



United Nations General Assembly Sixth Committee: Plenary debate on revitalisation of the work of the General Assembly

8 November 2023

Statement by Ms Alexandra Hutchison, Legal Adviser and First Secretary, Permanent Mission of Australia to the United Nations, on behalf of Canada, Australia and New Zealand (CANZ)

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Thank you, Chair.

I have the honour to deliver this statement on behalf of Canada, New Zealand and my own country, Australia.

CANZ welcomes the growing reflection within the Sixth Committee on its working methods and practices.

The UN revitalisation agenda must not be constrained within the General Assembly alone. All of its Main Committees must also make every effort to streamline, rationalise and bring an operational focus to their decisions and resolutions.

This is an opportunity to make the Sixth Committee more inclusive, efficient and effective.



Our mission to contribute to the codification and progressive development of international law, consistent with Article 13, paragraph (1) of the UN Charter, depends upon a fit-for-purpose Sixth Committee now and into the future.

From the outset, CANZ extends its sincere thanks to the Codification Division within the UN Office of Legal Affairs for its exceptional support to the Sixth Committee and the International Law Commission (ILC).

In particular, we commend the transparency and robustness of the information provided by the Secretariat through its communications with delegates and, most especially, through the websites of the Committee and the ILC.

As delegates in New York come and go, these websites provide an accessible, comprehensive source of the background and history of our work, collection of States' views and observations, and record of the Committee's achievements. They help us to better understand State practice and build common ground.

They are also invaluable resources for our colleagues in capitals, as well as researchers, practitioners and civil society representatives, making a critical contribution to the teaching, study, dissemination and wider appreciation of international law.



Equally, CANZ would like to thank Conference Services and all our Sixth Committee interpreters. Quite simply, we could not do our jobs without you – and we know we make it harder for you every time we get creative with ‘interactive formats’. Your patience and skill are deeply appreciated.

[Mr/Madam] Chair,

Looking ahead, CANZ wishes to put forward five ideas for achievable, pragmatic measures that the Sixth Committee could take now to deliver better outcomes.

First, the Sixth Committee and its Bureau could continue to improve the efficiency and effectiveness of our **Programme of Work**, enabling a more productive use of the Committee’s limited time each year.

- We recommend that, for any agenda items involving informal briefings from the Secretariat or others, those briefings should be scheduled before the plenary debate. This would enable delegations to take account of the information and clarifications provided in them when preparing our statements.



- We further suggest that the Committee should determine time limits for statements during the annual three-part debate on the ILC report, building upon the successful implementation of time limits for other plenary statements. Delegations could still submit full versions of their statements in writing, to be carefully reviewed by the ILC.
- With an ever-growing agenda, we also consider the Committee needs to be ready to biennialise, triennialise and even sunset stagnant resolutions, Working Groups and agenda items where it is appropriate to do so. There cannot be a one-size-fits-all approach with these decisions. Each agenda item and ILC product needs to be considered on a case-by-case basis according to its particular context.

Second, the Sixth Committee could take a fresh look at its approach to **requests for Observer status** to the General Assembly.

- For new requests, we consider there should be at least one informal briefing or consultation prior to its approval, enabling the Committee to seek clarifications and make informed decisions.



- For existing requests, we recommend the Committee consider adopting a sunset approach whereby, instead of deferring requests year-in-year-out, they would come off the agenda after three sessions, unless the co-sponsors actively requested that it be added onto the next session’s agenda once again, consistent with the Rules of Procedure.

Third, the Sixth Committee Bureau could strengthen efforts to ensure the **appointment of Coordinators** each year is appropriately balanced in terms of geographic representation (within regional groups, as well as across them), gender diversity and representation of the principal legal systems of the world. Diversity of Coordinators each year only serves to strengthen the quality of the Committee’s outcomes.

- We therefore encourage delegates not to take on more than one Sixth Committee mandate per session.
- We also emphasise the particular importance for Bureau-appointed Coordinators to facilitate consensus-based outcomes on an impartial, objective basis.

Fourth, there is opportunity to strengthen the important **relationship between the Sixth Committee and the ILC** and the substantive exchange between them.



- We encourage ILC members, especially Special Rapporteurs, to take advantage of virtual working methods to increase informal, intersessional dialogue with the Committee and its members, both in New York and in capitals.
- We also support the suggestion made by others to hold regular ILC sessions in New York more frequently than once every quinquennium.

Fifth, there is more we could do to strengthen **women’s participation and leadership in international law**. It has been CANZ’s honour to have re-energised the informal network of women Legal Advisers and Sixth Committee delegates in New York. The collegiality and solidarity among this group is not only valued deeply on a personal level, but it is also builds a negotiating environment conducive to consensus outcomes.

We also commend the quiet, often unseen, work of many colleagues to build and mentor emerging talent in this field.

All of these efforts are impactful and will be felt by the next generation of women international lawyers.

However, there remains much work to be done.

- We are disappointed there is only one woman member of the Sixth Committee Bureau this session.



- We also urge member States to nominate and support qualified women candidates for election to international legal institutions, and for the members of those institutions to ensure gender – as well as geographic – balance among their respective officeholder positions. The numbers are bleak and well-known to this room, so we will not repeat them now.
- We further encourage the UN Office of Legal Affairs and the Advisory Committee on the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to actively consider how to promote the participation of women in the International Law Fellowship Program, noting that out of 186 participants in 2023, only 59 were women.

[Mr/Madam] Chair,

Before closing, CANZ acknowledges there has been much reflection in recent years on the Sixth Committee’s consensus tradition. We continue to firmly support this tradition, consistent with the universality to which we strive for international law.



Indeed, for that reason, we encourage all other UN Committees to consult with the Sixth Committee before establishing a new treaty-making process, consistent with the General Assembly Rules of Procedure and its Annexes, as amended, which provide that where legal aspects of any question are considered important, the matter should be referred to the Sixth Committee.

Nonetheless, we share concerns that have been expressed by others regarding the misuse of the consensus tradition to obstruct decisions that otherwise have a clear and overwhelming consensus.

There is no veto power in the General Assembly or its Main Committees.

We will disagree at times. But CANZ remains steadfast in its commitment to, and belief in, constructive, good faith negotiation.

With this year's landmark conclusion, by consensus, of a new Agreement on Marine Biological Diversity Beyond National Jurisdiction, and the consensus adoption of a request by the General Assembly for an ICJ Advisory Opinion on climate change, we have seen what can be achieved through this approach to ensure the UN system delivers on the interests and priorities of all countries, large and small.

For our part, CANZ stands ready to continue working constructively and collaboratively with the Sixth Committee to this end.



We conclude with one final request for the Secretariat: could we please make like an Advisory Opinion and illuminate the law by opening the curtains in this esteemed Chamber on our final day this session?!

Thank you.