



**New Zealand Permanent Mission to the United Nations  
Te Aka Aorere**

**United Nations General Assembly: Sixth Committee  
Resumed seventy-seventh session (cluster two)**

**New Zealand Statement delivered by  
Second secretary, Zoe Russell**

11 April 2023

**CHECK AGAINST DELIVERY**



Thank you madam Chair.

Regarding draft article two, New Zealand is pleased to observe that the definitions have been formulated consistently with the Rome Statute. We would like to thank the distinguished colleagues from Slovakia and Palestine, among others, for their insights into the negotiation of the Rome Statute, and we think that this is useful context for us to keep in mind in our discussions in this forum. And the elaboration of a new convention on crimes against humanity would not affect the status of non-parties to the Court.

We further support the substantive change made the International Law Commission in not including the Rome Statute definition of gender, in line with subsequently developed understandings of this concept.

New Zealand supports the inclusion of a “without prejudice” clause in draft article two, in order to ensure that the definition of crimes against humanity in this treaty does not call into question broader definitions that may exist in international law or states’ own domestic law. Finally on draft article two, we are taking careful note of points made by other delegations, and their suggested amendments to the definitions, and we will consider these further in advance of the next resumed session.

With regards to draft article 3, we welcome the inclusion of text in this Article which makes it clear that that the obligation being referred to is that of preventing and punishing crimes against humanity. And we also support making it clear in this Article that crimes against humanity are crimes under international law, whether or not they are committed in a time of armed conflict.

This concludes our national comments on cluster 2.

Thank you madam Chair.