

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

United Nations General Assembly 77th Session
New York, 13 October 2022

Agenda item 73:
Responsibility of States for internationally wrongful acts

Statement by
Ms Virpi Laukkanen
First Secretary, Legal Adviser
Permanent Mission of Finland
to the United Nations

(check against delivery)

Mme/Mr. Chair,

I have the honor to speak on behalf of the Nordic countries Denmark, Iceland, Norway, Sweden and my own country, Finland on the Responsibility of States for internationally wrongful acts.

The Nordic Countries would like to thank the Secretary-General for the useful compilation of Comments and information received from Governments on the Responsibility of States for internationally wrongful acts (A/77/198).

The topic of State responsibility was among the first subjects placed on the agenda of the Commission, and the articles on the responsibility of States for internationally wrongful acts (ARSIWA) belongs to the widest and most significant contributions of the Commission.

Adopted by the Commission in 2001 and welcomed by the General Assembly in resolution 56/83 of 12 December 2001, 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 consider that the articles in general reflect customary international law and 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. The articles reflect a widely shared consensus, notwithstanding the fact that some issues were left open by the Commission and that there may be different views pertaining to specifics of certain rules. Their operationalization in the day-to-day practice of international law has underlined the significance of the articles in providing a framework within which the law continues to develop, through the organic development of customary law on the subject.

Although we agree that a multilateral convention is in general an ideal vehicle for guiding state action and creating legal certainty, we fear that a reopening of the subject of state responsibility might jeopardize the delicate balance built into the articles adopted by the Commission in 2001 after almost half a century of deliberations.

The stance of the Nordic countries to the articles on the responsibility of States for internationally wrongful acts has remained unchanged, which is reflected in our successive comments on this agenda point. We do not see a need for further action to supplement the work of the Commission on this topic.