



**REPUBLIC OF POLAND**  
**PERMANENT MISSION TO THE UNITED NATIONS**

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**STATEMENT BY THE REPUBLIC OF POLAND**

**77<sup>TH</sup> UNITED NATIONS GENERAL ASSEMBLY**

**SIXTH COMMITTEE**  
**AGENDA ITEM 73:**  
**“RESPONSIBILITY OF STATES FOR INTERNATIONALLY WRONGFUL ACTS”**

**NEW YORK, 13<sup>TH</sup> OCTOBER 2022**

*Mr./Madam Chair,*

At the outset, I wish to thank the Secretary General for the report containing the compilation of decisions of international courts, tribunals and other bodies.

The Republic of Poland is of the view that the Articles on responsibility of States for internationally wrongful acts are of a paramount importance from both, theoretical and practical perspective. Undoubtedly, they do inform the practice of states as well as of international courts and tribunals. This has been illustrated in the said Report of the Secretary General. Numbers presented therein, namely 332 cases and 680 references to the Articles in submissions by Member States before courts, tribunals and other bodies in the period of 2001-2022 speak for themselves and exemplify enormous influence which the Articles have on international practice.

*Mr./Madam Chair,*

In our view, however, this fundamental value of the Articles on responsibility of States for internationally wrongful acts should not lead to the automatic understanding that each and every single provision of the Articles has to be considered as an established principle of law. The inclusion of any given rule into the Articles does not, by and of itself, change a general public law requirement of the need to evaluate state practice and *opinio iuris* for ascertaining a customary status of such a rule. As a result, there can be cases when a provision of the Articles should not have been considered as a progressive development of international law back in 2001 and its legal situation has not changed since. Conversely, as with the issue of collective countermeasures in response to violation of *ius cogens* norms, international law has evolved and certainly such measures are – under the current state of international law – valid means of action.

*Mr./Madam Chair,*

The Articles on responsibility of States for internationally wrongful acts constitute one of the most important projects of the International Law Commission and strongly influence State practice and jurisprudence. Thus, no matter whether the Articles will someday be adopted as a convention, they already are (and certainly will continue to be) the living instrument of international law.

*I thank you.*