

ISRAEL

69th Session of the General Assembly

CHECK AGAINST DELIVERY

Statement by:

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Sixth Committee
Agenda Item 85

Responsibility of International Organizations

23 October 2014

United Nations
New York

Mr. Chairman,

On Responsibility of International Organizations, my delegation would like to thank the Special Rapporteur, Giorgio Gaja, for his thorough reports on the matter. This year revisits the International Law Commission's Draft Articles on the Responsibility of International Organizations annexed to Resolution 66/100, with a view to examining, *inter alia*, the question of the form that might be given to the articles.

Israel wishes to reiterate the concern, previously raised by a number of states, regarding the substantial reliance of the draft articles on the Articles relating to the Responsibility of States. Such reliance, without taking into account the inherent differences between States and international organizations, might lead to undesirable consequences.

We wish to address the question of whether a convention could apply uniformly to various types of international organizations, given the fact that international organizations differ from one another substantially. For example, there is a great difference between international organizations that are established as discussion forums purely for conference purposes, and organizations designed for the performance of activities such as peacekeeping operations. In the former case, responsibility would remain primarily with the member States of the organization, whereas in the latter case, responsibility would fall primarily on the sponsor organization itself.

Furthermore, the draft articles gloss over the difference between the responsibilities owed by an organization to its member States versus the responsibility owed by the organization to third party, non-member States.

We wish to reiterate the concern raised by a number of States regarding matters such as self-defense, counter-measures and necessity, as applied to international organizations. First and foremost, it remains questionable whether the principle of self-defense, an inherent right of States, is applicable in the context of international organizations.

Furthermore, Israel questions whether the notion of countermeasures by international organizations against States should be included within the scope of the draft articles, considering that, at present, many questions remain unanswered with regard to the relationship between international organizations and non-member States as well as the relationship between the organizations and their members.

Finally, regarding necessity, we maintain that the draft articles should take into account the essential difference between States and international organizations. As currently phrased, we are concerned that Article 25 is too vague, especially considering that the notion of necessity, a well-developed doctrine in relation to States, has not yet been encountered by an international organization.