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Seventy-fourth session

Sixth Committee

Agenda item 75

Responsibility of States for Internationally Wrongful Acts

Report of the Working Group

Oral report by the Chair, Maitê de Souza Schmitz (Brazil)

Mr. Chair,

I have the honour to present the report of the Working Group on the Responsibility of States for Internationally Wrongful Acts for this year's session.

Pursuant to General Assembly resolution 71/133 of 13 December 2016, the

Sixth Committee will continue its work on this item during its 6616th meeting.

working group to further examine, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second, sixty-fifth, sixty-eighth and seventy-first sessions of the General Assembly, the

accompanying commentaries were referenced by international courts, tribunals and

The Working Group held three meetings on 15 and 22 October and on 7

November 2019. At the first meeting of the Working Group, delegations were given the opportunity to make general remarks on the possibility of negotiating an

basis of the articles could have a positive effect on their development. Among those delegations opposing a convention, some suggested adopting the articles in the form of a declaration of the General Assembly.

At the same time, other delegations reiterated that continued postponement

recalled that the International Law Commission, on the report of its fifty-third session (A/56/10), recommended that the General Assembly "consider, at a later stage, and in the light of the importance of the topic, the possibility of convening an

international conference of plenipotentiaries to examine the draft articles on responsibility of States for internationally wrongful acts with a view to concluding a convention on the topic." Delegations highlighted that States should have a primary role in the law-making process, which would be made possible through a diplomatic conference. For some delegations, the absence of action regarding the articles could give rise to a perception of disagreement among States, thus potentially undermining their status. It could also affect the consideration of other

such debate would not prejudice the question of whether the articles should be codified as a convention or in any other form. For them, it was important that the decision on future action on the basis of the articles was an informed decision taking into account all procedural options. Other delegations expressed the view

that it would be premature to move towards a debate on procedural options.

Delegations stated that positions for or against a convention were not dependent on

having information on procedural options and some added benefits in discussing

engagement and contribution to the work of the Working Group at this year's session.

This concludes my oral report of the Working Group.

Thank you, Mr. Chair.

