

Interactive Dialogue

between the Sixth Committee and the International Law Commission

23 October 2024, 4.30 pm – 6 pm

Trusteeship Council Chamber

With the presence of the following Members of the ILC

Claudio Grossman Guilloff Immunity of State officials from foreign criminal jurisdiction

Patrícia Galvão Teles Sea-level rise in relation to international law

Penelope Ridings Due diligence in international law

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Parinskis Compensation for the damage caused by internationally
wrongful acts

Moderated by Ambassador Gregor Schusterschitz, Legal Adviser of the Austrian Ministry
for European and International Affairs

The interactive dialogue aims to provide a platform for informal exchange and discussions

topics under consideration by the products
of the ILC, future topics for the ILC as well as on the working relationship with the Committee

Compensation for the damage caused by internationally wrongful acts:

The Commission, on the recommendation of the respective Working Group, decided to recommend the inclusion of this topic, outlined by the Commission in its long-term programme of work. It is argued that compensation is addressed in a rich body of reasoned decisions by interstate courts and tribunals as well as bodies considering claims brought by individuals and other non-State entities, which was not yet available when the Commission adopted the articles on the responsibility of States for internationally wrongful acts in 2001, and that the 2001 articles provide only limited guidance on the quantification of compensation. The topic would offer an important addition to the articles on the responsibility of States moving the focus and depth beyond what was possible in the earlier engagement of the Commission.

Guiding questions for general discussion

- x What is your expectation towards the Committee / ILC (vice versa)?
- x How do you assess the working relationship between the ILC and the Committee?
- x How can the exchange between ILC members and States be further enhanced? Do you see merit in organizing further in-person briefing possibilities or discussions with delegations in New York?
- x Do you think that referral by the Committee back to the ILC (as foreseen in Art. 23 ILC statute) for redrafting of products could lead to greater acceptance of ILC products in certain cases?

We look forward to an interactive discussion!