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Chapter VI – Prevention and repression of piracy and armed robbery at sea

Chapter VIII – Non-legally binding international agreements

Chapter IX – Succession of States in respect of State responsibility

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Chapter VI - Prevention and repression of piracy and armed robbery at sea

1. Romania has received with great interest the Second Report on the topic of the Prevention and repression of piracy and armed robbery at sea, for which would like to thank the Special Rapporteur, Mr. Yacouba Cissé. We would equally wish to congratulate, the new Special Rapporteur, Mr. Louis Savadogo, on the assumption of this function, and to wish him every success.
2. The Second Report gives a very useful survey and analysis of the various initiatives and operations designed by States and international organization in order to prevent and fight piracy and armed robbery at sea, including at regional level. It is obvious from the Report that global collaboration remains essential in addressing these criminal activities, which transcend national borders.
3. As a member of both NATO and the European Union, Romania was happy to see that the Second Report acknowledges the achievements of the operations of these organizations targeting maritime piracy, which have improved security in high-risk areas.
4. Romania also noted the new draft proposals put forward by the Special Rapporteur and the rich debate that they have stimulated among the members of the Commission.
5. We understand that the outcome of the work of the Commission is still under consideration; we will follow attentively how this very important work will shape up.

Chapter VIII – Non-legally binding international agreements

1. Romania follows with great interest the Commission's work on the topic of "*Non-legally binding international agreements*". My delegation would like to express its appreciation to the Special Rapporteur, Mr. Mathias Forteau, for a well-structured first report on this subject.
2. We believe that the topic is of great interest, considering the significant rise in the use of non-legally binding agreements.

3. We fully support the *practical, neutral and non-prescriptive* **approach** towards this subject. We are of the opinion that there is no need to dwell on theoretical discussions; we also believe that the role of this study is neither to encourage nor to discourage States to conclude such documents; it is our view that it should not seek to be prescriptive in nature.
4. As regards the thorny issue of **terminology**, in our view, the *Special Rapporteur* provided persuasive arguments in paragraph 94 of his first Report to continue using the term "*agreements*" in the title of the topic. In the face of such consolidated argumentation and given the need of coherence in the work of the ILC, we do not object to the using of this terminology in the consideration of the topic.
5. On the matter of the **scope** of the study, we agree with the proposal to restrict the study to those non-binding written agreements concluded between States, between States and international organizations, or between international organizations. The topic should therefore not cover the non-binding provisions found in treaties, the documents that come under domestic law, the acts adopted by international organizations and other unilateral acts, or the agreements concluded by sub-state entities of different countries, as all of these would widen the scope of the study too much, running the risk of making it hardly relevant for States.
6. The question of the identification of criteria for distinguishing legally binding agreements from non-legally binding agreements is essential and has a significant practical value, as it determines the effects to be attributed to the document. The clarification of the parties' intention plays a central part. We agree that the objective criteria are necessary only when the parties to the agreement have not expressly indicated that they consider it legally binding or non-binding. When this is the case and the intention is not sufficiently clear, we believe that a combination of the indicators/criteria should be considered.
7. With regard to the **outcome**, draft guidelines and draft conclusions would be, in our view, appropriate options.

8. We support the proposals of the *Special Rapporteur* included in paragraphs 70, 82 and 83 of his Report, concerning the communication with the Council of Europe, the access to the responses provided by States to the Inter-American Juridical Committee and CAHDI questionnaires, as well as a potential request for information relating to this topic, addressed to States and international organizations.
9. We look forward to the future assessment of the Commission on the topic and the first conclusions/guidelines it shall suggest.

Chapter IX – Succession of States in respect of State responsibility

1. In what concerns the last Chapter in the 3rd cluster, my delegation looks forward to the report that would conclude the topic of *State succession in respect of State responsibility* in the sense that would remove it from the agenda of the ILC.
2. As it is recalled, Romania has always been critical on the Commission dealing with this subject and pleaded that be discontinued. In this respect, we are pleased with the decisions of the Commission concerning the way it intends to proceed further.

This intervention concludes the remarks of my delegation on the entire ILC Report of its 75th session. We reiterate our congratulations to the Commission and the Special Rapporteurs and assure them of our continuous support.

Thank you!