AUSTRALIA

UNITED NATIONS GENERAL ASSEMBLY SIXTH COMMITTEE: INTERNATIONAL LAW COMMISSION CLUSTER II

Ambassador and Permanent Representative of Australia to the United Nations

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Thank you, Madam Chair,

Australia acknowledges the work of the International Law Commission over the past year on a range of important topics.

In particular, Australia welcomes the preliminary work undertaken by the }uu]••]}vU }v šZ š}%À o}(Œ^]•]v Œ o š]}v š}]všŒ

Australia steadfastly supports the United Nations Convention on the Law of the Sea (UNCLOS), which reflects our commitment to an international rules-based order, as the basis for international stability and prosperity.

UNCLOS provides the legal framework within which all activities in the oceans and seas must be carried out.

As a member of the Pacific community, Australia commends the attention that the Commission and States Parties continue to give to the issue of sea-level rise.

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Madam Chair,

Australia would also like to make some remarks today in relation to the

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procedural aspects of such immunity.

Regarding draft Article 18 proposed by the Special Rapporteur, Australia
invites the Commission to further elaborate and clarify the rationale for the
new draft article.

In this regard, Australia notes the existing without prejudice clause in draft
article 1. The commentary to that draft article makes clear that immunities
enjoyed before international criminal tribunals remain outside the scope of
the draft articles.

Further, the commentary also provides that none of the rules that govern
immunity before such tribunals are to be affected by the content of the
draft articles.

In relation to draft article 17, Australia invites the Commission to clarify
how the article would operate in practice, particularly in light of language in
draft article 17 indicating that States may suggest referral of a dispute to
arbitration or to the International Court of Justice.

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drafts articles 8 ante, 8, 9, 10, 11 and 12