



PERMANENT MISSION
OF ESTONIA TO THE UN

Statement of the Republic of Estonia
79th Session of the United Nations General Assembly Sixth
Committee

Report of the International Law Commission

Cluster III - Chapters: VI (Prevention and repression of piracy and armed robbery at sea), VIII (Non-legally binding international agreements) and IX (Succession of States in respect of State responsibility)

30 October 2024

Chairperson,

Today, I start with addressing the topic of **prevention and repression of piracy and armed robbery at sea**. First, I want to express gratitude to the previous Special Rapporteur Mr. Yacouba Cissé for his work. Second, I would like to congratulate Mr. Louis Savadogo for assuming the post as the new Special Rapporteur.

Estonia aligns itself with the statement by the European Union, and adds the following comments in its national capacity.

We take note that the Special Rapporteur proposed four new draft articles in his second report and the Drafting Committee provisionally adopted one draft article, namely draft Article 4 on General Obligations. We welcome and support the continued work and progress on the draft articles.

Estonia agrees that it is necessary to distinguish between piracy and armed robbery at sea – these crimes may require different approach depending on circumstances. With respect to the provisionally adopted Article 4, we believe that armed robbery at sea poses unique challenges to international cooperation because armed robbery occurs within the territorial sea or internal waters, which are subject to national jurisdiction. If we did not distinguish between piracy and armed robbery at sea, it would raise concerns whether States are prepared to cooperate in combatting armed robbery at sea as they would in case of piracy.

Piracy presents continuing challenges to global maritime security. The rise of new technologies, such as unmanned ships and sea drones, has complicated the situation even more. Traditionally, piracy has been understood as a crime involving the physical seizure of or attack on ships by armed individuals for

private ends. However, the use of unmanned sea drones for attacks, such as those increasingly employed by the Houthi rebels in the Red Sea, have blurred the lines of the traditional definition of piracy. The definitions of piracy in the United Nations Convention on the Law of the Sea and in the draft Article 2 provisionally adopted by the ILC, may not sufficiently cover technologically advanced attacks on ships. We need commonly accepted interpretations in order to accommodate existing rules with technological developments.

The ILC has previously considered including a definition of “ship” to provide greater clarity on the definition of “piracy”. The new technologies, unmanned ships and sea drones, challenge the traditional notions of what constitutes a ship. As maritime threats evolve, including remote-controlled and autonomous attacks, the absence of an inclusive definition complicates efforts to address these emerging challenges under international law.

In conclusion, piracy and armed robbery pose significant threats to maritime security and can severely disrupt economic stability, particularly for nations that rely heavily on maritime trade. These challenges underscore the need for a deeper and comprehensive examination of various issues from the perspective of international law. We see that the outcome of the work by the ILC will greatly contribute to the development of international law, including law of the sea. Keeping that in mind, we wish the ILC all the success in their endeavours.

Chairperson,

When it comes to the topic of **non-legally binding international agreements**, it was covered in the joint statement of Baltic States - Estonia, Latvia and Lithuania delivered by Latvia yesterday.

Thank you for your attention.