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STATEMENT

Permanent Mission of the Republic of the Philippines to the United Nations

Agenda Item 79: Report of the International Law Commission

on the work of its seventy -fifth session

Cluster III ± Chapters VI (Prevention and repression of piracy and armed robbery at sea), VIII (Non-legally binding international agreements) and IX (Succession of States in respect of State responsibility)

30 October 2024

79th Session of the United Nations General Assembly

Mr. Chair,

The Philippines commends and thanks, once again, the International Law Commission for its work at the 75th session.

With respect to the Cluster III, we wish to share the following preliminary observations on

International Maritime Organization Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery at Sea; the Djibouti Code of Conduct; and in our region, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, to which the Philippines is a party.

We also indicated that piracy is punished under our domestic law, under the Revised Penal Code) and under Presidential Decree No. 532 (P.D. 32), otherwise known as the Piracy and Highway Robbery Act of 1974. Relevant Philippine case law have also emphasized that piracy is a crime not against any particular state but against all mankind. ¶ As such, it may be punished in the competent tribunal of any country where the offender may be found or into which he may be carried ¶ and that the jurisdiction of piracy unlike all other crimes has no territorial limits. ¶

Mr. Chair,

The UNCLOS is the legal framework within which all activities in the oceans and seas must be carried out, and its provisions, particularly Article 100, which define the general obligations of States on the repression of piracy, is the logical starting point for discussions on this topic.

Further progress should proceed in the context of a roadmap or framework, as noted by members of the Commission, and particularly by developing and complementing norms within the legal framework of the Convention. In terms of aims, we also appreciate the focus on international cooperation and on enhancing harmonization of national laws.

With respect to the draft Articles proposed by the Special Rapporteur in the second report, our views are as follows:

Draft Article 4

We note the efforts to provide concrete content on the general obligations for States regarding the prevention and repression of piracy under Article 100 of UNCLOS by spelling out (1) a duty of cooperation as well as (2) a duty of prevention.

Clarifying whether this obligation applies equally to armed robbery at sea would be important. There is value in enumerating the forms of cooperation, for illustrative purposes, including t



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legally-binding international agreements. In terms of state practice, this takes the form of an executive issuance/guidelines that on the negotiation of treaties and other agreements and the internal manuals and other related treaty acts.

As such, the request for information, other than a general request for inputs on state practice, could also take the form of a targeted questionnaire, built around the general categories of questions identified by the Special Rapporteur. Provision of examples of existing texts adopted by States for purposes of formalizing procedures in this realm, including links, would be useful for other states that intend to do the same.

We look forward to progress in the programme of work on this topic, as proposed by the Special Rapporteur.

On ³Succession of States in respect of State responsibility

We note the information that the 75th session of the Commission re-established the working group on this topic, with Mr. August Reinisch as Chair, and that the group convened twice this year. We also note that the previous Special Rapporteur, O U 3 D Y H O, submitted five reports from

On the future of the work on this topic, bearing in mind the challenges and ways forward identified, time and resource constraints, including those borne out of the organization's liquidity situation, and noting the character of the Commission as an independent subsidiary body, we would tend to support the prevailing tendency of Commission members in favor of a report summing up these challenges, while acknowledging the important work that has been accomplished so far.

We intend to revisit the views on Chapters III and VI when we consider anew these topics in subsequent sessions.

Thank you, Mr. Chair. END