



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the United Nations

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Sixth Committee

Responsibility of States for internationally wrongful acts

Statement by

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Mr./Madam Chair,

The last time we discussed the topic of responsibility of States for internationally wrongful acts was in 2019, during the 74th session of the General Assembly. Since then, a number of internationally wrongful acts have been committed. As a matter of fact, one extremely serious internationally wrongful act, an act of aggression, is being committed as we speak. That is one of the reasons why the application and impact of the Articles on Responsibility of States for Internationally Wrongful Acts increased, which can be demonstrated by the growing number of references that are being made to them by various organs. We believe that with time, the impact will continue to increase.

While the Articles remain one of the biggest achievements of the International Law Commission, we reiterate our position that the Czech Republic prefers to retain the non-binding character of them. In other words, we currently do not see a need to elaborate a convention based on them.

States have generally accepted the Articles in their current form. Both domestic and international courts, such as the International Court of Justice, International Criminal Court or European Court of Human Rights, have extensively referred to the Articles in their decisions. This also applies to Czech domestic courts, including the Constitutional Court of the Czech Republic. According to this Court's case law, the Articles enshrine customary international law regulating the responsibility of States. This, together with references made by other courts, domestic and international, by legal scholars and others, shows that the Articles gained widespread recognition. Many States, including the Czech Republic, turn to the Articles, from time to time, as guidance on practical issues of the responsibility of States.

Subjecting the Articles to negotiation in a conference of plenipotentiaries represents a risk to their acceptance and integrity. Such negotiations might weaken the current consensus and undermine their content. We therefore do not believe that moving towards a convention would be a good idea. We also believe that no significant progress in this regard can be made in this Committee, and therefore, we support the idea that reconvening a working group on responsibility of States during the following sessions should be carefully reconsidered. Furthermore, the frequency of consideration of this agenda item by the Sixth Committee should be reconsidered as well – we advocate for less frequent consideration than what has been the case up until now.

Mr./Madam Chair, the responsibility of States is one of the cornerstones of international law. We believe that keeping the Articles on Responsibility of States for Internationally Wrongful Acts in their current form is a balanced compromise between the need for clarity on the responsibility regime and the need to not jeopardize their content.

Thank you for your attention.