

Thank you Madam Chair for giving me the floor. Once again, we align ourselves with the statement delivered by the EU.

On Article 2 (**Definition of crimes against humanity**), we believe our debate would benefit if, rather than discussing the nature of the source, we would focus on the legal arguments behind the decision that was taken by the ILC (and, like the US just said, whether this is a good basis to start from). And, if you look at the legal arguments, it is only logical that the ILC used the definition contained in Article 7 of the Rome Statute as a starting point for this exercise (and I stress the expression “starting point”, which other colleagues have also used before me). In our view, this was done **not** to impose the Rome Statute on non-states parties, it was **not** to suggest the RS should be accepted by those that don't want to subscribe to it. It was because there are legal reasons to do so, and they were spelled out very clearly by the Commission and we believe we would be better off if we discussed those legal arguments when debating if this is a reasonable starting point.

And what arguments are those? First, the definition took a lot of work and time to develop, first within the ILC and then was the product of in-depth exchanges between our predecessors (so, it's not a definition created and owned by the parties of the RS, rather it's the product of a

therefore consider this model as a good basis for developing a definition, which is not to say that we **should** simply copy and paste it into a future treaty on CaH.

In fact, the ILC itself introduced some tweaks into the RS definition, one of which – that we welcome - is the removal of the definition of “gender”, which allows greater flexibility and protection compared to previously adopted solutions, in addition to adapting to the reality we currently live in (and we think Brazil made pertinent points about this issue and the flexibility we want to preserve here). Like others, we think that further adjustments might be appropriate, such as the definition of “**enforced disappearance**” and the definition of “**persecution**”, both of which can benefit from being **broader** and **further aligned** with definitions that can be found in other treaty law and in customary IL (other colleagues, like Brazil and Argentina, have elaborated on the

Last session, we heard some delegations' comments regarding paragraph 3 of draft Article 2 and on the concern with harmonization or lack thereof brought by this provision (and concerns with it allowing for broader definitions); in our view the provision offers a good balance between the goal of having an internationally agreed definition, the goal harmonizing national laws for the purpose of facilitating inter-State cooperation,

On draft Article 4 (**Obligation of prevention**), like others, we would like to stress that the obligation to prevent the commission of crimes is not specific to

This concludes my comments for now, Madam Chair. I thank you.