



**Statement on behalf of the Republic of South  
Africa**

**by**

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**Before the Sixth Committee of the 77<sup>th</sup> Session  
of the United Nations General Assembly**

**Under Agenda item No 73  
“Responsibility of States for internationally  
wrongful acts”**

**New York, 13 October 2022**

**Chairperson,**

Thank you for the opportunity to deliver this statement on the important agenda item entitled “Responsibility of States for internationally wrongful acts”. We present this statement pursuant to the General Assembly resolution 74/180 adopted on 18 December 2019.

**Chairperson,**

South Africa welcomes with great appreciation the Secretary General’s reports on this important topic, including the valuable compilation of information regarding the decisions of international courts, tribunals and other bodies referring to the Draft Articles on the responsibility of States for internationally wrongful acts.

We wish to commend the great work conducted by the International Law Commission (“the Commission”) in adopting and submitting the Draft Articles to the General Assembly. We also recognize the significance of the Draft Articles, which its provisions were referred to in certain decisions of international courts, tribunals, and other bodies, including *inter alia* the African Court on Human and Peoples’ Rights and the African Commission on Human and Peoples’ Rights to which South Africa is a party.

South Africa believes that the compilation of information regarding the decisions of the aforementioned forums, together with the information on State practices does not only illustrate Member States’ attitude towards their acceptance of the Articles or ratification of a possible convention, but this information also serves to indicate that States are putting to practical use the Draft Articles in their current form and status.

**Chairperson,**

South Africa acknowledges the great efforts by the General Assembly in examining, within the framework of a Working Group of the Sixth Committee and with a view to taking a decision, the question of a convention on the responsibility of States for internationally wrongful acts or other appropriate action on the basis of the Draft Articles.

We believe and support the view that, whatever measures will be adopted regarding the future of the Draft Articles, such a decision must be reached with consensus among Member States, taking into consideration the fact that the Articles aim at regulating the relationship between States on public international law.

However, South Africa pleads for the need of ensuring that any future work on codifying the Draft Articles into a possible convention, should endeavour to reflect the balance of Member States' views on the matter.

**Chairperson,**

While some Member States have adopted the view that it is not ripe for the Articles to be codified, and calls for further engagements on this issue, others including South Africa believe that the delays in adopting an acceptable action on the Draft Articles, would potentially undermine the status they have been enjoying throughout the years.

South Africa wishes to highlight that twenty (20) years has passed since the General Assembly first took note of the draft Articles in its resolution 56/83 of 12 December 2001, and we are of the view that the continued postponement regarding the future prospects of the draft Articles might itself risk giving rise to a perception of disagreement among Member States, and on the other hand it has the potential of affecting the work of the Sixth Committee on other projects of the Commission.

**Chairperson,**

In conclusion, South Africa is encouraged by the number of dialogues held by Member States and experts on this important topic, and our government will continue to support and pledge its participation in the respective discussions in promoting consensus among Member States.

**I thank you.**