



United Nations General Assembly Sixth Committee: Plenary debate on the report of the International Law Commission, Cluster II

27 October

Statement by Ms Naomi Mason, Executive Officer to the Chief Counsel, Department of Foreign Affairs and Trade

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Thank you, Chair.

Prevention and repression of piracy and armed robbery at sea

Australia welcomes the International Law Commission's consideration of the issue of prevention and repression of piracy and armed robbery at sea.

Australia condemns all acts of piracy and armed robbery.

We recognise the crucial role of international cooperation at all levels in combatting such threats. Piracy and armed robbery are a significant global threat, with wide-ranging effects not only on the welfare of seafarers, but also to international navigation and maritime security.

Maritime security, including safe and secure sea lanes, is vital to all economies and the trade that underpins global economic growth. It is well known that billions of dollars are estimated to be lost each year due to piracy.



The 1982 United Nations Convention on the Law of the Sea (UNCLOS) sets out the legal framework within which all activities in the oceans and seas must be carried out.

As the constitution of the ocean, UNCLOS is the legal framework applicable to the prevention and repression of piracy and armed robbery at sea. It recognises that international cooperation is necessary for the repression of piracy.

In our region, Australia is a member of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia, underscoring our commitment to the eradication of piracy and the maintenance of secure and safe trade by sea.

Australia reiterates the importance of the Commission's discussions on this issue to date and appreciates its work, and that of its Special Rapporteur and Drafting Committee, on the draft articles and commentaries provisionally adopted by the Commission at its 74th session.

We welcome the efforts of the Commission to centre its efforts around the definitions and concepts set out in UNCLOS, in particular the decision to ensure the integrity of the definition of piracy under UNCLOS.



Further, the Commission's consideration of State practice and clarification of areas of uncertainty, such as the difference between piracy and armed robbery, supports ongoing international cooperation in this regard.

Australia encourages the Commission to continue to ensure its work remains consistent with, and complementary to, existing frameworks and obligations under UNCLOS.

Australia acknowledges the Commission and the Special Rapporteur's work on clarifying and providing guidance on the law in this important area.

Settlement of disputes to which international organisations are parties

[Mr/Madam] Chair,

Australia expresses its sincere appreciation to the Special Rapporteur and Drafting Committee for the preparation of the text of the draft guidelines and commentaries relating to settlement of disputes to which international organisations are parties.

Noting the considerable and crucial work of international organisations, explicit consideration of the pacific settlement of disputes to which international organisations are parties is timely.



Past consideration of this topic has been limited to particular and specific scenarios, leaving development of a global approach somewhat piecemeal.

Comprehensive consideration of historical work on particular elements of this issue – as has been undertaken by the Special Rapporteur in his report – will assist States and international organisations to approach and address any disputes between them more confidently.

It is in that context that we particularly thank the Special Rapporteur for his efforts to ensure harmonisation of work done on this matter to date, to facilitate coherent and consistent development of law on this important question.

Australia is a strong proponent of multilateralism, with the United Nations at its core, and of the international rules-based order. In that context, our commitment to the effective operation of international organisations, and the effective resolution of any disputes regarding their operation and work, is of critical importance to Australia.

We therefore welcome the draft guidelines and commentaries, as they provide useful clarification to States and international organisations.

However, when preparing instruments of this kind, we suggest it would be helpful and instructive for the Commission to clarify which elements of these



draft guidelines – if any – represent the codification of existing international law, and which represent the progressive development of international law.

Australia commends the progress made by the Special Rapporteur on this topic and looks forward to the Commission's ongoing work.

Thank you.