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UN General Assembly: Sixth Committee

Agenda item 77: Responsibility of States for internationally wrongful acts

**Statement by Anastasia Carayanides
Minister-Counsellor
Permanent Mission of Australia to the United Nations**

on behalf of the CANZ group

(Check against delivery)

Mr Chairman

I have the honour to speak on behalf of Canada, New Zealand and Australia, collectively known as 'CANZ'.

It has been three years since the Sixth Committee last met to discuss the draft Articles on the Responsibility of States for Internationally Wrongful Acts. Once again, we have been asked to consider the future of the Articles: whether to negotiate the Articles as a convention; whether to adopt the Articles in the form of a resolution or declaration; or whether to simply have the General Assembly take note of the Articles with no further action. These continue to be important questions for CANZ and we welcome this debate.

The Articles themselves are the product of over fifty years of work by the International Law Commission, work that resulted in the articulation of one of the most complex and challenging areas in international law. Canada, New Zealand, and Australian remain grateful to the Commission for its important contribution.

The Report of the Secretary-General released on 30 April 2013 on the Responsibility of States for Internationally Wrongful Acts provides a useful update on the most recent decisions of international courts, tribunals and other bodies which refer to the articles and the Commission's commentary. The Report indicated that these bodies are increasingly drawing on the Articles. CANZ remains of the view that the Articles have proven their worth as a persuasive source of guidance for both Governments and courts.

In relation to the questions of codification, the view of CANZ has not changed. We continue to consider that it would be unhelpful to try and negotiate the Articles as a convention. At present, the Articles serve a useful purpose by guiding international bodies, as well as Governments, through their analysis of sensitive issues and their efforts to find resolutions at international law. CANZ seeks to avoid a scenario whereby the influence of the Articles is diluted and the significant work of the International Law Commission in formulating the Articles undermined. It is more important to preserve the authority of the Articles in practice than to codify them in a convention that may not achieve universality.

We would, however, support the adoption of a resolution endorsing the Articles and attaching them as an annex. This approach would ensure that the integrity of the Articles is maintained and the excellent work of the International Law Commission recognised and adopted within the General Assembly.

Thank you.