



Sixth Committee

77th Session of the General Assembly

Agenda item n. 74 - Responsibility of States for internationally wrongful acts

Delivered by Mr Enrico Milano

- Check against delivery -

Mr. Chairman/Madam Chair

First of all, my delegation would like to thank and commend the Codification Division for producing the report containing the compilation of decisions of international courts, tribunals and other bodies giving application to the 2001 ILC Draft Articles on State Responsibility. Such decisions speak volumes about the importance and quality of work of the Commission on the topic of State responsibility and its enduring relevance to the settlement of international disputes involving States.

Since the adoption, in 2001, of the Draft Articles on Responsibility of States for Internationally Wrongful Acts, the General Assembly has cyclically commended them to the attention of Member States, without prejudice to the question of their future adoption or other application. The 6 W Divergent opinions have led to a **continuous postponement of the potential elaboration of a convention on the topic.**

Despite the endorsement provided by many States for initiatives leading to negotiations on the topic, **Italy acknowledges the enduring reluctance of a distinctive group of States that prefer maintaining the current format of the Articles.**

In this regard, Italy believes that the mere reiteration of 'pro-convention' and 'anti-convention' positions that do not address the substance of the matter, is not only ineffective but also counterproductive. Indeed, in the long term, it may contribute to undermining the international consensus which has crystallized over many provisions of the 2001 ILC Draft Articles.

Mr Chairman/Madam Chair,

Italy appreciates the importance of preserving the delicate balance and overall coherence achieved by the work of the International Law Commission. However, we would also like to highlight the risks associated with the fragmentation of the regime arising from **controversial issues related to some of the Draft Articles, such as those concerning the responsibility for grave breaches of jus cogens norms, the role played by States not directly affected by violations and collective countermeasures.**

For the reasons outlined above, Italy associates itself to the suggestions, already advanced by some delegations, that a preparatory working group could be established with the main purpose of

