

Comments [by Panama] on United Nations General Assembly resolution 56/183 of 2001 from the viewpoint of international law

The international responsibility of States for alleged wrongful acts is a matter of debate and interest for States, international organizations and international courts competent in the field of international law.

Taking into account chapter IV of the report of the United Nations International Law Commission on the work of its fifty-third session, which contains the draft articles on responsibility of States for internationally wrongful acts, we would like to contribute some observations to this topic in particular.

Breaches by States of their international responsibilities, by act or omission, may fall into various areas where States may be accused of committing unlawful acts, for instance the granting or denial of asylum, deportation or an unlawful act committed by a vessel flying a State's flag, to give a few examples, with the result that the State is accused of the unlawful act or held civilly liable for reparations for damages and harm.

As for the examples given, certain elements would have to be analysed in relation to the compliance or non-compliance with an internal legal norm in effect, as mentioned in draft article 3, or compliance with a peremptory norm regarding an obligation acquired through the ratification of an international agreement or convention, as stipulated in article 40, paragraph 1, of that set of articles.

On the other hand, as in any legal process, among elements essential to prove that the alleged unlawful act has been committed is the examination of the evidence used to denounce it. Here, article 12 could be worth considering, since in other words the responsibility of the State or States for the alleged acts, whether civil or criminal, must be proven through irrefutable evidence.

Furthermore, the interpretation of current international law, which according to peremptory norms should be strictly applied, must be taken into account. There could therefore be a presumed conflict in the interpretation of international laws requiring an

