

**Statement on behalf of
Denmark, Finland, Iceland, Norway and Sweden**

**72nd Session
of the General Assembly of the United Nations**

6th Committee

**Agenda item 87:
Responsibility of international organizations**

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Mr. Chairman,

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 organizations.

Allow me first of all to express our appreciation for the work done by the International Law Commission and by the Secretariat that has prepared an initial compilation of decisions of international courts and tribunals referring to the International Law Commission's articles, which the Commission adopted in 2011.

Throughout discussions about this topic the Nordic countries have been broadly supportive of the ILC's articles which – together with the commentary – already serve as a useful tool for practitioners and scholars.

In recent sessions the central theme of discussions has been the question of the form that might be given to the articles. As – and for the reasons – stated in our comments to the Secretary-General on the future action, we do not at present support the elaboration of a convention on the basis of the articles.

We note that this is also the common position among other governments and international organizations that have given written comments as invited by resolution 69/126 adopted in 2014 and as presented in the Secretary-General's report of 26 April 2017.

We further note that states and international organizations have submitted very limited information on practice regarding the articles. The scarcity of relevant and consistent practice underpinning a number of articles represents one of the main reasons why we find it premature to negotiate a treaty based on the articles. Indeed, the International Law Commission pointed out this difficulty in the commentary to the present articles.

We believe that the articles on the responsibility of international organizations should crystalize through the practice of states and tribunals.

We therefore welcome the compilation of the decisions taken by international courts, tribunals and other bodies by the Secretary-General in his report of 26 April 2017.

It appears from the compilation that relevant practice is not accumulating quickly and that little significant practice has emerged since the General Assembly took note of the draft articles at its sixty-sixth session in 2014. Nevertheless, on the path ahead the compilation will surely prove helpful as an overview of this complex subject.

Finally, please be assured that the Nordic countries salute the high quality of the work so far carried out by the Commission and the Secretary-General.

Thank you.