



SUBJECT OF RESOLUTION: Responsibility of States for Internationally Wrongful Acts

SUBMITTED TO: The Sixth Committee

SUBMITTED BY: Venezuela, Ecuador, El Salvador, Haiti, Mauritania

The Sixth Committee

1 *Deeply disturbed* by the lack of accountability by states for their internationally
2 wrongful acts,

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4 *Recognizing* the excellent work that has taken place thus far on the draft articles
5 that define state responsibility and recognizing the need for further work to strengthen
6 these articles,

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8 *Emphasizing* the positive effects that Truth Commissions have on local and global
9 communities,

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11 *Commending* the International Law Commission for its work over the last half-
12 century in addressing “State Responsibility,”

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14 *Noting* Articles 2 and 33 of the UN Charter which specify that settlement of
15 disputes shall remain peaceful,

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17 *Expressing* the need to empower Member States via regional solutions to deal
18 with internationally wrongful acts,

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20 *Noting* the benefit of the flexibility of Truth Commissions making them more
21 adaptable to individual disputes,

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23 1. *Strongly recommends* the holding of conferences of authoritative diplomats
24 with the purpose of examining and codifying the draft articles on responsibility of states
25 for internationally wrongful acts with the intent of a resulting convention;

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27 2. *Suggests* that Truth Commissions be formed by the International Law
28 Commission on an ad hoc basis at the request of states that believe they have been
29 victims of an Internationally Wrongful Act as set forth in the annex to Draft Resolution
30 A/56/589 in order to:

- 32 (a) Provide objective, unbiased investigation and evaluation;
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34 (b) Report their findings to the International Law Commission;
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36 (c) Ultimately create expert testimony that can be used in ICC and ICJ cases;
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38 3. *Proclaims* that Truth Commissions should be composed of 2/3 members from
39 states in the affected region and 1/3 members from the international community, to be
40 chosen and approved by the ILC;
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42 4. *Further proclaims* that the Truth Commissions will be responsible for:
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44 (a) Determining whether the wrongful act brought to their attention is attributable
45 to a state or a non-state actor;
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47 (b) Researching the context of the act and its resulting consequences;
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49 (c) Suggesting clear reparations and liabilities for the acts;
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51 (d) Deciding on the level of culpability of the accused state;
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53 (e) Facilitating peaceful reconciliation efforts between disputing parties.

Passed, Yes: 47 / No: 16 / Abstain: 23