

**79th Session of the UNGA
Sixth Committee
(Agenda item 79)**

Report of the International Law Commission on the work of its seventy-fifth session

(Cluster III)

Madam Chair,

My delegation would like to make brief remarks on the topics “Prevention and repression of piracy and armed robbery at sea, Non-legally binding international agreements and Succession of States in respect of State responsibility”

Madam Chair,

We congratulate Mr. Louis Savadogo for being appointed as new Special Rapporteur and applaud the work of the former Special Rapporteur Mr. Yacouba Cissé for his first and second report and also his contribution on the topic “Prevention and repression of piracy and armed robbery at sea” and proposing four draft articles: on general obligations, on the obligation of prevention, on criminalization under national law, and on the establishment of national jurisdiction.

Mr. Chairman,

The world is facing an upsurge in Maritime piracy which hinders the trade and economy thereby affecting both the coastal and landlocked States. In this regard, it would be relevant to mention about the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) which entered into force in 2006 is the first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery against ships in Asia. As per the 2023 report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia-Information Sharing Centre (ReCAAPISC), 100 incidents of armed robbery (Hit-and-Run) were reported in the Asian region that occurred in the territorial waters, ports and anchorages falling within the coastal States’ jurisdiction which is a 19% increase compared to 2022.

Mr. Chairman,

The approach on this topic appears to be an exercise to develop and complement existing norms already found in the UNCLOS which may be carried out

to add clarity and help in implementing the existing norms. While the work on this topic may be useful, there should not be attempt to undermine the existing legal framework concerning law of the sea. In relation to the matter of maritime armed robbery, we believe it is essential to tackle this issue by examining the relevant international laws, regional strategies, national practices, and the legislative and judicial frameworks in place within individual countries.

It is important to highlight that piracy is no longer restricted to specific areas of the ocean. Pirates are now shifting from open waters to coastal regions, and they are even active in the internal waters and territorial seas of coastal States. Consequently, the international community must enhance coordination for anti-piracy operations and strengthen capacity-building among States.

Madam Chair,

We thank the Special Rapporteur Mr. Mathias Forteau for his first report on the topic “Non-legally binding international agreements” which is preliminary in nature and intends to initiate discussions about the work of the Commission on this topic, its scope, issues to be examined and the final outcome of such discussions.

The Commission’s work should be in the direction of finding practical approaches to the nature, regime and potential legal effects of non-legally binding international agreements, in view of existing practice, jurisprudence and doctrine. The Commission should work to find the right balance between the necessary work of legal clarification and avoid undue limitations on the freedom of States to have recourse to non-binding agreements.

The work of the commission should focus on the practical aspects of the present topic such as take into account the difference in use of the terminology such as “agreements/treaties/arrangements” as used interchangeably by States based on their legal system and practice. In this regard, we welcome the approach of the Commission for taking into account the preparatory works of the 1969 and 1986 Vienna Conventions to bring out clarity to the discussion on the present topic.

Madam Chair,

Turning to the topic “Succession of States in respect of State responsibility”, we congratulate Mr. August Reinisch on his appointment as Chair of the Working Group to be re-established at the seventy-fifth session of the Commission.

The Commission may continue its work on the topic by establishing a Working Group which is to focus on the State practice with specific reference to those States

in Africa and Asia along with the study on outstanding substantive aspects of the topic. As regards the report, a comprehensive report on the overall work on this topic since its inception, reflecting on the shortcomings if any, would be more useful for future references.

I thank you Madam Chair.