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(translation)

Statement by Mr. Yang Xi

Chinese Delegate

At the 74th Session of the UN General Assembly

On Agenda Item 75

Responsibility of States for Internationally Wrongful Acts

New York, 14 October 2019

Mr Chair,

The *Draft Articles of Responsibility of States for Internationally Wrongful Acts* is the fruit of an important study completed by the International Law Commission (ILC) in 2001. Over the past nearly 20 years, the Draft Articles has been the focus of international attention, guiding States in addressing the issue of responsibility of States in their practice, and has been invoked by the International Court of Justice and some regional judicial bodies in their judgments of relevant cases. The Chinese delegation wishes to renew our appreciation to those members of the ILC involved in this process and the five Special Rapporteurs for their important contributions.

Since the completion of the Draft Articles at the Commission in 2001, there have been continuous discussions among States on what action the General Assembly should take on the Draft Articles, during which three options have been raised, namely, (1) elaborating an international convention by convening a diplomatic conference; (2) adopting the Draft Articles in the form of a GA resolution or declaration; and (3) no action. China is of the view that the Draft Articles is well structured, rich in content and contains rather comprehensive provisions on State responsibility that reflect a general balance between national interests and the shared interests of the international community. China is open to different options regarding further action on the Draft Articles.

On the other hand, as regards some of the topics in the Draft Articles, such as “serious breaches of obligations under peremptory norms of general international law”, “countermeasures” and “measures taken by States other than an injured State”, States interpret them differently and have expressed major concerns. It is therefore advisable to ensure all States are comfortable with any future action taken on the Draft Articles, in the interests of broad consensus on the major issues where differences remain.

Thank you, Mr Chair.