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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,
SIXTY-NINTH SESSION, AGENDA ITEM 85,
RESPONSIBILITY OF INTERNATIONAL ORGANISATIONS

STATEMENT BY MR. PAUL SCULLION
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Mr Chairman,

The United Kingdom would again like to express its gratitude to the former Special Rapporteur, Professor Gaja, and all the members of the Commission for their previous work on this topic.

The United Kingdom's view is that the draft articles are best left in their current form. There is as yet no pressing need for a convention on this topic, nor is there a clear indication that there is sufficient consensus on the law in this area. In that context, it is unlikely that an inevitably long and complex process of negotiation would lead to sufficient consensus for the adoption of a convention. Indeed, the United Kingdom's view is that:

- limited availability of pertinent practice moves several of the draft articles into the area of progressive development rather than codification; and
- even though a draft article in the state responsibility text might be considered to reflect customary international law, this will not necessarily be the case with the corresponding article in the draft articles on the responsibility of international organisations.

The United Kingdom also notes that there is comparatively little settled practice in this area. In addition, it is not clear how the draft articles on the responsibility of international organisations are being applied in practice. It would appear that they should not, yet, be seen as having the same authority as the corresponding articles on state responsibility.

As international organisations such as the United Nations, the Council of Europe and the European Union have stated on previous occasions, international organisations are incredibly varied and their practice may often be based on their own constitutional instruments rather than their acceptance of general principles as set out in the draft articles. For all of those reasons the United Kingdom would suggest that the draft articles be left in their current form.

Thank you, Mr Chairman.

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