CICJ Statement No. 8

Using International Law Language that Unites: The Unity of Humankind

Berlin, Buenos Aires, Florence, London, Oslo and Queenstown, 20 November 2026

At a time of exaggerated divisions, when 'nation-State first' is heard from many sides, we should, when appropriate, use international law language that unites. "The CICJ affirms the value of 'unity of humankind' and aligns itself with the recent TOAEP Policy Brief No. 200, 'Crimes Against Humanity and the Unity of Humankind', co-authored by a group of international lawyers from around the world",[1] said the CICJ Steering Group.

The policy brief recalls that several treaties in recent decades have invoked 'humankind': the "common heritage, province, interest, concern and utility of – and dangers to – 'humankind'".[2] 'Humankind' not only encompasses 'humanity' as humanness or dignity and the 'international community'; it denotes the collective of all human beings. The Steering Group supports the intention of the policy brief authors to give 'humankind' "a more articulated face, with clearer features of a community".[3] Speaking of 'humankind' confirms that beneficiaries of international legal protection are not only States that participate in the making and application of international law. Individuals, communities and future generations have a stake in preserving the common conditions that make peaceful and dignified human existence possible.

In his Separate Opinion in *Gambia v. Myanmar* before the International Court of Justice, Justice Claus Kreß reminds us that the international legal order "encompasses States as its central pillars but also transcends them towards an ultimate point of reference – the international community *as a whole*, inherent in which is the notion of an elementary unity of humankind".[4] His Opinion points with crystal clarity to 'humankind' – not only to the 'international community as a whole' – and to its unity.

The concern here is the well-being of humankind as a whole, in particular our most commonsensical needs for "a functioning atmosphere, uncontaminated oceans that sustain marine life, pandemic prevention and relief, and a rudimentary level of concord among nations that reduces the chances of war, makes co-operation more effective, and deepens solidarity".[5] More voices should speak up for the common needs of us all, not only for the interests of nation-States, groups of States or corporations. Those who genuinely do so will find an attentive audience among people around the world, thereby generating goodwill for their own mandates as well.

Treaty law recognized the "solidarity which unites the members of the society of […] nations" as early as 1899.[6] This unity or concord among nation-States is not an empty ornament for rhetorical

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[1] Marina Aksenova, Morten Bergsmo, Emiliano J. Buis, Sergio Dellavalle, Richard J. Goldstone, David Luban, Natalia Lutertstein, Rod Rastan, Shahrzad Sabet, Narinder Singh and Song Tianying, "Crimes Against Humanity and the Unity of Humankind", Policy Brief Series No. 200 (2026), Torkel Opsahl Academic EPublisher, Brussels, 2026, ISBN: 978-82-8348-300-0 (https://www.toaep.org/pbs-pdf/200-uohk/).

[2] *Ibid*., pp. 2-3.

[3] *Ibid*., p. 2.

[4] International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 11 States intervening)*, Separate Opinion, Partly Concurring and Partly Dissenting, of Judge *Ad Hoc* Kress, 19 November 2026, para. 185 (writing in the context of genocide) (https://www.legal-tools.org/doc/t29x5pj2/).

[5] Morten Bergsmo *et al*., "Crimes Against Humanity and the Unity of Humankind", *supra* note 1, p. 2.

[6] Convention (I) for the Pacific Settlement of International Disputes, 29 July 1899 (https://www.legal-tools.org/doc/b1e51f/).

grandstanding. Lack of unity among national governments frustrates too much of the honest work of diplomats, sometimes paralyzing inter-State diplomacy, with far-reaching consequences for the perceived effectiveness of multilateral governance. It holds back rational common action against climate change. It undermines respect for the United Nations Charter and other treaties, increasing the risk of armed conflict, making such conflicts more difficult to stop, and feeding people's fear of nuclear war. It has weakened the conditions for collective security to maintain or restore international peace and security, a core feature of and value protected by the Charter.

Basic unity among national governments is therefore "an interest, a concern, and of value to, all humankind".[7] It "reinforces – or strengthens the glue of – the closely-related values of 'international peace and security', 'co-operation' and 'friendly relations' among nations".[8]

"Increased trust or good faith among humankind's competing, rivalrous nation-States will facilitate more effective international problem-solving", said the CICJ Director, Gunnar M. Ekeløve-Slydal. "Reasonable people are losing patience with national government officials claiming that they are in office to serve the national interest first even when that comes at the expense of humankind as a whole."

Policy Brief No. 200 explains that affirming the 'unity of humankind' does not in any way "deny cultural differences; the richness and diversity of cultures is a thing to be cherished, not erased. Rather, the 'unity of mankind' refers to shared mutual responsibilities, without which cultural difference dissolves into antagonism and helplessness in the face of global problems".[9] A commitment to the well-being of humankind is entirely compatible with national patriotism. 'Unity of humankind' is a common normative horizon within which deeply conflicting interests between nation-States can be expressed, negotiated and addressed without losing sight of the interests shared by all.

In the specific context of international criminal law, the CICJ Steering Group stated: "We concur with Policy Brief No. 200 that 'unity of humankind' is an 'overarching preambular value' of the Statute of the International Criminal Court as a matter of law,[10] and that the second paragraph of the preamble of the draft crimes against humanity convention should also make reference to 'unity of humankind' using either of the formulations suggested by the Brief".[11]

Justice Kreß, the authors of Policy Brief No. 200, and other scholars who have written on community interests in international law – including Eyal Benvenisti, Samantha Besson, Jan Klabbers, Georg Nolte, Bruno Simma, Christina Voigt, Rüdiger Wolfrum and Gentian Zyberi – should be commended. Invoking the unity of humankind should encourage international actors to explain how their positions contribute to the protection of common interests, especially when these interests are threatened by short-term political calculations or competing national priorities. "The CICJ encourages other international judges, diplomats, international lawyers and civil society actors to use the term 'unity of humankind' in furtherance of the 1899 'solidarity which unites the members of the society of nations'", stated the CICJ Director.

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[7] Morten Bergsmo *et al*., "Crimes Against Humanity and the Unity of Humankind", *supra* note 1, p. 3.

[8] *Ibid*.

[9] *Ibid*., p. 2.

[10] Section 5 of the Brief cites Morten Bergsmo, Emiliano J. Buis and Song Tianying, "Protected Interests in International Criminal Law", in *id*. (eds.), *Philosophical Foundations of International Criminal Law: Legally-Protected Interests*, Torkel Opsahl Academic EPublisher, Brussels, 2022, pp. 43–44 (https://www.toaep.org/ps-pdf/36-bergsmo-buis-song/), and Kai Ambos, Morten Bergsmo and Otto Triffterer, "Preamble", in Kai Ambos (ed.), *Rome Statute of the International Criminal Court: Article-by-Article Commentary*, 4th ed., Beck/Hart/Nomos, Munich, 2022, p. 7.

[11] Section 6 of the Brief suggests the wording "the peace, security and well-being of the world *and the unity of humankind*", alternatively "the peace, security *and unity of humankind,* and well-being of the world" (additions italicized).