

**Statement to be delivered by H.E. Mohan Peiris, Permanent  
Representative of Sri Lanka to the United Nations in New York at the  
Sixth Committee**

**Cluster III - Chps: VI ( ),  
VIII (Non-legally binding international agreements) and IX (Succession of  
States in respect of State responsibility)**

**Trusteeship Council Chamber, UNHQ  
..... October 2024 (10 minutes)**

Mr. Chair, distinguished delegates,

Sri Lanka appreciates the opportunity to contribute to this important dialogue as the global community increasingly relies on flexible instruments to address complex issues within international law, the need for clear criteria and bring clarity will enhance legal certainty, reduce disputes, and promote stronger cooperation among states. Sri Lanka supports the commission's tireless work in this area and emphasizes the importance of widely accepted frameworks to address these evolving issues in the international legal system.

**Permit me the indulgence of making some observations(Prevention and repression of piracy and armed robbery at sea)**

With regard to this chapter VI we like to make following remarks. As a nation with a strong commitment to safeguarding the maritime domain, Sri Lanka supports initiatives that enhance **regional and international collaboration including** fostering partnerships among states to share intelligence, enhance law enforcement capabilities, and strengthen legal frameworks for **community engagement in maritime safety and security efforts**, ensuring that local populations are empowered to contribute to the protection of their waters. to promote a safer and more secure maritime environment, and joining the consensus made during the last meeting within these topics.

Sri Lanka supports **Draft Article 4**, emphasizing the duty to cooperate in preventing and repressing crimes as outlined in Article 100 of the United Nations Convention on the Law of the Sea, applicable to both piracy and armed robbery. A holistic approach addressing both prevention and repression is essential to counter these maritime threats effectively. Clear definitions distinguishing piracy from armed robbery, particularly regarding jurisdiction in

the Exclusive Economic Zone (EEZ) and Areas Beyond National Jurisdiction, are crucial. We advocate for collaboration among affected States, including through regional initiatives like the Indian Ocean Rim Association, to strengthen legal frameworks and enhance enforcement capacity.

Sri Lanka recognizes the importance of **Article 5**, which establishes States' obligations under international law. Effective measures, including legislative, administrative, and judicial actions, are essential to enhance maritime safety. Comprehensive frameworks must criminalize piracy and armed robbery, ensuring provisions for prosecution, extradition, and mutual legal assistance. Aligning domestic laws with international conventions, such as UNCLOS, is vital for jurisdictional clarity. We also emphasize the need for strong regional cooperation to strengthen maritime surveillance and enhance information-sharing capabilities.

Sri Lanka acknowledges the importance of **Article 6** in **establishing a comprehensive framework for the criminalization and accountability of piracy and armed robbery at sea**. We fully support the requirement for States to criminalize these acts and recognize the **need to extend this responsibility to individuals who order, solicit, or assist** in the commission of such crimes. This approach ensures that all actors involved in piracy are held accountable, reinforcing the imperative of command responsibility within the context of maritime security.

Sri Lanka emphasizes the critical need to extend accountability to individuals financing or supporting acts of piracy, as dismantling these networks is vital for effective prevention. Upholding the rule of law requires that no individual, regardless of their position, is above justice. The absence of a statute of limitations for piracy offenses underlines their severity, while appropriate penalties act as deterrents.

**Under Article 7**, we believe that establishing jurisdiction over piracy and armed robbery is essential for enhancing maritime security. Comprehensive legislation empowers States to act swiftly against these threats. Provisions allowing jurisdiction based on nationality reinforce accountability and promote greater cooperation in combating piracy, ultimately fostering a safer maritime environment for all nations. Thus, we support this article.

### **(Non-legally binding international agreements)**

Sri Lanka commends the Chair of the Special Committee on Non-Legally Binding Agreements (NLBA) for their exemplary leadership during the session in 2022. The facilitation of discussions among thirty States and the Council of

Europe highlighted the importance of this topic and inclusive dialogue. The strong support for incorporating non-legally binding agreements into the long-term work program has given the relevance that is needed for urgent need to clarify their legal implications. We also appreciate the contributions made by delegations during the discussions in 2023, which has given an enhanced understanding of these instruments as we address the evolving landscape of international law.

### **Criteria for Distinguishing Treaties from Non-Legally Binding Agreements**

Sri Lanka recognizes the **complexities involved in classifying agreements** as binding or non-binding, a challenge often faced by courts and tribunals. This classification is crucial for **establishing jurisdiction and evaluating cases**. Determining an agreement's binding status arises **during key stages such as negotiation and dispute resolution**.

The Vienna Convention on the Law of Treaties provides guidance by emphasizing intention, form, and consent. However, ambiguities can lead to misinterpretations and conflicts between states, further complicated by political contexts. While binding instruments ensure compliance, non-binding agreements significantly influence state behavior and advance international law, highlighting the need for clarity in this area. While legally binding instruments provide essential enforcement mechanisms, non-binding agreements remain influential in shaping state behavior and promoting international cooperation. Therefore, fostering clarity in this area is crucial for enhancing legal frameworks and ensuring effective dispute resolution in the ever-evolving landscape of international relations.

### **Regime of Non-Legally Binding International Agreements**

Non-legally binding agreements, often referred to as "soft law," play a crucial role in establishing norms that influence state behavior and promote cooperation. These agreements enhance accountability and compliance, particularly in challenging areas like human rights, where enforceable obligations are difficult to achieve. Sri Lanka acknowledges the complexities in classifying these agreements, as their flexible language can lead to ambiguity regarding their intent and impact. The Vienna Convention on the Law of Treaties provides guidance on criteria such as intention, form, and consent. Clear criteria for classification are essential for improving understanding and communication in international relations. For future action, states can strive for greater clarity by establishing consistent criteria for classification and through enhanced dialogue among nations that can help reconcile differing interpretations and foster cooperation. Additionally, promoting best practices in drafting these agreements can strengthen their effectiveness and impact on

international norms and accountability.

### **Potential Legal Effects of Non-Legally Binding International Agreements**

Determining the legal status of an agreement, particularly **whether it constitutes a legally binding treaty**, necessitates **a careful assessment of its specific characteristics** rather than relying on assumptions. This evaluation is vital for **understanding legal implications** in contexts such as **litigation or dispute resolution**. The ambiguity surrounding "non-legally binding" agreements **complicates this assessment**, as the distinction between the two obligations are hazy, leading to interpretative challenges. While the term aims to clarify, **it may overlook the significant influence** of informal agreements that shape international relations and legal expectations. Sri Lanka emphasizes **the need for a nuanced understanding**, recognizing their potential legal effects.

Additionally, determining **whether existing international legal norms** can effectively govern these agreements remains complex, particularly concerning revocation and the legal weight of finality clauses. The **absence of clear standards** for non-binding agreements **creates gaps**, potentially leading to disputes regarding parties' intentions. Establishing comprehensive international legal standards for these agreements is essential for ensuring consistent interpretation and recognizing their impact on international relations. Sri Lanka advocates for the development of clear international legal standards that define and govern non-legally binding agreements. This includes establishing consistent criteria for classification, interpretation, and enforcement, which will enhance predictability and reduce disputes. We propose engaging in dialogue with states through an open ended working group format will promote a shared understanding of their legal effects and foster international cooperation.

### **IX (Succession of States in respect of State responsibility)**

Sri Lanka underscores the necessity of distinguishing between the transfer of responsibilities and rights under international law to clarify successor states' obligations. This distinction is vital for interpreting treaties, customary obligations, and human rights protections. A comprehensive legal framework is essential to navigate the complexities of succession, especially regarding obligations from wrongful acts. Without clear guidance, successor states may encounter conflicts over inherited responsibilities, particularly in sensitive contexts like decolonization or state partition. A robust framework promotes accountability, predictability, and stability, allowing states to honor commitments while adapting to evolving international dynamics and upholding the rule of law in state succession. To enhance clarity in state succession, Sri

Lanka recommends developing and reflecting a comprehensive legal framework that distinctly outlines the transfer of responsibilities and rights. This framework should address obligations stemming from wrongful acts and provide clear guidelines to minimize conflicts over inherited responsibilities, particularly in sensitive contexts like decolonization and state partition.

Sri Lanka emphasizes the necessity of critically evaluating the sufficiency and representativeness of **state practice in interpreting customary international law**. While foundational, customary law often lacks specificity, it makes state practice crucial for clarifying obligations. The continuity of states highlights how inconsistent state practices can be and complicate customary law's application. This inconsistency calls for broader research, especially in underrepresented regions, where local customs can uniquely influence customary principles. Furthermore, customary international law imposes obligations on states to address serious human rights violations, binding successor states to pursue justice despite political changes. Thus, we advocate for comprehensive research and discussions to enhance the coherence of international law.

In conclusion, Sri Lanka reaffirms its commitment to supporting the ongoing discourse on non-legally binding international agreements. We are confident that further dialogue will lead to clearer understanding and consensus on how these agreements can effectively complement formal international instruments that lead to a legally binding instrument that leaves little room for ambiguity.

Thank you. ?

Sri Lanka's policy on the prevention and repression of piracy and armed robbery at sea has been shaped by its strategic location in the Indian Ocean, one of the world's busiest maritime routes. Here are the key elements of Sri Lanka's approach:

### **We support and encourage International Cooperation and Compliance**

- Strengthen the Navy and Coast Guard
- **Enhancing Naval Capabilities:** •

**Establishment of the Coast Guard:** Sri Lanka established its Coast Guard in 2009 to conduct law enforcement and anti-piracy operations.. Support enhanced Maritime Surveillance and Early Detection

Promote the Protection of Maritime Commerce by assuring the **Safe Passage for Commercial Shipping:** • **Coordination with Shipping Lines:** • **Safe**

### **Established Legal Framework for Prosecution**

**Enacted Anti-Piracy Legislation:** Sri Lanka has developed a legal framework to prosecute piracy and armed robbery at sea. 6. Capacity Building and Training

- **Naval Training Programs:** Sri Lanka has strengthened its maritime security training programs to build expertise in piracy prevention and response. •

**Hosting Regional Workshops and Exercises:**, simulations, and exercises aimed at improving regional coordination in anti-piracy operations.

**Engagement in Regional Security Dialogues** through the mechanisms of the Indian Ocean Rim Association (IORA) and BIMSTEC:

**Participating in the Indian Ocean Naval Symposium (IONS):** which facilitates discussions on maritime security and piracy prevention

**Mr Chairman** Sri Lanka's policy on preventing and repressing piracy and armed robbery at sea is comprehensive and multi-faceted, combining national measures with international cooperation and will support any initiative to ensure the freedom of the seas having regard to the procedures established by law.