
INTERNATIONAL LAW COMMISSION REPORT (CLUSTER II)

(Settlement of disputes to which international organizations are parties)

Mr./Madam Chair,

I would like to thank the Special Rapporteur Mr. August Reinisch for his first report.

The two draft guidelines which were proposed by the Special Rapporteur and adopted by the Commission together with commentaries deal with two core issues, namely the scope and the definitions.

As regards the scope, we agree with the explanation provided in paragraph 7 of the commentary for the draft guideline 1 that a sharp distinction between international disputes and non-international ones is often not feasible.

Consequently, the suggested definition for the dispute is “a disagreement concerning a point of law or fact in which a claim or assertion is met with refusal or denial”. Paragraph 71 of the report of the Special Rapporteur states that this formulation also takes into consideration the judicially developed requirement of the International Court of Justice for (express and implicit) positive opposition.

As known, in disputes, particularly in those between the officials/employees and the organizations, the failure to respond to the applications/requests within the specified time period can be deemed as rejection/refusal. Consequently, for the sake of clarity, we would suggest inclusion of “tacit/implicit refusal” in the definition,

As to the form for the outcome of the work on the topic of “settlement of disputes to which international organizations are parties”, the commentary suggests the elaboration of a “set of draft guidelines” as the most suitable form for the Commission’s output which is intended to direct States, international organizations and “other users” to answers that are consistent with the existing rules or that seem most appropriate for contemporary practice”. However, in the disputes of private nature, while one party is the international organization the other party will be private persons and as such the work of the ILC might not necessarily be within the purview of them. Hence, it is in our view questionable whether these guidelines would outreach these private persons to make the best use of it.

While we see merit in the suggestion for the development a set of model clauses that may be used in treaties or other instruments governed by international law, the same study might encounter with certain difficulties for the development model clauses to be used in contracts or national law instruments due to the variety of contract types and differences of national legislations. We therefore call for caution before embarking upon such work.

Let me now turn to the topic **“Prevention and repression of piracy and armed robbery at sea”**.

The scourge of piracy and armed robbery is a serious threat to international maritime safety, in particular to seafarers and international trade as well as to the security and prosperity of the countries.

Moreover, with rapidly developing technology, some activities that elude the “traditional” definitions of piracy, such as acts of piracy committed by autonomous vehicles or cyber attacks, come to the fore and pose new challenges to global security.

Therefore, it is of great importance for the international community to timely develop the necessary technical and legal infrastructure to face these new challenges. With this understanding my delegation has voiced its support when the topic “Prevention and repression of piracy and armed robbery at sea” was included in the current programme of work.

We thank the Special Rapporteur Mr. Yacuba Cisse for the submission of his first report.

I wish to make few remarks on the subject before us.

Türkiye has always been a resolute supporter of rule of law at sea. Preserving freedom of navigation, safety of life and property, and ensuring the peaceful use of seas and oceans are priority objectives for us. We attach special importance to the development of international cooperation in the fight against piracy and armed robbery.

In this context, Türkiye has been supporting international efforts in the field of combating piracy since the beginning, and actively participates and contributes to the works carried out within the United Nations, NATO and IMO.

On the other hand, with the adoption of the UN Security Council Resolutions, a basis for international cooperation as well as a solid guidance was established in eliminating the ambiguities concerning â Mthj ' ha im

Thank you.