



**PERMANENT MISSION OF THE REPUBLIC OF  
SIERRA LEONE TO THE UNITED NATIONS**

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**STATEMENT**

**BY**

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**To the**

**Sixth Committee of the  
United Nations General Assembly**

**Cluster III**

“Chps: VI (Prevention and Repression of Piracy and Armed Robbery at Sea), VII (Non-legally binding international agreements), and IX (Succession of States in respect of State responsibility).”

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**Chair,**

1. My delegation welcomes the Commission's ongoing work on the topic of "**Prevention and Repression of Piracy and Armed Robbery at Sea**" and expresses our gratitude to the erstwhile **Special Rapporteur, Mr. Yacouba Cisse**, for his report.
2. We view this topic as critical to ensuring maritime security, protecting international shipping lanes, and enforcing the rule of law at sea. My delegation and other African and Asian States that are particularly impacted by modern acts of piracy are highly interested in these issues.
3. Sierra Leone reaffirms its unwavering commitment to fulfilling obligations under international law, particularly as outlined in **Article 100 of the United Nations Convention on the Law of the Sea (UNCLOS)**, which mandates States to cooperate fully in the repression of piracy on the high seas. We subscribe to the Special Rapporteur's assertion that international cooperation is a key component to the problem posed by piracy and armed robbery at sea.

4. Regarding **draft Article 4 (General Obligations of Cooperation)**, which has only been provisionally adopted by the Drafting Committee and is not before the General Assembly for comments, my delegation would like to preliminary note that we support the inclusion of a provision reflecting the general obligations of States regarding cooperation in combating piracy and armed robbery at sea. We note that **Article 100 of UNCLOS** establishes a clear duty for States to cooperate in the repression of piracy, and this has been reinforced by various regional frameworks, bilateral agreements, General Assembly resolutions, and UN Security Council resolutions, particularly those addressing piracy off the coast of Somalia.

5. We acknowledge the concerns raised about the obligation to cooperate equally on both crimes, whether labeling piracy and armed robbery at sea as international crimes, and whether the need to **cooperate and repress** piracy in **para 2** is appropriate. These inclusions should be further clarified to ensure alignment with established legal principles and UNCLOS. In this regard, we note the relevance of the resolution adopted by the Institute of

International Law, which concerns the obligation to cooperate in this respect.

6. In this context, we recall the ***Lotus Case (PCIJ, 1927)***, which emphasized the limits of jurisdiction on the high seas and underscored the need for a clear legal framework when States seek to enforce jurisdiction. My delegation recommends that the Commission's future work further clarify the legal basis for the repression of armed robbery at sea within national jurisdictions.
7. As we conclude our brief comments on this topic, we wish to thank **Mr. Cisse**, who resigned as special rapporteur. We thank him for proposing this topic, his service to the Commission as special rapporteur, and his production of two reports. Allow us also to use this opportunity to congratulate **Mr. Louis Savadogo** on his appointment as the new special rapporteur. We agree that it is wise for the Commission to take next year to reflect on a formal or informal working group on the way forward on this important topic for Africa.



8. Sierra Leone maintains that, given the importance of this topic, the Commission should still produce a set of draft articles that can be recommended to States as the basis for negotiating a future convention on the prevention and repression of piracy and armed robbery at sea.

## Chair

9. Sierra Leone welcomes the inclusion of “**non-legal binding international agreements**” in the International Law Commission’s work program. We thank **Mr. Mathias Forteau**, the special rapporteur, for his excellent preliminary report on this topic. We can only offer general comments on the topic at this stage since no draft conclusions or guidelines have been adopted. As a preliminary matter, we note that this topic is of significant practical relevance to modern diplomacy and international cooperation, particularly in facilitating flexibility and adaptability in international relations.

10. Non-legally binding agreements have become an increasingly preferred tool for addressing urgent global

challenges. They allow States to engage in constructive cooperation without the formality of treaty obligations.

11. Their value lies in their efficiency and capacity to address emerging issues swiftly, as demonstrated by various international and regional frameworks that incorporate them. An example is the **Paris Agreement (2015)**, which, while legally binding in some respects, also involves numerous non-binding commitments that have proven essential in fostering broad participation in addressing the planetary crisis of Climate Change.
12. Regarding the plethora of views expressed on the use of the term "**Agreement**." Many supported retaining "Agreement" as it captures the mutual understanding between parties, but others suggested alternatives like "**instruments**" or "**arrangements**," "**non-legally binding**," or "**non-binding**" to avoid confusion with legally binding treaties. We agree with maintaining "**Agreement**" and "**non-binding**" to differentiate from treaties while preserving the term's utility in diplomatic practice.

13. My delegation believes that it is critical to distinguish between the criteria of **legally binding** and **non-legally binding agreements**, the potential legal effects these agreements might generate, and how such instruments interact with international law. Furthermore, while these agreements do not create enforceable legal obligations, their utility can sometimes raise concerns about their misuse, especially when there is ambiguity regarding their legal or political consequences. This is not new, as even the **travaux préparatoires** of the Vienna Convention on the Law of Treaties are suggestive that all treaties are agreements and not all agreements were treaties.
14. We encourage the ILC to provide clear guidance on the criteria that differentiate non-legally binding agreements from treaties. At the same time, it is vital to preserve States' flexibility in using these instruments to address immediate and pressing needs while ensuring that they do not inadvertently create conflicting legal obligations.
15. We support exploring these instruments' legal aspects while ensuring their practical advantages remain intact. By striking this balance, the ILC can clarify the role of non-



legally binding agreements in international legal order while maintaining States' sovereignty and discretion.

16. We encourage the ILC to develop a set of draft conclusions that clarify the nature of non-legally binding agreements, the criteria for their use, and the scope of their potential legal effects. This will help States navigate their use responsibly and consistently within the framework of international law.

**Chair,**

17. We acknowledge the complexity and sensitivity surrounding the topic of "**Succession of States in Respect of State Responsibility**," which indeed poses challenges in identifying established rules of customary international law. During the period under review, several States have expressed concerns regarding the insufficient reflection of State practice, particularly from regions such as Africa and Asia, which further impedes comprehensive legal conclusions. We share these concerns and believe greater efforts should be made to incorporate diverse regional practices.



18. While welcoming the progress made by the working group established last year, my delegation also recognizes the outstanding substantive issues, including the distinction between the **transfer of responsibility** and the **transfer of rights** and **obligations** and the relevance of parallels with **State debts** and **unjust enrichment**. In addressing these aspects, we recommend a cautious approach to balance codification and progressive development, ensuring that the outcome aligns with established principles while being adaptable to different regional contexts.

19. Furthermore, we support the proposal to establish a working group to finalize the work on this topic next year.

20. Lastly, while we recognize the merit of completing this topic promptly, we advocate for a balanced approach that does not rush the process at the expense of the usual rigor, the hallmark of the Commission. We support a working group to draft a comprehensive report that includes the Commission's work thus far, with a strong focus on policy justifications and a globally applicable

framework. This approach would respect the complexity of the topic while delivering an outcome that serves the diverse needs of states.

**I thank you.**

