

**Permanent Mission of India to the UN**

**New York**

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**6<sup>th</sup> Committee of the 78th Session of the UNGA**

***(Agenda item 79)***

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

***(Cluster II)***

**India Statement**

Following the Clusters' arrangement of topics, our focus today would be on the topics of Cluster II and more particularly on the topics "Settlement of disputes to which international organizations are parties"; and "Prevention and repression of piracy and armed robbery at sea".

2. On the topic "Settlement of disputes to which international organizations are parties", we welcome the decision of the Commission to include the now renamed topic in its programme of work. We appreciate the efforts of the Special Rapporteur - Mr. August Reinisch in compiling his First report on the topic and the proposed guidelines concerning the scope of the draft guidelines and the definitional issues.

**Mr. Chairman,**

3. India has always supported softer techniques and resolving disputes or conflicts through dialogue and mutual consultations. As an original member of the United Nations Charter, India endorses the principles and purposes of the Charter, including the pacific settlement of disputes. This is also reflected in India's attitude towards resolving disputes in trade and investment regime by resorting to arbitral tribunals and other alternative methods of settlement.

4. We are of the view that any topic studied by the Commission needs to be delimited in order to remain sufficiently focused. Accordingly, the scope of the present topic to be limited to studying the aspects relating to inter-governmental Organisations. Therefore, it is relevant to define the term "international organizations", accordingly. Likewise, it is also relevant to

**Mr. Chairman,**

10. Maritime piracy is a major concern for the international community as a whole, as acts of piracy are committed in all maritime zones and affect the interests of all States, whether coastal or landlocked, as well as those of private shipping companies.

11. Currently an unprecedented upsurge in maritime piracy and armed robbery at sea is taking place in our region. As per the 2020 annual report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia - Information Sharing Centre (ReCAAP ISC), there were a total of 97 incidents of piracy and armed robbery reported in Asia in 2020. Of the 97 incidents, 93 were armed robbery against ships, while 4 were piracy. This represents an increase of 17 percent in the total number of incidents and a 32 percent increase in actual incidents.

12. It would be relevant to point out that the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is the first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery against ships in Asia. To date, 20 States (14 Asian countries, 4 European countries, Australia, the USA) have become Contracting Parties to ReCAAP. To fulfil its vision as the Information Hub for combating piracy and armed robbery against ships in Asia, ReCAAP ISC enhances regional cooperation through information sharing, capacity building and cooperative arrangements.

**Mr. Chairman,**

13. We are of the view that issue concerning piracy at sea should be addressed primarily within the framework of the United Nations Convention on the Law of the Sea (UNCLOS). As regards the issue of armed robbery at sea, we are of the opinion that the same should be addressed while taking into account existing applicable international law, regional approaches, State practice, and legislative and judicial practice under national legal systems.

14. In this context the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships of the International Maritime Organisation (IMO) - a specialised agency