



Sixth Committee

Seventy-ninth session of the UN General Assembly

Agenda Item 107 (D) Prevention of the illicit transfer of technology

III

Statement of Italy

Delivered by Mr Enrico Milano

Thank you Mr Chair,

Prevention of the illicit transfer of technology  
, Z L O O Q R Z D G G U H V Prevention of piracy and armed robbery at sea

First of all, we thank the Commission for continuing its analysis of the subject, in light of the paramount importance of strengthening international cooperation to counter piracy. We commend the work and dedication of the former Special Rapporteur for his thorough survey of State practice, both at the international and the regional level. We encourage the new Special Rapporteur to pursue the same path.

In particular, Italy appreciates the special focus dedicated to the practice of regional organizations and the importance for such practice abiding by the framework defined by the UN over time. From this point of view, it is worth recalling the role of international counter-piracy operations authorized by the UN Security Council and carried out by both the European Union and NATO in which Italy has taken part.

It is also in this perspective that we welcome the drawing up of four new Draft Articles, articulating the efforts to give substance to the general obligation of cooperation set forth in article 100 of UNCLOS. In this regard, we share the view expressed on the need to better clarify the extent of such obligation, both as regards the possible consideration of a duty to prevent along with that to repress, and the specific areas covered by such obligations. Special attention should be dedicated to investigating the inherent nature of the obligation in question — be it of due diligence, means or result.

At the same time, we agree on the need to better clarify the differences between piracy and armed robbery at sea, in line with State practice and opinion. International law provisions should also be reflected in other draft provisions, such as the premise that both



crimes are committed for private ends and that they are normally subject to statute of limitations.

In conclusion, Italy supports the efforts to articulate and clarify the international framework pertaining to cooperation against piracy and armed robbery at sea, also in view of facilitating the harmonisation of national provisions.

0U &KDLU , ZLOO QRZ DGGUHV V WKH WRS LF RI <sup>3</sup>



States as not capable of producing any legal effects at either the national or international level. Instead, these agreements are understood to create commitments at a technical level only.

Finally, Italy looks forward to the continuation of discussions on this increasingly relevant topic within the International Law Commission and welcomes the suggestion of possibly gathering information on this issue from States through a dedicated questionnaire.

~~Succession of States in respect of State Responsibility~~

First, Italy would like to commend the Working Group for the work carried out to identify a possible way forward for the topic under consideration. In this perspective, we thank the Chairman, Prof. August Reinisch, for leading such work, also by promoting and facilitating a dialogue with interested members of the Commission.

In light of the outcome of such discussions, Italy appreciates the difficulties the Commission would face in further considering the topic and aligning any possible outcome with its previous work. In this regard, nialiat-ed qædnialiat-ed qædre(r)-14(e)26(g202)-35 R5 k53( )

and international disaster law. We support an undertaking of this study that does not depart from the work of the ILC on State responsibility and that keeps into full account the extensive body of analysis that the ILC produced over decades, including under Special Rapporteurs Roberto Ago and Gaetano ArangioRuiz. Finally, we would see value in the ILC exploring the possibility of a study group along the same model adopted for sea-level rise.

With regard to the topic <sup>3</sup> & R P S H Q V D W L R Q I R U W K H G D P D J H F D X V H G E Z U R Q J I X O , ~~De Feltre~~ we believe that it is a prudent approach to build upon the previous work of the Commission on State responsibility, at the same time examining the impressive body of international practice that emerged after 2001. The relevance of this topic is highlighted by the current discussions on the establishment of claims commissions with regard to illegal actions undermining the rule of law of international relations. It is also highlighted by the work of UNCITRAL Working Group III, which is engaging with the issue of compensation for damages in the context of the ongoing reform of Investor -State Dispute Settlement. We believe that the identification of universal standards by the ILC would strongly benefit the legitimacy of damages awards rendered especially by investor-state tribunals.

We encourage the Commission to begin work on these two topics at the earliest opportunity.

Thank you.