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Responsibility of States for internationally wrongful acts

Draft resolution

Responsibility of States for internationally wrongful acts

The General Assembly,

Recalling its resolution [56/83](#) of 12 December 2001, the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts, recalling also the report of the International Law Commission on the work of its fifty-third session,¹ and recalling further its resolutions [59/35](#) of 2 December 2004, [62/61](#) of 6 December 2007, [65/19](#) of 6 December 2010, [68/104](#) of 16 December 2013, [71/133](#) of 13 December 2016, [74/180](#) of 18 December 2019 and [77/97](#) of 7 December 2022 commending the articles to the attention of Governments,

Noting that the International Law Commission decided to recommend that the General Assembly take note of the draft articles on responsibility of States for internationally wrongful acts in a resolution and annex the draft articles to that resolution, and consider at a later stage, in the light of the importance of the topic, the possibility of convening an international conference of plenipotentiaries to examine the draft articles with a view to concluding a convention on the topic,

Acknowledging that 12 December 2026 will mark the twenty-fifth anniversary of the adoption of its resolution [56/83](#), the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts, which were taken note of and commended to the attention of Governments without prejudice to the question of their future adoption or other appropriate action,

Acknowledging also, in this regard, the constructive dialogue in the context of successive working groups of the Sixth Committee since the sixty-fifth session of the General Assembly on the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles, and all views expressed thereon, as reflected in the successive oral reports,²

¹ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10 and corrigendum (A/56/10 and A/56/10/Corr.1).*

² See [A/C.6/65/SR.25](#), [A/C.6/68/SR.28](#), [A/C.6/71/SR.31](#), [A/C.6/74/SR.34](#), [A/C.6/77/SR.35](#) and [A/C.6/80/SR.38](#).



Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States,

Noting with appreciation the compilation of decisions of international courts, tribunals and other bodies referring to the articles, prepared by the Secretary-General,³

Noting the discussion on whether Member States should examine all procedural options regarding possible action on the basis of the articles,

Noting also the informal substantive dialogue among Member States during the period since the seventy-first session of the General Assembly,

1. *Continues to acknowledge* the importance and usefulness of the articles on responsibility of States for internationally wrongful acts,⁴ and commends them once again to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action;

2. *Requests* the Secretary-General to invite Governments to submit further written comments on any future action regarding the articles;

3. *Takes note* of the comments and observations of Governments⁵ and the discussions held in the Sixth Committee, at the fifty-sixth, fifty-ninth, sixty-second, sixty-fifth, sixty-eighth, seventy-first, seventy-fourth, seventy-seventh and eightieth sessions of the General Assembly, on responsibility of States for internationally wrongful acts;

4. *Acknowledges* that a growing number of decisions of international courts, tribunals and other bodies refer to the articles;

5. *Requests* the Secretary-General to update the technical report listing, in a tabular format, the references to the articles contained in the compilation of decisions of international courts, tribunals and other bodies referring to the articles prepared since 2001, and further requests the Secretary-General to submit such material in advance of its eighty-third session;

6. *Also requests* the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requests the Secretary-General to submit such material well in advance of its eighty-third session;

7. *Acknowledges* the constructive dialogue in the context of the working group of the Sixth Committee during the eightieth session of the General Assembly, and encourages all Member States to continue the substantive dialogue on an informal basis during the period prior to the eighty-third session of the Assembly, including on the basis of the procedural options note provided by the Secretary-General at the eightieth session of the General Assembly;⁶

³ See [A/62/62](#), [A/62/62/Corr.1](#), [A/62/62/Add.1](#), [A/65/76](#), [A/68/72](#), [A/71/80](#), [A/71/80/Add.1](#), [A/74/83](#), [A/77/74](#) and [A/80/77](#).

⁴ Resolution 56/83, annex.

⁵ See [A/62/63](#), [A/62/63/Add.1](#), [A/65/96](#), [A/65/96/Add.1](#), [A/68/69](#), [A/68/69/Add.1](#), [A/71/79](#), [A/74/156](#), [A/77/198](#) and [A/80/156](#).

⁶ [A/80/76](#).

8. *Encourages* Member States to hold an informal commemoration to mark the twenty-fifth anniversary of the articles during the eighty-first session of the General Assembly;

9. *Recalls* the comments and information submitted by Governments, as well as the relevant reports by the Secretary-General;

10. *Decides* to include in the provisional agenda of its eighty-third session the item entitled “Responsibility of States for internationally wrongful acts” and to further examine, within the framework of a working group of the Sixth Committee, at four meetings over consecutive days, and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.
