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BART BROWN  
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Mr Chairman,

The International Law Commission has been at the forefront of many of the most important developments in modern international law. The United Kingdom considers that the Articles on the Responsibility of States for Internationally Wrongful Acts represent one of the Commission's most

significant projects to date. The scope of the Articles is very wide, potentially extending across all fields of international law, setting out general rules for establishing a breach of the law and the consequences that flow from such a breach. The Articles continue to be highly influential, not least as evidenced by the judgments of international and national courts and

Convention has the potential to disturb the balance that was struck during the decades over which the Articles were carefully drafted and about the risks of provoking further

divergences and differences of views in such a way as to jeopardise the very coherence that the Articles are seeking to instil.

We still consider these risks to be real and significant.

At the same time, we see another risk. As we have said, we hold the work of the International Law Commission in the highest regard. But we have noticed in some academic writings and judicial pronouncements a certain lack of clarity as regards the legal force and status of some ILC output. On occasion, reliance is placed upon an ILC product as an articulation of

international law without fully considering whether that product is sufficiently underpinned by State practice and *opinio*