

Mr./Mme. Chair,

I have the honour of delivering this statement on behalf of the five Nordic countries: Iceland, Finland, Norway and Sweden – and my own country, Denmark.

I will start with Chapter V of the ILC report, concerning Settlement of disputes to which international organizations are parties.

Let me start by thanking the Special Rapporteur, Mr. August Reinisch, for his interesting and well-researched first report on this topic which is of great practical relevance to both States and international organizations.

The Nordic countries agree with the Special Rapporteur in that it is appropriate to carefully analyse the status quo in order to draft carefully weighted recommendations that are apt to be taken into consideration by international organizations generally for the settlement of disputes in which they are parties. We also agree that a set of guidelines is a suitable outcome for this purpose. We encourage the Commission to work towards practical solutions that may offer a useful toolbox for dealing with questions relating to disputes to which international organisations are parties.

During this session the Commission provisionally adopted draft guidelines 1 and 2, concerning the scope of the topic and the use of the terms “international organization”, “dispute”, and “means of dispute settlement”. As the work has just started, the Nordic countries would like to present just a few preliminary observations.

First, as regards the proposed scope of the draft guidelines, we note that the Commission has decided to modify the topic from “Settlement of *international* disputes to which organizations are parties” to “Settlement of disputes to which international organizations are parties”. The Nordic countries agree with the observation made in the commentaries to draft guideline 1, that a sharp distinction between international disputes and non-international ones is often not feasible. We therefore consider the change an apt one, at

this early stage, to enable the Commission to address all relevant public international law aspects of disputes involving international organizations.

Second, on the use of the term “international organization”, the Nordic countries note that the Special Rapporteur has suggested a slightly modified definition, compared to the one used in the Commission’s previous work on the draft articles on the Responsibility of international organizations. In the interest of consistency, the Nordic countries would see merit in proceeding with the previous definition, with room for further elaboration in the commentaries as regards certain aspects identified by the Special Rapporteur.

Third, the Nordic countries consider the use of the terms “dispute” and “means of dispute settlement” as provisionally adopted by the Commission in draft guideline 2 (b) and (c) to be good points of departure.

In closing, allow me to reiterate our deep appreciation to the Commission for the progress already made on this topic and to thank the Special Rapporteur once again for his excellent work so far. We look forward to the continued collaboration with the Commission on this topic.

Mr./Mme chair.

I will now turn to Chapter VI of the ILC report, concerning the prevention and repression of piracy and armed robbery at sea.

Mr./Mme chair.

Let me start by expressing deep appreciation for the efforts of the Commission on this salient topic and for deciding to include the topic in its programme of work at the seventy-third session (2022). We commend the efforts to tackle this legally complex and practically important matter.

Also, we would like to commend the contribution of the Special Rapporteur, Mr. Yacouba Cissé, for his first report on the topic, which eloquently lays out the scope of the topic and the future programme of work.

The Nordic countries, as well as most of the world, are highly dependent on a secure global maritime domain. It is estimated that more than 80 percent of global trade is seaborne and a significant amount of the world's energy supply is either transported or extracted at sea. Hence, there is a significant interest internationally in protecting freedom of navigation and supporting maritime security. At present, maritime security challenges exist all around the globe, with piracy and armed robbery at sea being a key issue.

We approve of the broader scope of the draft articles by including the topic of 'armed robbery at sea'. This inclusion of the two crimes is in line with United Nations Security Council Resolution 2634 (2022), on piracy and armed robbery at sea in the Gulf of Guinea, and the work of the Council of the International Maritime Organization.

A refined analysis of the definition and scope of 'piracy', including the objective criteria for the determination of a 'pirate vessel', together with an analysis of the definition and scope of 'armed robbery at sea', and the delimitation between this crime and piracy would be most welcome and of practical value.

With regard to further work on these issues, let me also make a brief comment on the first report of the Special Rapporteur. As far as defining piracy and armed robbery at sea is concerned, we have taken note of the section in the report concerning legislative and judicial practices in Europe. While we understand the obvious challenges in summarizing provisions in the national legislation of a significant number of countries in a concise and useful manner, we would like to point out, without going into detail here, that references to the situation in (some of the) Nordic countries may give a somewhat imprecise picture of the legislative choices made.

We urge the Commission to also take into account relevant practice, recommendations, and guidance provided by the International Maritime Organisation and the UNODC, including through its Global Maritime Crime Programme, on preventing and suppressing piracy and armed robbery at sea.

Mr./Mme chair.

We urge all member states of the United Nations, particularly in those regions where piracy and armed robbery at sea are most rampant, to criminalize piracy and armed robbery at sea under their domestic laws. Also, we urge states to investigate, prosecute or extradite in accordance with applicable international law, including international human rights law, perpetrators of piracy and armed robbery at sea, as well as those who incite, finance or intentionally facilitate such crimes.

In closing, the Nordic countries would like to reiterate our concern over the threat that piracy and armed robbery at sea pose to the global economy and safety of seafarers, including through the human cost of them being taken hostage or kidnapped, as well as over the violence employed by pirates and persons involved in piracy and armed robbery at sea. The Commission's work on this topic is therefore of utmost importance.

Thank you.