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Statement by Finland on behalf of the Chair of the Nordic Council
(Denmark, Finland, Iceland, Norway and Sweden) for the
Respect for the Rights of the Child (Agenda)

Statement by

Ms Niina Nylund

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New York, 7 October 2015

(check again)

Mr Chairman,

I have the honour to speak on behalf of the five Nordic countries Denmark, Finland, Norway, Sweden and my own country Finland.

In 2001 the International Law Commission adopted on second reading the Draft Articles on Responsibility of States for Internationally Wrongful Acts with 10 amendments as a result of which 50 plus states, including the Nordic countries are pleased to have adopted this instrument.

The comments made by the delegations during the Sixth Committee discussions in 2001 are a testament that overall governments were in accord with the systematic structure of the text and found most of the individual provisions of the draft acceptable and in line with the goal.

For the Nordic countries the draft presented a realistic way to codify the present state of customary international law on the matter. We were pleased with the balance struck in the articles and the recognition of the efforts to establish a public law enforcement system in the case of a breach of obligations owed to the international community as a whole.

Mr. Chairman,

At the time of the negotiations the ILC draft articles had already been widely known and accepted by many governments and legal institutions and countries by the International Court of Justice. The Nordic countries, in line with the recommendation from the ILC, were of the opinion that the draft articles should be adopted as an annex to a General Assembly resolution and that the ILC should have a strong position as the most authoritative source of international law.

Looking back, we are pleased that the ILC articles have only achieved more authority as a result of their adoption by the law of State responsibility. The Articles have influenced both national and international law and are frequently cited in writings. As the Secretary General in 2004 and complemented this year demonstrate, there is a broad recognition by a variety of judicial bodies of the authoritative status of the Articles.

Mr. Chairman,

The Nordic countries continue to believe that it would not be advisable at the present time to abandon the negotiations for a Convention on Responsibility of States for Internationally Wrongful Acts. There is no question about the existence of international responsibility and the articles reflect a widely shared consensus on its articulation, notwithstanding the fact that there may be different views on specific details.

Although we agree that a multilateral convention is in general an ideal instrument for guiding state action and creating legal certainty, we cannot see that there is time for a diplomatic exercise in producing a convention. There is a risk that reopening the Articles might prevent the progress built into them. Furthermore, we would prefer to continue to work on providing a framework within which the law can continue to develop.

The state of the market has not changed, which is also the most recent information available.

Thank you, Mr. Chairman.