



Sixth Committee, 78th Session

Item 79:

**Report of the International Law Commission on the work of its
seventy-third and seventy-fourth sessions**

***Cluster II: "Prevention and Repression of Piracy and Armed Robbery
at Sea"***

Statement delivered by

Canada

October 26, 2023

Canada would like to extend its gratitude to the International Law Commission, particularly the members of the Drafting Committee and the Special Rapporteur, for their work in preparing the draft articles defining the acts of piracy and armed robbery at sea. We appreciate the detailed considerations that went into the preparation of the articles and the accompanying commentary.

Canada is supportive of the Drafting Committee's decision to maintain the integrity of the existing definition of piracy, as stated in Article 101 of UNCLOS. This definition reflects customary international law and forms the basis for the definition of piracy in many jurisdictions. Canada's Criminal Code defines piracy by referring to the "law of nations". This wording has the effect of incorporating into the Criminal Code the definition of piracy found in UNCLOS and used by the Drafting Committee.

Canada understands the Committee's decision not to include a definition of the term "ship" in the draft articles, but we echo the Committee's comments regarding the fact that changing practices by pirates and new technologies require us to adjust our understanding of what constitutes a ship for the purposes of piracy. The definition of a ship in Canada's Oceans Act is intended to be as broad as possible by incorporating "any description of vessel, boat or craft designed, used or

capable of being used solely or partly for marine navigation without regard to method or lack of propulsion.” If there is ultimately a need to define what constitutes a ship, or an aircraft, in the draft articles, we suggest it should be done in similarly broad terms.

With respect to the definition of armed robbery at sea, we note that since the relevant acts take place within waters subject to the sovereignty of the coastal state, it is ultimately the wording of the latter’s domestic legislation that will be most relevant in defining them. In addition, we encourage the Committee to consider how armed robbery at sea is dealt with under the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and to explore whether there are any gaps between the Committee’s proposals and this treaty’s provisions.

Canada looks forward to seeing the future work of the Committee on the draft articles. We encourage the Committee to continue to seek comments from UN members states throughout this process, both to gather suggestions and to ensure the accuracy of its information with regard to national practices.

Thank you.