



United Kingdom
Mission to the
United Nations

One Dag Hammarskjold Plaza
(885 Second Avenue)
New York, NY 10017

x.com/UKUN_NewYork

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
UNGA 80, AGENDA ITEM 76

RESPONSIBILITY OF STATES FOR INTERNATIONALLY WRONGFUL ACTS

10 October 2025

Delivered by Greg Reisman

Check against delivery

Thank you Chair,

The International Law Commission has been fundamental to the development of modern international law. The Articles on the Responsibility of States for Internationally Wrongful Acts are one of the International Law Commission's most important achievements.

The drafting of the Articles lasted several decades. Throughout that process, great care was taken to strike a balance that best captured the positions of States on this area of law. The drafters consulted widely, including governments, international law practitioners, and academics. As a result, the Articles have been highly influential, as evidenced by both the judgments of international and national courts and tribunals that make reference to their provisions, and the attention paid to them by States when formulating their legal positions.

The text of the Articles that emerged contained elements of both codification of the existing customary international law and proposals for progressive development. The Commentaries prepared by the Commission are helpful in distinguishing these elements. In many respects, the Articles have become increasingly embedded in State Practice and *opinio juris* as time passes. However, as we have heard in

our discussions of this topic, there are still diverging views among States on the extent to which the Articles reflect customary international law. The scope of application of the Articles is very broad, so it is understandable that views diverge and that this Committee has decided to take a deliberative approach to date. For similar reasons, the United Kingdom remains cautious about proposals to move towards negotiating a Convention.

We remain concerned that such action has the potential to disturb the careful balance that was struck during the decades over which the Articles were drafted. In their current form the Articles and their Commentaries provide a trusted and dependable guide to questions concerning responsibility for internationally wrongful acts, which can contribute to the further development and strengthening of customary international law. We continue to see that opening up the Articles for negotiation now risks increasing the divergence of views. Such a process could take us further away from the coherence that the Articles sought to instil and make the law in this area less clear, rather than clearer.

It is questionable whether this is a risk worth taking when the lack of a Convention has not prevented the draft Articles being widely used in practice.

Consequently, we are not convinced that a Convention is the correct option for progressing the Articles at this time.

However, we continue to consider this topic to be an important one. We are grateful for the Secretariat's note on the "Procedural options regarding action taken on products of the International Law Commission". We consider this to be a valuable contribution, even if we would not agree with every aspect of the note, and look forward to discussing this in more detail in this year's Working Group.

Finally, we note the International Law Commission's decision to include the topic of "Compensation for the damage caused by internationally wrongful acts" in its programme of work and consider this to be a positive development. We look forward to seeing the outcome of that work.

The United Kingdom will continue to listen to the views of others, and looks forward to our further discussion of these important matters in the Committee's work in this Session.

Thank you, Chair.