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UNITED STATES MISSION TO THE UNITED NATIONS

Statement of the United States of America
71 st General Assembly Sixth Committee
Agenda Item 74 - State Responsibility
Statement by Stephen Townley, Counsellor
October 7, 2016

We thank the Secretary General for his helpful report (A/71/79) compiling the written comments of States on possible future action with regard to the draft articles on the responsibility of States for internationally wrongful acts.

The United States continues to believe, consistent with our previous statements on the
subject, that the draft articles are most valuable in their present form, and that the General Assembly should not take further action on the draft articles at this time. For more details, please see the comments submitted by the United States on March 2, 2001, as reported in document A/CN.4/515.

We believe that the negotiation of a convention based on the draft articles would add
little in terms of additional authority or clarity. The Secretary General's report (A/71/80) on the application of the draft articles by international courts and tribunals demonstrates that the draft articles already enjoy remarkable influence and importance. The draft articles have become a helpful guide, not only to courts and tribunals but also to States and other international actors, on both what the law is and how the law might be progressively developed.

Nevertheless, we share the concern expressed by many States in their written comments
over the years that the negotiation of a convention risks undermining the very important work undertaken by the Commission in crafting the draft articles. Of particular concern is the prospect that the resulting convention might deviate from important existing rules or ultimately not enjoy widespread acceptance by States. We still believe, therefore, that the best option is to allow the draft articles to guid_e and settle the continuing development of the customary international law of State responsibility.