



United Nations General Assembly | Sixth Committee

Report of the International Law Commission

(Agenda item 79)

CLUSTER III

29 October 2024

(check against delivery)

Mr./Madam Chair,

All protocol observed,

Regarding chapter VIII, QWHUQDWLRQDQ /DZ & P
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Brazil emphasizes the centrality of the United Convention on the Law
of the Sea.

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Convention.

We also recall the recent evolution of the concept of Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction.

The BBNJ Agreements governed by the principle of the common heritage of humankind.

This principle should also be considered with regard to activities in areas beyond national jurisdiction, such as the high seas.

It is important to distinguish between piracy and armed robbery at sea, as they fall under different legal regimes.

Brazil also echoes concerns about the proposal to establish universal

its limited and localized membership, under Chapter II, on the practice of international organizations, on an equal footing with the United Nations and the International Maritime Organization.

It would be more appropriate to consider the practice under Chapter III, on regional and subregional approaches

Furthermore regarding regional cooperation, Brazil urges the Commission to consider the role of ZOPACAS, a group dedicated to promoting cooperation and peace in the South Atlantic.

As stated in the report, despite being established by a General Assembly resolution.

The General Assembly, in resolution 41/11, declared the Atlantic Ocean a zone of peace and cooperation, and invited States to cooperate in the region.

Furthermore, ZOPACAS included an agreement on cooperation and peace in the South Atlantic.

Brazil expects that the new Special Rapporteur and the Commission

Therefore, an act inconsistent with a legally binding agreement does not entail international responsibility and cannot give rise to the so-called countermeasures.

At the same time, it is worth noting that current international practice has shown that provisions from the law of treaties can be useful in the drafting, conclusion, and implementation of binding agreements, providing guidance and assistance in a non-prescriptive manner.

The essential criteria for determining the binding nature of an instrument are both the intent of the parties as reflected in the language of the agreement and the form of the instrument.

There should be consistency between the form of the agreement and the intent to assume or not assume obligations. This would allow clear identification of non-binding instruments.

Brazil sees merit in including inter-institutional agreements within the scope of the product to be developed by the Commission, as we believe this inclusion would hold practical relevance for States.

We take note of the & R P P L V V L R Q ¶ V L Q W H Q W L R Q W R I
the topic in its next session.

I thank you