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**69th United Nations General Assembly
Second Committee
Agenda item 85: Responsibility of international organizations**

**Statement by H.E. Jane Chigiyal
Permanent Representative**

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Mr. Chairman,

I congratulate you and the other members of the Bureau for your election to your posts. Your personal and professional qualifications bode well for the success of this Committee's work. You have the full cooperation of my delegation.

Mr. Chairman,

Over a decade ago, the International Law Commission began the challenging task of identifying the rules and principles of international law that concern the responsibility of international organizations for internationally wrongful acts. Under the able leadership of Special Rapporteur Giorgio Gaja, and with significant input from Governments and international organizations, the Commission adopted draft articles in 2011 laying out those rules and principles, as well as a detailed commentary on the topic. That was an important achievement in the codification and progressive development of international law, and the Commission must be commended for its tireless and expert work on the topic.

The importance of that achievement is underscored by the dizzying number of international organizations that exist today in practically every sphere of international law, including environmental protection, trade, peacekeeping, human rights, disaster response, and finance. Indeed, this diversity challenges the notion of having a set of articles applicable to all international organizations, and the articles do note the possibility of special rules applying only to certain types of international organizations. Nevertheless, in Micronesia's view, the articles identify a significant number of rules and principles that are applicable to all international organizations. Given the diversity and broad reach of international organizations today, and given the outsize power that those organizations wield in international relations, the need for those rules and principles is clear. International organizations must be held accountable for their internationally wrongful actions.

As a small island developing State, Micronesia relies greatly on the generous assistance and guidance of international organizations to develop Micronesia's economy, particularly its energy, agricultural, and fisheries sectors. In rare but notable instances, some of those international organizations have acted in ways that are contrary to their obligations to Micronesia under relevant international agreements. In the absence of language in those agreements that directly imposes responsibility on those organizations, Micronesia will invoke the articles on the responsibility of international organizations to press its case and secure reparation. Although the articles reflect, on balance, the progressive development of international law rather than its codification, Micronesia asserts that the rules and principles in the articles are sound and deserve to be widely employed. Toward that end, Micronesia encourages Governments and international organizations to study the articles closely and wield them favorably, even if the articles are never converted into an international convention by the United Nations or some other negotiating body. Micronesia also recommends that the Secretary General produce a report that surveys the use of the articles by Governments, international organizations, and judicial bodies since their adoption by the International Law Commission.

Mr. Chairman,

Over the last decade, Governments, international organizations, and judicial bodies have had ample opportunity to consider various drafts of the articles and decide whether and how to utilize them in their international relations. That period of reflection has yielded notable engagements with the articles. The European Court of Human Rights grappled with the articles in a number of recent cases, and so did national courts such as the Supreme Court of the Netherlands and the House of Lords in the United Kingdom.

Recently, the International Tribunal for the Law of the Sea invited Statements from Governments and international organizations regarding a request for an advisory opinion submitted by the Sub-Regional Fisheries Commission, a group of West African States that manages fisheries resources in their region. If produced, the advisory opinion will address, *inter alia*, the liability of an international organization for the violations of the fisheries legislation of a coastal State by a fishing vessel that operates under a fishing license issued pursuant to an international agreement between the coastal State and the international organization. There is a lacuna in international law with regard to this issue, so the Tribunal's issuance of an advisory opinion will be closely watched for how it fills that lacuna.

The Tribunal's call for Statements produced responses from a fairly large number of Governments and international organizations, including Micronesia. Of those entities that chose to address the question of the liability of an international organization, several entities—including New Zealand, Somalia, Micronesia, and the International Union for the Conservation of Nature—specifically and favorably cited the articles on the responsibility of international organizations. As Micronesia noted in its Written and Oral Statements in response to the Tribunal's invitation, and as reflected in Articles 35 to 37 of the articles on the responsibility of international organizations, if an international organization acts, or fails to act, in a manner that is attributable to the organization under international law and that violates an international legal obligation of the organization, then the organization incurs responsibility for which it must provide reparation in the form of restitution, compensation, or satisfaction. Even if the Tribunal decides not to issue the requested advisory

opinion, the citations to the articles by various Governments and international organizations already establish the normative value of the articles in international law.

Mr. Chairman,

International law is a tool for States, a system created and promulgated by States to protect and advance State interests on the international stage. The proliferation of international organizations over the last half century should not detract from the State-centric character of international law. Indeed, the only international organizations covered by the articles before us are those that have States as members (although they may have non-State members in addition to their State members). It is no wonder that the articles so closely mirror the International Law Commission's articles on the responsibility of States for internationally wrongful acts; the lifeblood of international organizations has been and will always be the State. Therefore, as States, we have a solemn obligation to ensure that the international organizations we create are held accountable for their internationally wrongful actions.

I thank you, Mr. Chairman.