

Statement by Mr. Jongin Bae
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Responsibility of States for Internationally wrongful acts
Sixth Committee, 80th session of UNGA
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Mr. Chair,

My delegation attaches great importance to the discussions on the Draft Articles on Responsibility of States for Internationally Wrongful Acts, which represent a key topic in the codification and progressive development of international law

We regard the Draft Articles as one of the most significant developments in the field of international law. The draft serves as a useful set of references for States in invoking, ascertaining, and addressing breaches of international obligations, thereby contributing to the clarity and predictability of international legal relations.

Many of its articles have been widely accepted and have provided essential guidance for international and domestic courts alike. As indicated in the Secretary-General's recent report, the draft articles have been referred to approximately 970 times in decisions of

international courts and tribunals over the past twenty-five years. This remarkable record reflects its broad recognition and influence in contemporary international jurisprudence.

This does not, however, imply that there is a need to proceed toward the adoption of a new convention based on the draft. Some of the draft's provisions cannot yet be regarded as universally accepted rules of customary international law. For example, the procedural requirements imposed on an injured State under Article 52 have not yet achieved the general acceptance they would have if they had been in a binding treaty.

Also, any attempt to transform the draft into a binding convention could reopen and potentially modify provisions that are already widely accepted, threatening the draft articles' delicate balance, and thereby risking the erosion of its current authority and equilibrium.

It should also be noted that, in emerging areas such as cybersecurity and other new domains of international conventions, the issue of State Responsibility remains contentious. This Demonstrates that the this discussion cannot be regarded as a fully

mature one that has reached consensus.

Furthermore, even if such a convention were adopted, a lack of broad ratification could lead to fragmentation of the existing customary rules that currently operate coherently.

In conclusion, my delegation supports the opinion that favours maintaining the current status of the draft articles at this stage.

We believe that the continued compilation and analysis of State practice and international jurisprudence as regularly undertaken by the Secretary-General would enable the International Law Commission (ILC) to further refine its commentaries, thereby contributing to the progressive and substantive development of the law of State responsibility.

Thank you, Mr. Chair.