

 Permanent Mission
of Austria to the
United Nations in New York

**77th Session of the General Assembly
Sixth Committee**

Agenda item 78: Crimes Against Humanity

**Statement by Mr. Maximilian Gorke
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[Cluster 1]

Thank you, Mr. Chair,

My delegation fully aligns itself with the statement made by the European Union and would like to reiterate the following points in our national capacity.

Please allow me to start with a general comment at the beginning:

Austria has always been and remains committed to multilateralism and the promotion and continuous development of international law. The Sixth Committee has a key role in the consideration of the work of the International Law Commission. In order to live up to its purpose, the Sixth Committee must conduct meaningful and outcome-oriented discussions on the ILC's work and ensure the appropriate follow-up. The codification of customary international law is the key task of the ILC and contributes to legal certainty and strengthens the rule of law.

Since 2019, we have heard many voices in support of a convention on crimes against humanity. Some states have expressed preference for a more cautious approach and further discussions. We respect that. This is why we have supported this meeting. It is a unique possibility to discuss substance of the draft articles and exchange views on the recommendation of the ILC. As the Sixth Committee we need to live up to our duty and try to find common ground in order to make progress with this important project.

Turning now to the **preambular paragraphs**: we fully concur with the ILC's view that the prohibition of crimes against humanity already constitutes a peremptory norm of general international law. We understand that the ILC's assessment is not shared by everyone (as the 6C discussion last year on the ILC draft on "Peremptory norms of general international law" illustrated) and we

hope to learn more about opposing views in this regard. Referring to the definition of crimes against humanity as set forth in the Rome Statute ensures a consistent codification of customary international law. In our view, it is important to highlight the last preambular paragraph, which underlines the ambition that effective prosecution of crimes against humanity can only be ensured by complementing measures at national level with international tools such as extradition.

The scope of a future convention (as stated in **Article 1**) will apply to the prevention and the punishment of crimes against humanity. Nevertheless, matters that may not be covered by a future convention would still – by a large extent – be regulated by customary international law. Other grave international crimes such as genocide or war crimes should remain regulated by dedicated conventions and not be touched upon by the convention in question.

Thank you.