

Statement on behalf of the Nordic countries

Resumed session of the 6th Committee on Crimes Against Humanity

April 2024

Cluster II: Definition and general obligations, Articles 2, 3 and 4

Mme/Mr Chair,

I have the honour to speak today on behalf of the Nordic countries: Denmark, Iceland, Norway, Sweden and my own country, Finland.

We are pleased to continue the fruitful exchange we begun last year on the substance of the LC Draft Articles on crimes against humanity. The Nordic countries wish to share the following reflections relating to the definition of crimes against humanity, general obligations of States, and prevention.

Mme/Mr Chair,

To begin with draft Article 2 the Nordic countries strongly support the use of Article 7 of the Rome Statute as the basis for the definition of crimes against humanity as we have stated previously. We maintain that the Rome Statute definition enjoys wide acceptance in the international community, given its inclusive negotiating process involving all States. Furthermore, two thirds of UN Member States have ratified the Rome Statute. As noted by the LC, the definition of crimes against humanity in article 7 of the Rome Statute is used by many States when adopting or amending their national laws, including States not parties to the Rome Statute. While the Nordic countries continue to encourage all States to consider ratifying the Rome Statute, we emphasize that accepting its definition of crimes against humanity in no way implies accepting the jurisdiction of the ICC.

law status is not a precondition for basing our future negotiations on this definition. \$ V V W D W H G L Q L W V U H S R U W W K H , / & ¶ V R E codification of existing customary international law, but rather to draft

Turning now to draft Article 3, the Nordic countries welcome that the general obligation of non-engagement in acts that violate the principles of humanity is made explicit in draft article 3, paragraph 1. We support the phrasing which recognizes that crimes are committed by individuals, but that the crimes against humanity may be attributable to States under the rules of State responsibility.