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**Agenda item 79: Report of the International Law Commission
on the work of its 75th session**

**Cluster III - Chps: VI (Prevention and repression of piracy and
armed robbery at sea) and
VIII (Non-legally binding international agreements)**

Statement by

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Mr/Mme. Chair,

Thank you for the opportunity to speak on the third cluster of topics, contained in the International Law Commission's Report. Today I would like to address two topics: "*Prevention and repression of piracy and armed robbery at sea*" and "*Non-legally binding international agreements*".

Mr/Mme Chair,

Allow me to begin with the topic of "**Prevention and Repression of Piracy and Armed Robbery at Sea**". Bulgaria welcomes the work of the International Law Commission and would like to congratulate the Special Rapporteur, Mr. Louis Savadogo, for his appointment and to thank him and Mr. Yacouba Cissé for preparing the second report on the topic and four new draft articles which deal with the questions of general obligations, the obligation of prevention, criminalisation under national law, and the establishment of national jurisdiction.

I would like to reaffirm Bulgaria's commitment to combat piracy and armed robbery at sea, emphasizing that these acts pose a significant threat to global maritime security, economic stability, development and human safety.

As a member of the United Nations, the International Maritime Organization and as a party to the United Nations Convention on the Law of the Sea, which provides the legal definition for piracy, Bulgaria underlines the importance of adhering to international law and the principles that safeguard the freedom of navigation, ensure the security of sea lanes and promote regional stability. In this vein, we call upon the international community to strengthen its collective efforts and enhance international cooperation in order to prevent and suppress these crimes.

Furthermore, Bulgaria would like to support the Commission's ongoing efforts to develop and refine the international legal frameworks for combating piracy and armed robbery at sea. It is our understanding that the prepared new draft articles on the prevention and repression of piracy and armed robbery at sea should focus on establishing clear obligations for states to criminalize those crimes, cooperate in their prevention, and exercise jurisdiction over offenders. Bulgaria emphasizes the importance of aligning existing national laws and regulations with these international standards to ensure a cohesive global response.

In this regard, we would like to emphasize that the United Nations Convention on the Law of the Sea should be the guiding reference and the basis for the analysis of the topic. We would also like to stress the importance of clearly distinguishing between piracy and armed robbery at sea, especially in light of the fact that piracy is a crime over which there is universal jurisdiction under UNCLOS as by definition it takes place outside of the national jurisdiction of any state, and armed robbery at sea is not because it is a crime under national law taking place within the territorial sea.

Moreover, the complexity of maritime crime, which often intersects with other international crimes underscores the need for a multi-faceted approach. In this vein, Bulgaria advocates for stronger integration of maritime security policies with broader efforts to combat transnational organized crime.

Mr/Mme Chair,

The Republic of Bulgaria reaffirms its commitment to the global fight against piracy and armed robbery at sea. These crimes threaten not only maritime security but they also undermine our efforts to safeguard peace and uphold justice and the rule of law. Bulgaria reaffirms its commitment to further cooperate with its international partners, regional organizations and affected States to ensure that the high seas remain a space of freedom and safety for all.

Mr/Mme Chair,

Turning now to the critical topic of **Non-legally binding international agreements**, as the title of the topic is formulated in the report of the Commission, Bulgaria reaffirms its commitment to advancing the discussions that are both timely and essential in the evolving landscape of international law and diplomacy. In this regard, I would like to congratulate the ILC and especially the Special Rapporteur, Prof. Mathias Forteau for his excellent work on the topic.

The inclusion of this topic in the Commission's work highlights the increasing recurrence to and reliance on non-legally binding agreements by States and international organizations and the considerable growth in the practice of non-legally binding agreements at the international level. These agreements often offer the necessary flexibility in addressing a wide variety of complex issues. However, with this flexibility comes the pressing need for clarity on many of the issues that arise, including their status, scope and potential legal effects and implications. For that reason, in Bulgaria's view the topic is of great importance and we encourage the Commission should focus on the practical aspects.

Ensuring that our work on this topic is representative of the diverse practices across regions and legal systems is of utmost importance. The first report on this topic has already underscored key concerns, such as the distinguishing criteria between treaties and non-legally binding agreements, the regime of these agreements, and their potential legal effects.

For Bulgaria, these issues are not merely theoretical. There is a considerable growth in our practice of concluding non-legally binding agreements at bilateral, regional and multilateral level, which has demonstrated their practical value. They also often serve as foundational tools for dialogue, confidence-building and practical cooperation, while avoiding the necessity to follow the procedures applicable to of the conclusion of formal treaties.

We are mindful of the growing body of state practice, as well as recent international jurisprudence that has touched upon the nature of these agreements. It is essential that our work does not inadvertently blur the lines between binding and non-binding commitments, as this could undermine the flexibility that makes non-legally binding agreements attractive to States. At the same time, we must be cautious of their potential legal effects, especially in cases where these agreements intersect with binding international legal norms or influence relations between States.

Bulgaria would also like to present some comments on the conclusions contained in the Commission's report.

We take note of the position of the Special Rapporteur explaining the reasons why the term "agreement" should be preferred to other suggested terms as "instruments" or "arrangements". And while in our practice we prefer using the term "agreement" for legally binding texts, like other delegations we acknowledge that the term "agreement" is in practice also used for instruments which are non-legally binding and for other types of arrangements without legal force. In this respect, we agree that an important distinguishing criterion between legally and non-legally binding agreements should be the intention of the States and international organizations and the concrete content of the text.

Regarding the scope of the topic, we would also like to express our support for addressing only non-legally binding international agreements, including between States, between States and international organizations, and between international organizations, and encompassing bilateral, regional, as well as multilateral agreements. Bulgaria also agrees with the Special Rapporteur that unwritten agreements, agreements with private parties and acts of international organizations should be excluded from the work of the Commission on this topic.

Looking ahead, Bulgaria supports the Special Rapporteur's focus on practical outcomes, such as the elaboration of draft conclusions that can clarify the existing practice and assist States in navigating the complexities of non-legally binding international agreements. We would also like to support the proposal of the Special Rapporteur to request further information on the practice of States and international organizations to ensure that the future work is based on a comprehensive understanding of current practices.

In conclusion, Mr/Mme Chair, Bulgaria remains committed to contributing to these important discussions. We would like to reiterate once again our appreciation to the work of the Special Rapporteur and express our continuous support for the work of the International Law Commission.

Thank you for your attention!