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**Sixth Committee
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**Agenda item 85: Responsibility of international
organizations**

Statement by Denmark, Finland, Iceland, Norway and Sweden

**Delivered by Mr. Christian Karstensen,
Counsellor, Denmark**

I have the honour to speak on behalf of the five Nordic countries, Finland, Iceland, Norway, Sweden and my own country, Denmark, on the topic of responsibility of international organisations.

Allow me first of all again to express our appreciation of the work done by the International Law Commission on this topic. As we have stated during previous discussions about this topic we have been supportive of an approach to the responsibility of international organisations that relied on the relevant draft articles on State responsibility, while recognizing that the nature of international organisations merited a number of modifications and alternate solutions. We are broadly supportive of the draft articles on the

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responsibility of international organisations which - together with the commentary - already serve as a useful tool for practitioners and scholars.

The central theme of today's discussion is the question of whether states should take up the draft articles with a view to the elaboration of a convention.

We note in this context that the path taken so far with regard to the draft articles on state responsibility has been not to initiate such work on a convention, but rather let the draft articles crystalize through the practice of *i.a.* tribunals and states. We believe that such an approach is all the more persuasive when it comes to the draft articles on the responsibility of international organisations. While generally supportive of the substantive content the draft articles, we are also aware that at this stage they are not always - and probably to a lesser degree than the state responsibility rules - based on consistent and general practice. As the elaboration of the draft articles on responsibility of international organisations showed, a number of the articles are underpinned by relatively scarce practice. On certain issues such as for example some aspects of attribution and the precise nature of a dual responsibility for international organisations and their member states it seems that the law is not settled to a degree that merit codification in a convention.

We therefore query whether a diplomatic conference would be able to produce a result of sufficient clarity, reflecting the necessary broad support to also ultimately ensure ratification by an adequate number of states. For these reasons we do not at present support the elaboration of a convention.

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Mr. Chairman,

While I have the floor, let me make a brief remark on an issue closely related to the topic of responsibility of international organisations.

In recent years the issue of settlement of disputes of a private character to which an international organisation is a party has gained increasing importance. Particularly with regard to dispute settlement procedures in UN peace operations the present system does not seem entirely adequate. While we do not support changing the general rules of immunity before domestic courts, we do believe that further work could be done to ensure that private individuals who suffer harm as a consequence of peace keeping operations are compensated. There are obviously important issues related to the inherent risks in situations of conflict and instability, and it is of paramount importance to the Nordic countries that the effective and independent functioning of UN peace operations is not jeopardized. But we do, nevertheless, also believe that there is room for further reflection on whether the present system and procedures are adequate to handle legitimate claims from private individuals.

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