

78th Session of the General Assembly Sixth Committee

Agenda item 79: Report of the International Law Commission on the work of its seventy-third and seventy-fourth session

Cluster II - Chps: V (Settlement of disputes to which international organizations are parties) and VI (Prevention and repression of piracy and armed robbery at sea)

Statement by

Deputy Permanent Representative Stefan Pretterhofer Permanent Mission of Austria to the United Nations

New York, 31 October 2023

Chairperson,

Austria also concurs with the idea that international organizations are created on the basis of a treaty or other instrument governed by international law. Austria would like to

need not necessarily be a legally binding instrument. This implies that, under certain circumstances, permanent arrangements between states such as the Organisation for Security and Cooperation in Europe (OSCE) may also be regarded as international organizations.

Concerning the proposed definition of dispute in guideline 2 subparagraph (b), Austria concurs with the approach to build on the definition, and to ensure that this definition would also be applicable to disputes of a private law character.

Austria also wants to point out that the fact that disputes at the international level may have political aspects does not change their character as legal disputes.

Furthermore, Austria is eager to learn from the Commission about the potential role of the International Court of Justice in regard to the settlement of disputes

We thank the Secretariat for preparing a memorandum, which gives a good

These provisions raise some doubt whether the rules on piracy also apply to exclusive economic zones and should therefore be redrafted. In particular, paragraph 2 raises the question of the extent to which the reference to UNCLOS also obliges non-parties to comply with article 58 paragraph 2 UNCLOS

As to draft article 3 "definition of armed robbery at sea"