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Statement by Amb

session of UNGA

ate Responsibility, when adopted in 2001, represented an instrumental contribution to the otherwise less-developed subject of international law.

After more than two decades, their relevance has not diminished, but rather has carried increasing weight. Many of its articles have been cited recurrently in the jurisprudence of international courts and tribunals, as compiled in the Secretary General's Report.

Even outside the courts, the Draft Articles serve as a useful set of references in our inter-State relations when invoking, ascertaining, and then addressing any breach of international obligations.

(Current Relevance of the Draft Articles)

Although classified as "secondary rules", the Draft Articles are no less important and hold particular bearing on the current challenges of international order.

situation.

(Draft Articles as a Combination of Customs and Progressive Development)

Notwithstanding their current relevance and wide acceptance, we should remind ourselves that, at the time of adoption in 2001, the Draft Articles reflected a combination of codification and progressive development.

The last two decades have seen some of the Draft Articles further crystalizing into the status of customary international law. Yet it is still premature to consider the entirety of the Draft Articles as having that status. There remain gaps in understanding as to what represents customary international law, and, more pertinent to our present discussion, as to whether a proposed convention would enjoy wider acceptance than the current version.

(Consensus of the Draft Articles)

The Draft Articles were adopted by consensus. But we have to recall that this consensus was due to a delicate balance the Draft Articles struck in their format as well as substance. For instance, those procedural steps an injured State should take as in Article 52 could not have enjoyed such a consensus if they had been in the binding treaty.

Time has passed, but my delegation still doubts whether such a consensus can be reached in the form of a convention unless w>> co4(ion)]TJET EMC /P <</MCID 38Lang9<

While contemplating available options, especially the formal codification of the Draft Articles into a convention, my delegation would like to advise a measured step-by-step approach based on prudence and forethought. We need to think through what practical changes such an option would bring.

Embarking on the project of pursuing a treaty does not appear desirable unless we are confident that the proposed convention would be ratified widely, if not universally, and, most of all, more effective than now; in bringing responsible States closer into compliance with their international obligations and in helping injured States better seek redress.

In conclusion, my delegation prefers that the Draft Articles remain as they are until the time is right, wants the Secretary General to continue the compilation of courts' decisions and State practice, and suggests requesting the ILC to update its commentary of the Draft Articles based on those compilations and State practice for the last two decades.

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