



United Kingdom Mission  
to the United Nations

One Dag Hammarskjold Plaza  
(885 Second Avenue)  
New York, NY 10017

Tel: +1 (212) 745 9200  
Fax: +1 (212) 745 9316

Email: [uk@un.int](mailto:uk@un.int)  
[http://twitter.com/UKUN\\_NewYork](http://twitter.com/UKUN_NewYork)

## UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,  
SEVENTY-EIGHTH SESSION, AGENDA ITEM 79,  
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK  
OF ITS 74TH SESSION: PART 2 (A/78/10)  
CHAPTER V (SETTLEMENT OF DISPUTES TO WHICH INTERNATIONAL  
ORGANIZATIONS ARE PARTIES)  
CHAPTER VI (PREVENTION AND REPRESSION OF PIRACY AND ARMED  
ROBBERY AT SEA)

STATEMENT BY MR FRASER JANECKO  
ASSISTANT LEGAL ADVISER  
FOREIGN, COMMONWEALTH & DEVELOPMENT OFFICE

**26-31 OCTOBER 2023**

Check against delivery

Mister / Madam Chair,

1. On the topic '**Settlement of disputes to which international organizations are parties**' we thank the Special Rapporteur Mr August Reinisch and his colleagues for their work and are grateful to the Commission for its careful consideration of the topic.
2. Considering Draft Guideline 2, the United Kingdom welcomes the clarity provided in the definition of the term "international organisation" and agrees that a body having independent legal personality and "at least one organ capable of expressing a will distinct from that of its members" are important criteria for ensuring the correct scope of this topic. We also welcome the definition of the term "dispute", which we believe is sufficiently broad to encompass a wide range of issues relevant to this topic.

\*\*\*

Mister / Madam Chair,

3. Turning to the topic '**Prevention and repression of piracy and armed robbery at sea**', we highlight that piracy continues to impact global prosperity through the disruption it causes to flows of goods and people at sea.
4. Having played a leading role in the international effort to suppress piracy from Somalia, the United Kingdom

continues to work multilaterally and bilaterally to support regional countries in the fight against cross-border maritime crime and piracy, including in the Gulf of Guinea, with a focus on legal frameworks to facilitate prosecutions, development of Maritime Domain Awareness, and capability building for navies and coastguards.

5. This is therefore a subject of considerable importance and interest to the United Kingdom, and we thank the Special Rapporteur, Mr Yacouba Cissé, and commend the Commission for its work.
6. We also welcome the approach that has so far been taken, focused as it has been on the clarification of existing terms and concepts associated with piracy and armed robbery at sea. We respectfully suggest that this should be the basis of the Commission's future work on this topic, and make a number of observations to assist that endeavour.
7. Considering, first, Draft Article 1, the United Kingdom welcomes the Commission's explanation of the meaning of 'prevention and repression'. In particular, we agree with the breadth given by the Commission to the term 'repression', which should not be understood as requiring piracy invariably to be met with criminal investigation or prosecution.
8. Turning to Draft Articles 2 and 3, the United Kingdom welcomes the additional clarity that the Commission has

sought to bring to the definitions of piracy and armed robbery at sea.

9. We note the particular importance of the definition of piracy, considering the consequences that flow from a particular act being defined as piracy or not. In addition to attracting universal jurisdiction, such acts engage specific rights of enforcement, as set out in the United Nations Convention on the Law of the Sea, UNCLOS.
10. The United Kingdom welcomes, therefore, the approach taken by the Commission to align its definition of piracy with that contained in UNCLOS.
11. We further welcome the elucidation of the terms of that definition, and make some observations to assist the Commission as it continues to address these issues.
12. We would particularly welcome further clarity on the Commission's understanding of the meaning of the phrase 'any illegal act of violence or detention, or any act of depredation'. We note the Commission's view that 'violence' includes 'psychological violence' and would welcome further analysis on this point, especially any practice on which the Commission has relied, as well as the limits, if any, the Commission sees as being applicable to this approach. We also respectfully suggest that the requirement of illegality might be a fruitful area for further examination.
13. We note the Commission's recognition that the reference 'the high seas' is to be read in this context as

including the exclusive economic zone, as set out in Article 58, paragraph 2 of UNCLOS. We respectfully suggest, however, that the definition might reflect this important point more explicitly.

14. Finally, with respect to the definition of piracy, the United Kingdom welcomes and endorses the important points the Commission makes about the breadth of 'incitement and facilitation'. As the Commission notes, this extends to conduct on land, and to a wide range of conduct, including that which is associated with the financing of piracy.

15. Turning to armed robbery at sea, we appreciate the utility in defining this important concept. However, we also note the very different role this definition plays in comparison with that of piracy. The categorisation of an act as armed robbery at sea neither enlarges nor limits the jurisdiction of the coastal State within whose waters the act occurs. Such jurisdiction extends to a much wider category of conduct than that caught by the definition, including similar conduct perpetrated by aircraft, notwithstanding their omission. We respectfully suggest that this point might be brought out in commentary.

16. The United Kingdom reiterates its appreciation for the Commission's work.

Thank you, Mister /Madam Chair.