

**United Nations General Assembly | Sixth Committee  
78<sup>th</sup> Session  
Report of the International Law Commission  
(Agenda item 79)**

**CLUSTER II**

27 October 2023

*(check against delivery)*

Mr./Madam Chair,



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Turning to chapter VI, Brazil commends the Special Rapporteur, Yacuba Cissé, for his first report on the prevention and repression of piracy and armed robbery at sea.

The report provides a comprehensive analysis of historical, socioeconomic and legal aspects of the topic. It reviewed national legislation and the judicial practice of states relating to the definition of piracy and the implementation of conventional and customary international law.

We also thank the Commission for provisionally adopting three draft articles. It may be worth reflecting on the most appropriate form for

practice. It also presents a substantive distinction from piracy, while the purported intention is to establish an essentially geographic difference.

Finally, Brazil recalls that every State may seize a pirate ship or aircraft on the high seas, as an area outside the jurisdiction of any State. In this context, we highlight the recent evolution of the concept of high seas, under the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction. The so-called High Seas Treaty is governed by the principle of common heritage of humankind. This principle needs to be taken into account.