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**Report of the International Law Commission
(74th Session, A/78/10)**

Cluster II

Chapter V – Settlement of disputes to which international organizations are parties

Chapter VI – Prevention and repression of piracy and armed robbery at sea

**Statement delivered by Ms. Alina Orosan
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New York, 31 October 2023

Mr. President,

Chapter V: Settlement of disputes to which international organizations are parties

1. We express our sincere appreciation to the Special Rapporteur Mr. August Reinisch for the work on Chapter V of the ILC Report. Even though this represents the first report on the settlement of disputes to which international organizations are parties, it establishes some essential aspects related to the scope of the guidelines on the topic.
2. International organizations are increasingly prevalent in the international arena, and their presence is only growing. As such, their interaction with both domestic and international actors inevitably gives rise to disputes. However, the existing legal framework does not adequately address instances where international organizations are parties to the dispute. Thus, the work of the ILC on the topic is timely.
3. Regarding the scope of the guidelines, we particularly salute the decision to include non-international disputes. As observed by the Special Rapporteur, the distinction between international and non-international disputes is sometimes impossible to make, especially when disputes traditionally seen as encompassing issues of domestic law give rise to international claims.
4. Romania salutes, in principle, the flexibility shown in the approach of the Special Rapporteur, who suggests developing a set of guidelines. However, we reserve the position on the final outcome depending on the elements that will be further considered in the context of the analysis.
5. Finally, we welcome the prospect of the Commission developing a set of model clauses that may be used in treaties or other instruments governed by international law, as well as in contracts or other domestic law instruments for purposes of establishing the dispute settlement legal regime relevant for international organizations. These clauses have the potential to further harmonize the practice in the field of dispute resolution, actively reducing the phenomenon of fragmentation in international law.

6. This being said, I would like to extend once more this delegation's appreciation for the work undertaken by the ILC members and for the good quality of this first report. We look forward to being presented with the future work of the Commission on the matter.

Mr. President,

Chapter VI: Prevention and repression of piracy and armed robbery at sea

1. We salute the initiation by the ILC of the consideration of this topic, in pursuing its codification, and the first report prepared by Special Rapporteur, Mr. Yacouba Cisse.
2. It seems that an important part of the activity of the Commission has been lately devoted to topics which have emerged only recently as issues of interest for international lawyers, such as the phenomenon of sea level rise.
3. On the contrary, piracy is an old concern of the entire human community, as from antiquity pirates have been considered „enemies of mankind”. Indeed, piracy is the prototype of an international crime; we note in this connection the pioneering work of the eminent Romanian jurist Vespasian Pella in the development of the concept of subjecting certain crimes to universal jurisdiction. We salute the selection of Pella's study on the repression of maritime piracy of 1926 among the sources used by the Commission for its work.
4. Somewhat surprisingly, given the oldness of the issue, there is currently not one single international law instrument that deals with piracy in a comprehensive manner. We believe that a dedicated instrument would strengthen the ability of States to protect merchant vessels and their crews against piratical acts.
5. Also, considerable attention has been paid of late to piracy both by States and by international organizations. There have been a significant number of Security Council resolutions dealing with piracy off the coasts of Somalia. States affected by piracy have concluded non-legally binding instruments such as the *Djibouti Code of Conduct* of 2009 in order to cooperate to the fullest extent in the fight against piracy and armed robbery at sea. Maritime missions such as the EU NAVFOR ATALANTA

have proved remarkably effective in the fight to suppress piracy. There is a wealth of recent practice that could underpin the regulation of cooperation among States in order to prevent and fight piracy and robbery at sea.

6. Romania welcomes that during its seventy-fourth session the ILC adopted the draft Articles 1, 2 and 3 and the commentaries to them.
7. In respect of the scope envisaged, as laid down in Article 1, we note the decision taken by the Commission to address both piracy and armed robbery at sea, and we recognize that this is a logical step, as the same acts, depending on the location where they are committed, can constitute either piracy or armed robbery at sea.
8. As to the definition of piracy in Article 2, we agree with the approach to build on the definition laid down in the UNCLOS, and not expanding it by the addition of other acts, given the importance of preserving the integrity of the definition provided in UNCLOS, which is reflective of customary international law.
9. We welcome the insertion of paragraph 2 of Article 2 and the guidance given in the comments that clarify that the provisions regarding piracy equally apply to the exclusive economic zone.
10. We also duly note the definition of armed robbery at sea provided in Article 3 and of the comments to this article, to which we generally subscribe.
11. We look forward to the future work of the Commission on the matter.

I thank you!