UK Explanation of Vote on the Declaration of the trafficking of enslaved Africans and racialised chattel enslavement of Africans as the gravest Crime Against Humanity

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Explanation of Vote by Ambassador James Kariuki, UK Chargé d'Affaires to the UN, on the UN General Assembly resolution on the Declaration of the trafficking of enslaved Africans and racialised chattel enslavement of Africans as the gravest Crime Against Humanity.

The UK recognises the gravity of the issues addressed in this resolution and welcomes the opportunity to set out its position.

We have repeatedly recognised the abhorrent nature of slavery and the transatlantic slave trade, which inflicted untold harm and misery on millions of people over many decades.

Its horrors were profound and its legacy continues to leave deep scars today.

The UK also believes that only by acknowledging and discussing collectively the most painful elements of the history that we share with other nations, including the transatlantic slave trade, can we come together in a spirit of solidarity and mutual respect to respond to the challenges that we all face today.

The UK remains committed to that goal.

That is why we engaged constructively throughout the negotiations on this resolution in the hope of reaching a consensus-based text.

However, despite our efforts, our concerns have not been taken on board.

The UK continues to disagree with fundamental propositions of the text and, therefore, regrettably, cannot vote in favour of it.

Firstly, the UK is firmly of the view that we must not create a hierarchy of historical atrocities.

Doing so simplifies the complexity and vast scale of suffering endured in different contexts.

It risks diminishing the experiences of communities whose trauma and suffering was felt just as strongly.

No single set of atrocities should be regarded as more or less significant than another.

We should approach all historical injustices with the same seriousness, empathy, and respect to ensure that no one group is made to feel that their suffering is being overshadowed or treated as

secondary.

Furthermore, it is essential, and integral to the rule of law, that the formation and evolution of international law is governed by clear and well-defined principles.

The principles of intertemporality and non-retroactivity are long-standing tenets of international law.

They are essential to ensuring legal stability.

According to the inter-temporal rule, the applicable law is the law of the relevant time.

International courts and tribunals have routinely upheld these principles.

There is equally no duty to provide reparation for historical acts that were not, at the time those acts were committed, violations of international law.

These principles cannot be circumvented by recourse to the concept of "continuing harms."

The UK welcomes that States have developed international law such that today slavery and the slave trade are rightly prohibited by treaties and under customary international law, and enslavement is now recognised as a constituent element of a crime against humanity.

Nonetheless, it is important to acknowledge, with deep regret, that the prohibitions on slavery, the slave trade, and what are now considered crimes against humanity had not yet been established in international law at the time of the transatlantic slave trade.

None of the recognised sources of international law, as set out in Article 38 of the Statute of the International Court of Justice, identify a prohibition on slavery and the slave trade until the 20th century.

The UK appreciates that Ghana, on behalf of the African Union, consistently stressed that this resolution was not to be read as a legal document.

This was restated by the drafters at every informal consultation.

In this context, the UK and others offered specific language to move the text away from legal to political discourse, while still reflecting the sheer gravity and horror of the acts.

Member States also suggested the text should be considered by the Sixth Committee.

Again, this was met with the response that this was a political declaration.

The UK is keen to underscore this point on the AU's intention, while we continue to regret the failure to accept language that would have put the matter beyond doubt.

https://www.gov.uk/government/speeches/uk-explanation-of-vote-on-the-declaration-of-the-trafficking-of-enslaved-africans-and-racialised-chattel-enslavement-of-africans-as-the-gravest-crime