

**Statement of the Asian-African Legal Consultative Organization  
(AALCO) at the Sixth Committee on the Report of the International  
Law Commission  
on the work of its seventy-fifth session**



private law nature as its inclusion could take the direction of the study of the topic too far into the area of human rights protection. While some other Member States were of the view that the nature of the disputes should be restricted only to legal disputes, excluding political differences of opinion and disagreements concerning policy matters that should be dealt with through diplomatic channels.

Further with respect to the definition of the term <sup>3</sup> L Q W H U Q D W L R C R U J D Q L ] D W L B D. One Member State recommended that consistent with the previous work of the Commission, entities other inter-governmental organizations that do not possess international legal personality should not be included within its scope.

**Mr./Madam Chair**

Regarding *Non-legally binding international agreements*, Member States recognized the role of non-legally binding international agreements in the formation of soft-law rules of international law.

Some Member States highlighted the practice of the Regional organization as Association of South East Asian Nations (ASEAN) of concluding non-binding instruments and expressed how it demonstrated flexibility, rather than rigid legal obligations, that could be an effective tool

**Mr./Madam Chair**

On the topic of <sup>3</sup> SLUDF\ DQG DUPHG U, AALCO Member States have advocated for a comprehensive approach that highlights respect for sovereignty, international cooperation, reliance on UNCLOS as the primary legal framework on piracy, capacity building, and clarity in jurisdictional rules.

**First**, respect for the **sovereignty and jurisdiction of coastal states** has been considered as fundamental by AALCO Member States emphasizing that these States should primarily enforce anti-piracy laws in their territorial and exclusive economic zones (EEZs). Anti-piracy efforts must be under the sovereign rights, and universal jurisdiction should not undermine coastal authority.

**Second**, **international cooperation and capacity-building** are essential, as piracy is a transnational crime. Member States advocated for enhanced coordination, especially sicoo for

addressed within the UNCLOS framework, even if some States have not ratified it. UNCLOS is viewed as customary international law and the "constitution of the Ocean" for its role in regulating maritime activities.

**Fourth**, Member States called for **clearer definitions and guidelines on piracy**, particularly regarding jurisdiction and the role of private security personnel on merchant ships. Concerns were raised about ambiguities surrounding politically motivated piracy and the legal complexities involving private security personnel, highlighting jurisdictional challenges that arise from their presence.

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**Mr./Madam Chair**

Moving on to the topic μ , P P X Q L W \ R I 6 W D W H 2 I I L F L D O V  
**Criminal** - X U L V G L F M E M B E R S t a t e s appreciated the work of the  
Commission on this topic by highlighting the importance of Draft Article 7



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O D Z

**Mr./Madam Chair**

On the topic of <sup>3</sup> V X E V L G L D U \ P H D Q V I R U W K H I G H W H U P L Q W L H R U C  
L Q W H U Q D W L R M E M B E R S T A T E S ' discussed the Draft Articles formulated by the Special Rapporteur on the topic of Subsidiary means for the determination of rules of International Law. On the nature of subsidiary means, Member States were of the view that subsidiary means are not sources of international law *per se* but should be regarded only as tools and instruments for determining or ascertaining the existence of a source of law or its content. Member States also noted that the doctrine of *stare decisis* does not exist in international law

One Member State remarked that Judicial decisions could contribute to the formation of a rule of customary international law only if they are consistent with established principles and rules of international law and are widespread. A Member State also noted that in view of the divergent views of courts and tribunals on identical legal issues, there ought to be greater caution in scrutinizing judicial decisions to determine their significance as evidence of general rules of international law.

One Member State observed that the resolutions of international organizations could also fall within the scope of Article 38, paragraph 1

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P R U H Z H L J K W W K D Q <sup>3</sup> W H D F K L Q J V D Q G O H J D O Z U  
law.



**Mr./Madam Chair**

As regards the topic of ***Succession of States in respect of State responsibility***, it was discussed by some Member States of AALCO at the Sixty-Second Annual Session of AALCO. Member States were of the view that it is quite challenging to continue the study of this topic because