

[check against delivery]



Sixth Committee

“International Law Commission: Cluster II”

Statement by Wieteke Theeuwen

Legal Adviser of the Permanent Mission of the Kingdom of the Netherlands to the United Nations

NEW YORK, 27 October 2023

Chp V (Settlement of disputes to which international organizations are parties)

1. [Mr/Mme Chair, please allow me to start with the topic of settlements of disputes to which international organizations are parties]. The Kingdom of the Netherlands would like to thank the Special Rapporteur as well as the ILC as a whole for the work thus far on this topic.
2. The ILC decided not to include the word “international” before “dispute” in draft guideline 1 and amended the title of this topic accordingly. This change makes clear that the draft guidelines encompass all kinds of disputes to which international organizations are parties. The Kingdom supports this decision by the ILC, because it enables disputes of a private law character to fall within the scope of the draft guidelines.
3. In many cases, the immunity of international organizations prevents individuals who have suffered harm from conduct of an international organization from bringing a claim before a court. This presents a gap in the legal system. Therefore, the Kingdom would welcome further work of the ILC specifically on modalities to strengthen the mechanisms for resolving disputes of a private law character to which an international organisation is a party. This requires finding a delicate balance between the immunity of international organisations on the one hand, and the legitimate expectation of individuals to have access to a remedy on the other hand.

4. My Government looks forward to the second report of the Special Rapporteur and discussing this important topic further at the next session of the Sixth Committee.

Chp VI (Prevention and repression of piracy and armed robbery at sea)

5. [Mr/Mme Chair, please allow me to address the topic of prevention and repression of piracy and armed robbery at sea.] The Kingdom of the Netherlands wishes to thank the Special Rapporteur for his first report.
6. My Government welcomes the decision of the ILC not to duplicate existing frameworks and academic studies, and strongly supports the decision of the Commission not to seek to alter any of the rules set forth in existing treaties, in particular the decision to preserve the integrity of the definition of piracy as contained in article 101 of the United Nations Convention on the Law of the Sea (UNCLOS).
7. In that respect, the Kingdom notes that draft article 2, paragraph 1, is a duplication of Article 101 of UNCLOS. However, the definition omits the substance of Article 102 of UNCLOS, which pertains to acts of piracy committed by a warship, government ship or governments aircraft. My Government would welcome a clarification for this omission.
8. The Kingdom of the Netherlands looks forward to receiving the second report of the Special Rapporteur and discussing this topic further at the next session of the Sixth Committee.
9. Thank you for your attention.