

Statement by

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In the name of God, the Most Compassionate the Most Merciful

Mr. Chairman,

In a world in which problems are becoming increasingly global, international cooperation is a must, not only through bilateral interactions, but also in the framework of international organizations. Thus, it is imperative to establish a set of rules specifying under which conditions international organizations can be held accountable for any wrongful acts they may commit.

Although it is true that there is limited practice in the field, in recent years, there has been an increasing number of claims of internationally wrongful acts committed by international organizations. It is therefore crucial to have in place of a set of general rules on the responsibility of international organizations, drafted in an open and multilateral process, bearing in mind that, this area of law have significant implications for the United Nations and other international organizations. At the same time, since states and international organizations are separate subjects of international law, the need for the separate set of draft articles, based on but different from the articles on state responsibility, is evident.

The adoption of the draft articles on the responsibility of international organizations and their commentaries represents another major step, by the Commission, in the codification and development of international law and indeed, is the first attempt to provide a framework of law concerning the international responsibility of international organizations. Despite the diversity of international organizations, the draft articles have provided, in general terms, appropriate responses to the legal issues concerned, and serve as a reference text to guide the practice of states and of international organizations.

The draft articles followed the pattern of the articles on state responsibility, while taking into account the different nature and function of international organizations. However, we have doubt if the articles on state responsibility in certain aspects are attributable to the draft articles on the responsibility of international organizations, *inter alia* the matters such as self- defense, subsidiary or joint responsibility, necessity and counter measure.

Mr. Chairman,

The general commentary referred to the special rules, which the draft articles have not tried to identify, and highlighted that these rules could play a significant role, especially in the relations between an international organization and its members. Nevertheless, one might wonder whether some organizations, by insisting on the applicability of their special rules, are primarily seeking to exempt themselves from the application of the general rules. In our view, a general framework of rules governing international responsibility is needed to be upheld to ensure the rule of law.

In the case of the United Nations, the subsidiary or joint responsibility of its Member States for its actions is a problematic issue. In situations where an organization fails to comply with an obligation to respect a relevant principle of international law, however, including where it is responsible for damage to the extent that it is unable to provide redress to the injured state in the internationally wrongful act attributable

to it, the brunt of the responsibility should be borne by its members in view of their role in the organization's decision-making or their stance within the organization that has contributed to its wrongful act. Those situations might be covered by draft article 60 entitled, "Coercion of an international organization by a State", notwithstanding the Special Rapporteur's assertion that an act of coercion by a state member of an international organization under the rules of that organization seemed highly unlikely.

Finally, Mr. Chairman, the time for reaching agreement on convention on the Responsibility of International Organizations should eventually come. we maintain that the rules of responsibility of international organizations should be crystallized in the form of a binding treaty. A well-elaborated convention on responsibility of international organizations could contribute to legal certainty and better application and consequently, promotion of international law. Therefore, we welcome negotiation of a legally binding instrument on the basis of the ILC's Draft Articles.

I Thank you.
