



79th session of the United Nations General Assembly Sixth Committee: Agenda item 80 Crimes against humanity – Recommendation of the International Law Commission

9 October 2024

Statement by Laura McIlhenny, First Secretary and Legal Adviser 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 today on behalf of Canada, New Zealand and my own country, Australia.

As strong supporters of the International Law Commission's work on crimes against humanity, CANZ continues to encourage efforts to advance the consideration of the International Law Commission's (ILC) draft articles on prevention and punishment of crimes against humanity.

Crimes against humanity, as acts committed as part of a widespread or systematic attack directed against a civilian population, by their very nature undermine and threaten peace and security, human rights and development, all three pillars of the United Nations Charter.



And yet, the ability of the international community to adequately address impunity for such abhorrent crimes is hindered by the absence of a comprehensive international treaty dedicated to the prevention and punishment of crimes against humanity.

For CANZ, the work of this Committee is an opportunity to reaffirm our shared commitment to combatting this impunity and to seeking justice for victims of these crimes.

The existing international legal landscape is a patchwork of rules and obligations under international law, and domestic efforts to criminalise crimes against humanity. As such, significant gaps remain to be filled. We consider that elaborating a convention on crimes against humanity would help with the harmonisation of national definitions of these crimes to ensure consistent application of the law, therefore reducing opportunities for impunity.

CANZ also recalls the view shared by many States concerning the need to strengthen national capacities to prevent, investigate and prosecute crimes against humanity. There is no doubt that the primary responsibility to punish and prevent crimes against humanity rests with States. An international convention, however, would assist States in fulfilling that responsibility. Such



an approach recognises that any serious attempt to combat impunity for crimes against humanity requires both the bolstering of efforts at the national level, and a collective will to cooperate at the international level.

Chair,

CANZ welcomes the progress made at the first and second resumed sessions of the Sixth Committee on this topic in April 2023 and 2024. We are pleased to have had this opportunity to exchange substantive views on the ILC's draft articles, and are encouraged by the demonstrated willingness of States to carefully consider and review the concerns and perspectives that each has raised in the course of the two resumed sessions.

We consider the ever-increasing breadth and depth of engagement by member States on this topic as reflective of our readiness to progress these robust and constructive discussions, held over many years, to the next logical stage.

The General Assembly decided at its 77th session that the Committee will take a decision at this session, without prejudice to what that decision would be. It is a decision around which much momentum has built.

For CANZ, such momentum indicates that the time is ripe to advance the valuable work of the ILC. This year's decision by the Committee must



represent a positive step towards fulfilling the ILC's recommendation for the elaboration of a convention on the basis of its draft articles.

It is for this reason that Canada, New Zealand and Australia are proud to join 78 States as co-sponsors of the Resolution to convene a Conference to elaborate and conclude a legally binding instrument on prevention and punishment of crimes against humanity.

We acknowledge that differences in views remain on the substance of some draft articles. We, too, are of the view that some aspects of the text require refinement and development. We are confident that the proposed Conference would provide the forum and opportunity to constructively engage on the draft articles and for the resolution of any remaining divergences in views.

We note that the resolution refers to the Conference not only the ILC draft articles and commentaries, but also the written comments and observations of Governments together with the views expressed in the Committee discussions to date. In our view, this will facilitate the establishment of a robust and balanced framework.



Our delegations continue to stand ready to engage inclusively and constructively with all member States on the text of this resolution. We look forward to coming together and achieving consensus on a path forward on this essential work.

I thank you Chair.