**MLA Initiative – Presentation and state-of-play**

**Background**

There is a global consensus that there should be no impunity for genocide, crimes against humanity and war crimes. Investigation and prosecution of such crimes fall primarily under the responsibility of States. In order to successfully prosecute these crimes in domestic courts, effective cooperation among States is essential.

Practioners and legal experts from countries across five continents have concluded that the current international procedural legal framework for mutual legal assistance and extradition for the most serious international crimes is incomplete and outdated. This seriously hampers the ability of States to cooperate effectively in the fight against impunity. That is why the core group propose to set up a modern procedural multilateral treaty on mutual legal assistance and extradition which would facilitate better practical cooperation between States investigating and prosecuting these crimes, the MLA initiative.

**The Initiative**

The MLA Initiative is led by Argentina, Belgium, Mongolia, the Netherlands, Senegal and Slovenia (the “Core Group”) for the adoption of a Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity and War Crimes. States Parties to this Convention may declare that they also accept to extend the application of the Convention to other international crimes, such as the crimes of aggression, torture and forced disappearance, on the condition of reciprocity with other States Parties. Currently, the initiative is formally supported by 77 States around the globe.

The MLA Initiative aims to facilitate and strengthen inter- state cooperation, taking into account that it is the primary responsibility of all States to investigate and prosecute such crimes.

The Convention is to be adopted at a Diplomatic Conference to be held in Ljubljana, Slovenia. Due to the COVID-19 pandemic, the Diplomatic Conference originally scheduled to take place in June 2020 has been postponed to 15 – 26 May 2023.

**Current draft Convention**

The draft Convention prepared by the Core Group is the result of international consultations among States and civil society in two Preparatory Conferences and one round of informal consultations that took place in The Netherlands in October 2017, March 2019 and January 2020, as well as written comments received from supporting States and civil society. A new version was presented in November 2022, which took into account the virtual informal consultations held in 2021 and 2022.

English, French and Spanish versions of the current draft can be found [here](https://mlainitiative.minjenv-events.nl/page/894621).

**Way forward**

Three rounds of additional virtual informal consultations have taken place in 2021 and 2022.

The first round of informal consultations took place on the 22nd and 23rd of June 2021, and focused on the chapters ‘General Provisions’, ‘Central Authorities and Communication’ on day 1 and ‘MLA’, and ‘Extradition’ on day 2. The second round took place on the 29th and 30th of November 2021, and will focused on the remaining chapters and other issues that arose at the first round. A third round focusing on the scope of the convention took place on 1 and 2 June 2022. The virtual consultations were chaired by H.E. Judge Silvia Fernández de Gurmendi.

After the informal consultations the draft Convention was reviewed by the Core Group and a new draft has been submitted as basis for negotiations to the 2023 Diplomatic Conference.

The Diplomatic Conference is scheduled to take place 15 – 26 May 2023 and is also to be chaired by H.E. Judge Silvia Fernández de Gurmendi.

In the meantime, the Core Group will continue to disseminate and promote the MLA Initiative with a view of ensuring wide support and understanding for the Convention.

More information regarding the MLA initiative is available through [www.mla-initiative.com](http://www.mla-initiative.com) For any question please send an email to: MLA-initiative@minjenv.nl

**Supporting the MLA initiative**

In order to become a supporting State for the MLA initiative, States need to have signed an official [Note verbale](https://www.centruminternationaalrecht.nl/documents/1304248/1549527/Note%2BVerbale%2BMLA%2Binitiative%2B31%2Boktober%2B2019.docx/a26df626-98af-bf7c-2908-22eb03b6b681?version=1.1&t=1627900100892&download=true) (docx) voicing their support for the [Permanent Declaration](https://www.centruminternationaalrecht.nl/documents/1304248/1549527/MLA%2BInitiative%2B-%2BPermanent%2BDeclaration%2B20141205.pdf/be7c5fac-e86f-ae64-014a-f9d639303abb?t=1600160836269) (pdf). The Permanent Declaration is not a binding legal instrument, but rather a way for States to express their support for the objective of States to open negotiations on a procedural multilateral treaty on mutual legal assistance and extradition to cover the existing gap in the international legal framework for core international crimes.