

Statement by Finland on behalf of the Nordic Countries
(Denmark, Finland, Iceland, Norway and Sweden)

UNGA 74, Sixth Committee
Responsibility of States for internationally wrongful acts
Item 75

Statement by

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(check against delivery)



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The International Law Commission adopted in 2001 on second reading the draft articles on Responsibility of States for internationally wrongful acts with commentaries as a result of nearly 50 years of work.

The Nordic countries are pleased to revisit this important topic, which is arguably the widest and potentially the most significant subject the Commission has ever dealt with.

The comments made by the delegations during the Sixth Committee discussions in 2001 suggest that overall governments were content with the systematic structure given to the topic and found most of the individual provisions of the draft acceptable and to the point.

At the time of their adoption, the ILC draft articles had already become widely known and cited by lawyers, governments and legal institutions, most notably by the International Court of Justice. Adopted in 2001 as an annex to the General Assembly resolution, the articles have only gathered more authority as a restatement of the law on State responsibility. As the case law – helpfully compiled by the Secretary-General in 2004 and updated again this year – demonstrates, there is a broad recognition by a variety of judicial bodies of the authoritative status of the articles. They are also frequently cited in writings.

The Nordic countries continue to believe that it would not be advisable to embark on negotiations for a Convention on responsibility of States for internationally wrongful acts at this point. There is no question about the existence of international responsibility, and the articles reflect a widely shared consensus on its articulation, notwithstanding the fact that there may be different views on specific details.

Although we agree that a multilateral convention is in general an ideal vehicle for guiding state action and creating legal certainty, there is also a risk that reopening the articles might jeopardize the delicate balance built into them.

Furthermore, we would like to underline the significance of the present articles in providing a framework within which the law has developed for almost twenty years, and continues to develop.

The stance of the Nordic countries to the articles has remained unchanged, which is reflected in our successive comments on this agenda point. We do not see a need for further action on the basis of the articles.