



# MALAYSIA

*Permanent Mission to the United Nations, New York*

**STATEMENT BY  
MS. NUR AZURA ABD KARIM  
COUNSELLOR  
PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS**

**ON AGENDA ITEM 79:  
REPORT OF THE INTERNATIONAL LAW COMMISSION  
ON THE WORK OF ITS SEVENTY-FOURTH SESSION**

**CLUSTER II – CHAPTERS: V (SETTLEMENT OF DISPUTES TO WHICH  
INTERNATIONAL ORGANIZATIONS ARE PARTIES) AND VI (PREVENTION AND  
REPRESSION OF PIRACY AND ARMED ROBBERY AT SEA)**

**AT THE SIXTH COMMITTEE OF  
THE 78<sup>TH</sup> SESSION OF THE GENERAL ASSEMBLY**

**NEW YORK, 31 OCTOBER 2023**

---

Mr. Chairman,

**CHAPTER V: SETTLEMENT OF DISPUTES TO WHICH INTERNATIONAL  
ORGANIZATIONS ARE PARTIES**

My delegation would like to congratulate Mr. August Reinisch, the Special Rapporteur for the topic of “Settlement of international disputes to which international organisations are parties”, for his contribution towards the Report submitted to the International Law Commission (ILC)

2. Malaysia observes that the peaceful settlement of disputes is an essential principle of international law, as echoed in Article 2(3) of the Charter of the United Nations. The Article emphasises that all Member States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

3. On this note, Malaysia welcomes the study of this topic and the first report by the Special Rapporteur. Malaysia also notes the proposed two draft guidelines which set out the “*Scope of the draft Guidelines*” and the “*Use of Terms*”.

Mr. Chairman,

4. Malaysia commends the Commission's draft Guidelines as it offers a step towards clarity in providing clear sufficient guidance and definition of what constitutes an "*International Organization*", a "*dispute*" and "*means of settlement of disputes*". Malaysia opines that clear definitions are pivotal in assisting and providing clarity to Member States in addressing disputes where International Organizations are parties.

5. Be that as it may, this topic is a work in progress and further guidance is welcomed. Nevertheless, Malaysia wishes to highlight the challenge with regard to enforcing decisions against an International Organization. This is evident when an International Organization enjoys immunity from legal processes in the countries it operates. Therefore, a balance must be struck between the need for immunity protecting International Organizations and the need for accountability and justice.

6. In light of what has been said, Malaysia believes that in an depth analysis is required to provide a clearer understanding of the scope to be applied in this topic. It is hoped that the subsequent reports of the Special Rapporteur and the further guidelines will provide clarity and thus allow Member States to make more informed decision.

## **CHAPTER VI: PREVENTION AND REPRESSION OF PIRACY AND ARMED ROBBERY AT SEA**

Mr. Chairman,

7. Turning to Chapter VI of the report, Malaysia reiterates its stand that the issues relating to piracy and armed robberies at sea should be addressed immediately as it is fast becoming a major threat to national and regional security. On this note, Malaysia welcomes the study of this topic and the first report by the Special Rapporteur, Mr Yacouba Cisse. Malaysia also notes the proposed three draft articles (Article 1, 2 and 3) on the definition of piracy and armed robbery at sea.

8. While the three proposed articles had already been adopted by the Drafting Committee, Malaysia would like to seek clarification on the direction of the draft articles. Malaysia is of the view that the core aspects of the topic of piracy and armed robbery at sea have already been codified, notably in the United Nations Convention on the Law of the Sea (UNCLOS), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and other treaties. As such, the need for another convention on piracy and armed robbery requires careful study.

9. However, Malaysia is amenable for the draft articles to be regarded as guidelines and as reference for States to further develop their legal frameworks and national legislation in relation to piracy and armed robbery at sea.

10. Malaysia also remains committed to the Commission's noble mission in advancing international law. We are confident that the Commission's ongoing efforts in this domain will contribute significantly to the global legal framework and foster a shared commitment among states to address the challenges posed by piracy and armed robbery at sea effectively.

Thank you.