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UN General Assembly: Sixth Committee

Agenda item 77: Responsibility of States for internationally wrongful acts

**Statement by Anastasia Carayanides
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Permanent Mission of Australia to the United Nations**

on behalf of the CANZ group

(Check against delivery)

Mr Chairman

I have the honour to speak on behalf of Ca

The Articles themselves are the product of over fifty years of work by the International Law Commission, work that resulted in the articulation of one of the most complex and challenging areas in international law. Canada, New Zealand, and Australian remain grateful to the Commission for its important contribution.

The Report of the Secretary-General released on 30 April 2013 on the Responsibility of States for Internationally Wrongful Acts provides a useful update on the most recent decisions of international courts, tribunals and other bodies which refer to the articles and the Commission's commentary. The Report indicated that these bodies are increasingly drawing on the Articles. CANZ remains of the view that the Articles have proven their worth as a persuasive source of guidance for both Governments and courts.

In relation to the questions of codification, the view of CANZ has not changed. We continue to consider that it would be unhelpful to try and negotiate the Articles as a convention. At present, the Articles serve a useful purpose by guiding international bodies, as well as Governments, through their analysis of sensitive issues and their efforts to find resolutions at international law. CANZ seeks to avoid a scenario whereby the influence of the Articles is diluted and the significant work of the International Law Commission in formulating the Articles undermined. It is more important to preserve the authority of the Articles in practice than to codify them in a convention that may not achieve universality.

We would, however, support the adoption of a resolution endorsing the Articles and attaching them as an annex. This approach would ensure that the integrity of the Articles is maintained and the excellent work of the International Law Commission recognised and adopted within the General Assembly.

Thank you.