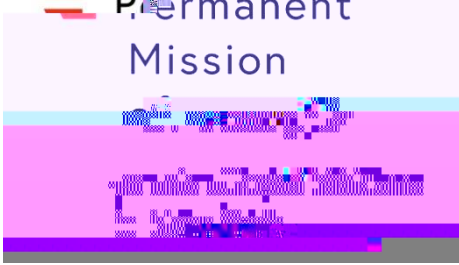




Permanent Mission



Concerning the relationship of the draft articles with international criminal courts and tribunals, we welcome the proposal of the Special Rapporteur to include in draft article 18 a “without prejudice” clause that settles any doubts about the scope of the present draft articles. We concur with the view that the legal regimes governing the functioning of international criminal courts and tribunals are independent, each with its own norms regulating the jurisdiction of the particular court or tribunal, and separate from national criminal jurisdictions. However, we believe that the term “international criminal tribunals” used in draft article 18 as proposed by the Special Rapporteur must be further defined by the Commission. In particular, it must be clarified to what extent this term also encompasses hybrid or internationalised

Finally, on draft article 12 on "Requests for information", we would suggest to add, in paragraph 5, a temporal condition in view of the urgency and sensitivity of the matter. Thus, paragraph 5 could read:

"The requested State shall consider any request for information promptly and in good faith."

Chairperson,

Let me now move to the topic of "_____". Austria congratulates the Commission on starting its considerations regarding this topic in the framework of a Study Group created in 2019. We take note of the fact that the first issues paper presented by members of the Study Group already in 2020 has led to a rather controversial discussion during the last session of the Commission. Austria shares the concern that papers and outcomes of Study Groups, just like reports of Special Rapporteurs, may be mistaken as a result of the work of the Commission as a whole, and while this may indeed be "a recurring problem", as stated in paragraph 265 of the report, Austria hopes that the Commission and in particular the Study Group will take measures to prevent such confusion in the future.

Austria acknowledges that there is a considerable overlap with the work of the International Law Association on the topic of sea-level rise. International Law Association

In addition, we encourage the Study Group to explore ways of cooperation with the future Special Rapporteur of the UN Human Rights Council on Climate Change.

Thank you.