



UNITED STATES MISSION TO THE UNITED NATIONS

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**Statement of the United States of America
68th Session of the UN General Assembly
Sixth Committee - Agenda Item 77
Responsibility of States for Internationally Wrongful Acts
Mr. Steven Hill, Deputy Legal Adviser
October 21, 2013**

Thank you, Mister Chairman.

We thank the Secretary General for his helpful report (A/68/69) compiling the written comments of States on the future status of the draft articles.

As previously stated, the United States continues to believe that the draft articles are most valuable in their present form, and that future action with regard to the articles is neither necessary nor desirable. For additional details, I would refer delegations to the comments submitted by the United States on March 2, 2001, as reported in document A/CN.4/515.

We believe there is little to be gained in terms of additional authority or clarity through the negotiation of a convention. As evidenced by the Secretary General's report (A/68/72) on the application of the draft articles by international courts and tribunals, the draft articles already have tremendous influence and importance. Likewise for States and other international actors, the draft articles have proven to be a useful guide both on what the law is and on how the law might be progressively developed.

However, we share the concern expressed by a number of States in their written comments that the process of negotiating a convention could risk undermining the very important work undertaken by the Commission over several decades, particularly if the resulting convention deviated from important existing rules or did not enjoy widespread acceptance. We believe the better course is to allow the draft articles to guide and settle the continuing development of the customary international law of state responsibility.

Thank you, Mister Chairman.