



UNITED STATES MISSION TO THE UNITED NATIONS

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Statement by the United States
72nd General Assembly Sixth Committee
Agenda Item 87: Responsibility of International Organizations
Mark A. Simonoff, Minister Counsellor
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Mr. Chairman, the United States wishes to reiterate its thanks to the International Law Commission for its work on this topic. We also thank the Secretariat, and in particular the Office of Legal Affairs, for preparing two reports in advance of this session. The Secretariat's report A/72/81, which contains a compilation of decisions of international courts and tribunals, and its report A/72/80, which contains comments and information received from governments and international organizations, once again highlight the great diversity in character, structure, and functions of international organizations, as well as the varying opinions among States on the principles that should govern the responsibility of international organizations, and how those principles should apply, especially as between an international organization and its members.

We reiterate our view, particularly in light of the scarcity of practice in this area, that many of the rules contained in the Draft Articles fall into the category of progressive development rather than codification of the law, a point that the General Commentary introducing the Draft Articles expressly recognizes. Indeed, we agree with the Commission's assessment that the provisions of the present Draft Articles do not reflect the current law in this area to the same degree as the corresponding provisions on State responsibility. This is an important assessment to keep in mind when considering whether these Draft Articles – many of which contain similar or identical phrasing to the corresponding Articles on State responsibility – adequately reflect the differences between international organizations and States. In this connection, we again highlight our view that the principles contained in some of the Draft Articles – such as those addressing countermeasures and self-defense – likely do not apply generally to international organizations in the same way that they apply to States.

In light of these considerations, and in light of the significant differences of opinion that remain regarding which principles should govern and how they should operate, the United States continues to hold the view that the Draft Articles should not be transformed into a Convention.

Thank you, Mr. Chairman.