



## UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA  
NEW YORK, N.Y. 10017-3505

### **UNGA 78 United States Statement Report of the ILC on the Work of its 74<sup>th</sup> Session: Cluster 2 Nicole Thornton, Attorney Adviser October 27, 2023**

Thank you, Chair. The United States is pleased to address both topics in this cluster, settlement of disputes to which international organizations are parties and prevention and repression of piracy and armed robbery at sea.

#### **Settlement of disputes to which international organizations are parties**

Turning to the first topic, the United States provides its thanks and appreciation to Special Rapporteur August Reinisch for his initial scoping and exploration of important questions underpinning the topic.

We acknowledge the commentary's explanation that the guidelines are intended to restate the existing practices of international organizations concerning the settlement of their disputes and to develop recommendations for the most appropriate ways of handling them. In this vein, the United States appreciates the approach to elaborate a set of draft guidelines as the form for the Commission's output on this topic.

We also appreciate that this project will be focused on the availability and adequacy of means for the settlement of disputes to which international organizations are parties, and not intended to elaborate or rewrite rules and principles that apply to international disputes more generally.

We look forward to future work on this topic.

#### **Prevention and repression of piracy and armed robbery at sea**

Turning next to the second topic on piracy, the United States also extends its appreciation to Special Rapporteur Yacouba Cissé for his efforts in producing his first report. The United States was pleased to provide information to the Commission regarding the law and practice of the United States and our support for efforts at the international, regional, and subregional levels to prevent and counter piracy and armed robbery at sea.

We appreciate the report's survey of the abundant state practice in this area, both as regards the well-established international law crime of piracy, codified in Article 101 of the UN

Convention on the Law of the Sea, and states' treatment of crimes occurring at sea that fall outside that definition. This clear articulation of the international crime of piracy in Article 101 has been widely accepted since the adoption of the 1958 Convention on the High Seas. It remains fit for purpose, and serves important functions, including that states seeking to enforce their laws can distinguish between criminal acts that are subject to universal jurisdiction and those that, appropriately, are not. In this regard, we question whether draft articles are the most appropriate or useful vehicle for this particular topic. Moreover, international cooperation is important regarding both piracy and other crimes at sea that do not fall within the meaning of piracy under international law, with potential considerations that can vary depending on the nature of the offense. To that end, we appreciate that the Commission will continue to take the opinions and practices of states carefully into account, and we will follow with interest as the Commission continues to explore the existing relevant domestic legal frameworks, including states' laws on the treatment of conduct that falls within their jurisdiction but outside the definition of piracy under international law, including armed robbery at sea.