

**The 80th Session of the United Nations General Assembly – Sixth Committee
Agenda item 76: “Responsibility of States for internationally wrongful acts”**

STATEMENT DELIVERED ON BEHALF OF ROMANIA

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Mister Chair,

Romania thanks the Secretary General for his reports and the Secretariat for the note on procedural options, provided in preparation of our discussions. We appreciate the comprehensive and well-balanced nature of their content.

These most recent contributions and numerous others highlight the UN and its Member States’ commitment for the **development and codification of international law**, particularly on the responsibility of States for internationally wrongful acts. In the same vein, we welcome and encourage the **sustained consideration** given by the Sixth Committee to this subject in **the same cadence as has become customary**, giving ample time for careful consideration and subsequent substantive engagement.

We learn from the note prepared by the Secretariat on procedural options that the International Law Commission has a practice of advising the General Assembly to engage in a period of **reflection prior to determining whether to proceed** with the conclusion of a treaty based on a set of draft articles. There is **no lifespan** attached to this period of consideration nor is there a **pre-determined judgment value** assigned to whether or not the UN membership moves towards negotiating a treaty.

The note further develops on the multiple instances in which the General Assembly has endorsed various texts or initiatives. While the significance – in terms of endorsement – of certain operative words or phrases quoted in the note remains open for debate, one example is relevant for our discussion today. That is **Resolution 56/83** on the responsibility of States for internationally wrongful acts, through which the Assembly took note of and at the same time annexed the draft articles of the ILC, thus sending a clear signal of support for the product of the Commission. We should further note that the Resolution in question was adopted by consensus.

It is also relevant to underscore that **none of the available procedural options** – as discussed in the note – **is mandatory in nature**, nor do they have a pre-defined degree of preferability. This sets the stage for productive debates in this Committee, unbound by an imperative objective or restrictive timelines.

Turning to the **compilation provided by the Secretary General in document A/80/77**, it shows that the draft articles on responsibility of States prepared by the ILC benefit from **wide recognition and are consistently applied** across a diverse range of international adjudicative bodies. The **increasingly high number of referrals** to their text by parties to disputes and judicial bodies confirms the fact that they serve as an authoritative framework for examining questions of international responsibility of States, and establishes their **continuing operational relevance**.

It is against this backdrop that Romania reiterates its view that the draft articles put forward by the International Law Commission reflect to a high degree customary international law, as also underscored by the International Court of Justice. We further stress that these draft articles continue to **guide both governmental and judicial practice** globally, as mentioned in the Secretary General's report.

In this context, we believe that **maintaining the Articles in their current status** is not only within the purview of this Committee, but it is also the advisable course of action, which best serves the collective interest of the Membership.

To conclude, we wish to reaffirm our readiness to participate constructively in the negotiations on this session's resolution, and we remain committed to cooperative dialogue in view of the overarching goal of upholding the rule of law at the international level.

I thank you!