



PERMANENT MISSION OF ROMANIA
TO THE UNITED NATIONS

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The 77th session of the United Nations General Assembly

Sixth Committee

Agenda item 73 “ Responsibility of States for internationally wrongful acts”

Statement delivered by Ms. Alis Lungu, Second Secretary,

Permanent Mission of Romania to the United Nations

New York, 13 October 2022

Mister Chair,

Romania thanks the Secretary General for setting the framework for the debate on the agenda item *Responsibility of States for internationally wrongful acts* through the publication of the two relevant reports, namely the updated compilation of decisions of international courts, tribunals and other bodies and the document containing comments and information received from Governments.

We believe that the topic of State responsibility is of the highest importance. The Articles on responsibility of States for internationally wrongful acts, as drafted by the International Law Commission, represent the reflection of a challenging compromise between the different views and interests of States. They also reflect, for the most part, customary international law.

In 2001, immediately after the adoption of the draft articles, Romania supported the Commission's recommendation that the General Assembly should take note of the draft articles on responsibility of States for internationally wrongful acts in a resolution, annex them to the resolution, and consider at a later stage the possibility of convening an international conference to examine the draft articles with a view to concluding a convention on the topic.

21 years after the recommendation was made, the Articles continue to be highly influential, as is evidenced by the many judgments of national and international courts and tribunals that refer to them, as well as by their frequent use by Governments in formulating their legal views. The adequacy of their form has been thoroughly tested and proved in practice.

Under these circumstances, we are of the view that we should adopt a prudent approach and maintain, for the time being, the Articles in their current status. Any attempted changes and renegotiations would risk negatively affecting their carefully drafted balance and high level of acceptance among states.

We conclude by expressing our willingness to engage constructively in this session's negotiations on the relevant resolution, with the understanding that each product of the International Law Commission deserves its own careful, thorough and separate consideration.

Thank you!