

**United Nations General Assembly | Sixth Committee**  
**Agenda item 74 - Responsibility of States for Internationally Wrongful Acts**

**Statement by the coordinator, Ms. Maitê de Souza Schmitz (Brazil)**

Introduction of draft resolution A/C.6/74/L.16 on behalf of the Bureau

(check against delivery)

Mr. Chairman,

I have the honor to introduce, on behalf of the Bureau, draft resolution A/C.6/74/L.16, entitled “Responsibility of States for internationally wrongful acts”.

The draft resolution, which updates the text adopted during the 71<sup>st</sup> session of the Assembly, is a result of several rounds of informal consultations, as well as bilateral contacts. During my report of the Working Group on responsibility of States for internationally wrongful acts, I noted that several delegations were in favor of moving towards the negotiation of an international convention, while other delegations continued to express concerns on moving towards codification. To reconcile these positions, different versions of a draft resolution were developed and discussed among delegations.

Consensus emerged eventually for the text of a proposed draft resolution allowing for a continued and informed dialogue on the future of the articles, and deferring consideration of the question of a convention or other appropriate action on the basis of the articles to a future session. This text has been issued as document A/C.6/71/L.16.

While the text of the draft resolution is generally based on General Assembly resolution 71/133 of 13 December 2016, there are some changes in the current text.

The first preambular paragraph recalls resolution 56/83, the annex to which contains the text of the articles, as well as five subsequent resolutions in which the Assembly commended the articles on responsibility of States for internationally wrongful acts to the attention of Governments. It also has a new element, which is a reference to the report of the International Law Commission that contains not only the draft articles, but also a detailed commentary and recommendations on the subject. The fourth preambular paragraph of Resolution 71/133 was moved to operative paragraph 3 in the current draft resolution. Finally, the sixth preambular paragraph is a new addition, noting the informal substantive dialogue among Member States during the period between the 71<sup>st</sup> and 74<sup>th</sup> sessions of the General Assembly. Besides technical updates, no other changes were made to the preambular paragraphs.

Mr. Chairman,

The draft resolution contains nine operative paragraphs. In the first operative paragraph, the General Assembly would continue to acknowledge the importance of the articles, and would commend them once again to Governments. In the second operative paragraph, the General Assembly would request the Secretary-General to invite Governments to submit further written comments on any future action regarding the articles. The third operative paragraph takes note of the comments and observations of Governments as well as discussions held in the Sixth Committee on the matter.

Operative paragraphs four to nine were drawn from corresponding provisions in resolution 71/133 with minor technical updates. In the fourth operative paragraph, the General Assembly would acknowledge that a growing number of decisions of international courts, tribunals and other bodies refer to the articles. In the fifth operative paragraph, the General Assembly would request the Secretary-General to update its technical report on the references to the articles. In the sixth operative paragraph, the General Assembly would acknowledge the possibility of requesting, at the seventy-seventh session, the Secretary-General to provide information on all procedural options regarding possible action on the basis of the articles, without prejudice to the question of whether such possible action is appropriate. In operative paragraph seven, the Assembly would ask the Secretary-General to update the compilation of decisions, and to submit it well in advance of its seventy-seventh session. In operative paragraph eight, the General Assembly would acknowledge the constructive dialogue in the context of the Working Group during the seventy-fourth session and encourage all Member States to continue the substantive dialogue on an informal basis during the period prior to the seventy-seventh session of the Assembly. And in operative paragraph nine, also taken verbatim from resolution 71/133, with the necessary technical updates, the General Assembly would decide to include the agenda item in the provisional agenda of its seventy-seventh session, and to further examine, within the framework of a working group of the Sixth Committee and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

Mr. Chairman,

This concludes my introduction of draft resolution A/C.6/74/L.16, which is commended to the Sixth Committee for adoption by consensus. Allow me to take this opportunity to express my gratitude to the Secretariat, especially to the Codification Division, for the invaluable assistance throughout this process, as well as to thank all delegations for their engagement.

Thank you