



STATEMENT

by

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on the work of its seventy-third session (item 79)
Cluster II*

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(check against delivery)

Mr. / Madam Chair,

In my today's intervention, I will address Chapters V and VI of the ILC Report, namely the topics of _____ and _____

I would like to begin with expressing the gratitude to the Special Rapporteur Mr. August Reinisch for his first report on the _____

We have read with great interest the Special Rapporteur's report which is based both on extensive research and on the replies of States and organizations to the well-prepared questionnaire. In particular, we wish to point to and appreciate his efficient and rigorous approach. At the same time, we note with satisfaction that two draft guidelines with commentaries, addressing the scope and the definitional aspects, were submitted to and, subsequently, provisionally adopted by the Commission.

In general, we see a great potential in elaborating this topic, which reflects a long-term worldwide trend of the increasing activities and the role of international organizations. We welcome the broadening of the scope and the change of the title, which would allow to encompass also disputes of non-international nature. Our own experience shows that quite frequently they touch upon the international law aspects such as the interpretation and application of international immunities, the waiver thereof, access to justice etc. In this vein, we share the view of the Special Rapporteur that the exclusion of national disputes and such aspects related to the international law would undesirably limit the comprehensive nature of the outcome which is intended to guide States, international organizations and other entities. However, we expect that the draft guidelines will clearly specify, if and to what extent they relate to one or both types of disputes.

Let me now address specifically the guideline 2. We appreciate the effort of the Special Rapporteur to develop further the definition of an international organization having been used in the previous works of the Commission. We note that the definition provisionally adopted by the Commission draws from the one in the 2011 Draft Articles on the Responsibility of International Organizations while adding an extra element, i.e., an ability of an organization to express a will that is distinct from that of its members. Although we follow the logic of the Special Rapporteur that such a feature may be a distinctive element of an international legal

of the Sea (UNCLOS). We would like to emphasize, that the customary nature of the UNCLOS definition of the piracy is widely accepted. Further, we concur with the distinction between the crime of piracy on one side and that of armed robbery at sea at the other side, linking the latter with the areas other than high seas or areas outside the jurisdiction of any State.

My delegation is pleased that the Special Rapporteur and the Commission decided not to depart