, the United Kingdom considers that the ILC's Draft Articles on Prevention and Punishment of Crimes Against Humanity would, in broad terms, provide a good basis for the negotiation of Convention. And a	Explicitly favors a process to develop a convention	Un

and Northern Ireland						Convention on this topic would be a powerful tool to promote international cooperation for prosecutions of these atrocity crimes at the national level. Indeed, in our view this is an excellent example of the International Law Commission playing its traditional role: identifying a lacuna in the framework of multilateral treaties; collating a stable and sufficient body of State practice and opinion juris; codifying the existing rules of customary international in this field; and, recommending appropriate aspects of progressive development. It has been noted by some that the definitions of Crimes Against Humanity in the draft articles bear a strong resemblance to the definitions in the Rome Statute of the International Criminal Court. However that is hardly surprising given that the Rome Statute primarily sought to codify customary international law, and was inspired by a similar body of State practice and opinion juris including the Statutes of the International Criminal Tribunals adopted by the 3 Security Council and adjudicated upon by judges from all over the world. And of course that body of practice and opinion juris is now supplemented with the further developments since 1998. And in tracing the origins of these definitions, reference may also be made to previous work of the ILC, not least the Code of Crimes Against the Peace and Security of Mankind, led by the late Doudou Thiam. In short, we believe that the draft articles are a work of high quality and seriousness and deserve similar consideration.		
United States of America	Y	Y	Y	Julian Simcock	13-Oct	As reflected in the comments the United States submitted in 2019, we believe that, notwithstanding their many merits, the draft articles can and should be modified in certain, key respects. However, in our view, that would be best accomplished through further discussion of the draft articles by States in an ad hoc committee with an appropriately robust mandate recognizes the importance of this project and the gravity of this subject. An ad hoc committee should consider modalities of work that would enable a substantive and thorough exchange of views by States on the project and on the Commission's recommendation for the elaboration of a convention by the General Assembly or by a conference of States on the basis of the final draft articles.	Explicitly favors a process to develop a convention	Un
Ukraine	N	N/A (EU)	N/A (EU)			Did not speak during this session in its national capacity. Aligned itself with the EU statement. (see "EU")	Explicitly favors a process to develop a convention	
Viet Nam	Y	N	Y	N/A	13-Oct	We highly appreciate the work of the International Law Commission and the Special Rapporteur. In our view, the necessity of a new convention on crimes against humanity as well as its formation should be carefully examined, including in the context of challenges currently faced by international criminal institutions. We support the need for comprehensive study of the draft articles to ensure their accordance with principles of international law as reflected in the UN Charter, as well as their compatibility with national legislations. If an international convention is to be developed on this basis, it is critical that different national experiences and practices, especially on legal systems and matters, be fully reflected so as to ensure effective and universal implementation of the said convention. In this regard, we are supportive of continued conversation with the view to reaching consensus on this crucial issue.	Takes no explicit view on a process (neutral)	Un
Venezuela	N	Y	N	N/A	N/A	Did not speak during this session.	N/A	N/A

SUMMARY TABLE	
State & Entities Commenting and/or Joining a Statement	90
Explicitly favors a process to develop a convention	76 (≈84%)
Takes no explicit view on a process (positive and/or constructive comments on the text)	0 (≈0%)
Takes no explicit view on a process (neutral)	4 (≈4%)
Opposes a process to develop a convention at this time	5 (≈6%)
Opposes a convention	5 (≈6%)