



(Please check against delivery)

STATEMENT BY
MS. FARHANI AHMAD TAJUDDIN, REPRESENTATIVE OF MALAYSIA

ON AGENDA ITEM 77 ENTITLED
"STRENGTHENING THE EFFECTIVENESS OF THE
INTERNATIONAL LAW COMMISSION'S
DRAFT ARTICLES ON THE
RESPONSIBILITY OF STATES"
AT THE SIXTH COMMITTEE OF THE SIXTY-EIGHTH SESSION
OF THE UNITED NATIONS

General in updating the compilation of decisions of international courts, tribunals and other bodies pursuant to the General Assembly Resolution 65/19 of 6 December 2010 and in inviting the Government to submit their practices in that regard. Malaysia takes note that consultations with States to seek feedback on their practices pertaining to the ILC draft Articles have been made and further notes that many States have yet to express their views on the draft Articles.

2. At the 65th session of the Commission, Malaysia would like to further in

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3. Hence, Malaysia would like to reiterate its position in 2010 and take a similar stance that the readiness of States have to be further sought to enable them to voice their concerns on the ILC draft Articles. We take note of Resolution A/65/19 of 6 December 2010 and we welcome the Working Group's deliberations.

4. On that note, Malaysia would like to reiterate its concerns on draft Article 2 which stipulates that fault or a wrongful intent on the part of the State is not required in order to ascertain the existence of an internationally wrongful act. Malaysia is of the view that this obligation merits careful consideration by States.

5. In addition, draft Article 7 provides for the ultra vires act of an organ. Malaysia is of the view that adopting such an obligation would require States to assume the conduct or wrongdoings of an organ or a person beyond the power authorized to such organ or