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71T8 SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY Sixth Committee

Agenda Item 7 4
"Responsibility of States for internationally wrongful acts"

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NEWYORK

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Mr. Chairman,

The adoption by the International Law Commission in 2001, after half century of hard work, of the Draft Articles on State Responsibility for Internationally Wrongful Acts constitutes the greatest achievement of the ILC so far. Indeed, the Draft Articles deal with one of the most important and delicate topics of international law, which is that of the responsibility of States in case they violate their international obligations.

The Draft Articles constitute a solidly reasoned and balanced text and have become the most authoritative statement available on issues of State responsibility. They have gained considerable recognition, since they have been widely referred to in decisions of the International Court of Justice as well as of other international courts and tribunals.

The most important positive elements of the text of the Draft Articles are, in our view, the following:
- It codifies customary rules on State Responsibility thus covering a huge gap
in existing international law;
- It strengthens the notion of the international community as a whole;
- It significantly promotes the notion of peremptory norms of international law
as envisaged in the Vienna Convention on the Law of Treaties as well as the regime of responsibility for grave violations of such norms;
- It dispenses with the notion of damage as a condition for the attribution of
responsibility.

These elements have been gradually highlighted by state practice and international jurisprudence. The text, as it now stands, reflects a carefully achieved

compromise and, ideally, it should tak (aotTm (it) Tj5Tc 116p 0.0 339.61 Tm (state)0.00um (i332.53 378.480 the444.94u261