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(translation)

Statement by Mr. Shi Xiaobin
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At the 71st Session of the UN General Assembly

On Agenda Item 74

Responsibility of State for internationally wrongful acts

New York, 7 October 2016

Mr. Chairman,

Responsibility of a state for its internationally wrongful acts is both an essential component of the rule of law and a universally accepted norm of customary international law. To define rules of international law on responsibility of states in a scientific and reasonable way is of great importance to the prevention and deterrence of internationally wrongful acts, as well as for the maintenance of the rule of law at the international level and the upholding of equity and justice. The Draft Articles on Responsibility of States for Internationally Wrongful Acts completed by the International Law Commission (ILC) in 2001 codified rather comprehensively rules concerning responsibility of states. Over the years, the Draft Articles have been repeatedly invoked by such international judicial institutions as the International Court of Justice in adjudication, and have had a significant bearing on diplomatic practices of states. The rules of international law embodied by the Draft Articles have also been constantly tested in practice. The Chinese delegation would like to take this opportunity to express once again its appreciation and gratitude to the ILC and the successive Special Rapporteurs on this topic for their important contributions to the development of the law on responsibility of states.

Since the completion of the Draft Articles by the ILC in 2001, discussions have been going on among states on possible General Assembly actions with no consensus up till now. Generally speaking, three main views have emerged, namely: 1. to develop a convention through negotiations on the basis of the Draft Articles; 2. to adopt the Draft Articles through a General Assembly resolution or declaration; or 3. not to take any further action regarding the Draft Articles. The Chinese delegation has taken part in all the previous consideration and discussions of the topic of "Responsibility of States for Internationally Wrongful Acts" and has stated China's position on many occasions. We have noted that while the Draft Articles

seem quite mature, some clauses are still controversial. In particular, regarding articles on "serious breach by a State of an obligation arising under a peremptory norm of general international law", the countermeasures, and " measures taken by states other than an injured State", member states still have different understandings and various concerns, and consensus is not yet within reach.

The Chinese delegation believes that further in-depth discussion among states on the Draft Articles should be encouraged in order to expand consensus. This will help to improve the legal rules on responsibility of states. Any effort towards that end, including exploring the possibility of developing a convention through negotiations, will be viewed positively with an open mind on our part.

Thank you, Mr. Chairman.