

> 9j r s> 9j r s

\$

Minister Counsellor

To the

Sixth Committee of the  
United Nations General Assembly

Cluster III

"Chps: VI (Prevention and Repression of Piracy and Armed  
Robbery at Sea), VII (Non-legally binding international  
agreements), and IX (Succession of States in respect of State  
responsibility)."

Agenda Item 89

Seventy-Ninth Session

29-30 October 2024

---

Chair,



4. Regarding draft Article 4 (General Obligations of Cooperation), which has only been provisionally adopted by the Drafting Committee and is not before the General Assembly for comments, my delegation would like to preliminary note that we support the inclusion of a provision reflecting the general obligations of States regarding cooperation in combating piracy and armed robbery at sea. We note that  
estaM a th aQ obligav on



8. Sierra Leone maintains that, given the importance of this topic, the Commission should still produce a set of draft articles that can be recommended to States as the basis for negotiating a future convention on



challenges. They allow States to engage in constructive cooperation without the formality of treaty obligations.

11. Their value lies in their efficiency and capacity to address emerging issues swiftly, as demonstrated by various international and regional frameworks that incorporate them. An example is the

, which, while legally binding in some respects, also involves numerous non-binding commitments that have proven essential in fostering broad participation in addressing the planetary crisis of Climate Change.

12. Regarding the plethora of views expressed on the use of the term "Agreement." Many supported retaining "Agreement" as it captures the mutual understanding between parties, but others suggested alternatives like "instruments" or "arrangements," "non-legally binding," or "non-binding" to avoid confusion with legally binding treaties. We agree with maintaining "Agreement" and "non-binding" to differentiate from treaties while preserving the term's utility in diplomatic practice.

13. My delegation believes that it is critical to distinguish between the criteria of \_\_\_\_\_ and \_\_\_\_\_, the potential legal effects these agreements might generate, and how such instruments interact with international law. Furthermore, while these agreements do not create enforceable legal obligations, their utility can sometimes raise concerns about their misuse, especially when there is ambiguity regarding their legal or political consequences. This is not new, as even the \_\_\_\_\_ of the Vienna Convention on the Law of Treaties are suggestive that all treaties are agreements and not all agreements were treaties.
14. We encourage the ILC to provide clear guidance on the criteria that differentiate non-legally binding agreements from treaties. At the same time, it is vital to preserve States' flexibility in using these instruments to address immediate and pressing needs while ensuring that they do not inadvertently create conflicting legal obligations.
15. We support exploring these instruments' legal aspects while ensuring their practical advantages remain intact. By striking this balance, the ILC can clarify the role of non-

legally binding agreements in international legal order while maintaining States' sovereignty and discretion.

16. We encourage the ILC to develop a set of draft conclusions that clarify the nature of non-legally binding agreements, the criteria for their use, and the scope of their potential legal effects. This will help States navigate their use responsibly and consistently within the framework of international law.

Chair,

17. We acknowledge the complexity and sensitivity surrounding the topic of "  
," which indeed poses challenges in identifying established rules of customary international law. During the period under review, several States have expressed concerns regarding the insufficient reflection of S





