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**Statement by the United States of America
John Arbogast, Counselor for Legal Affairs
69th General Assembly Sixth Committee
Agenda Item 85 – October 23, 2014
Responsibility of International Organizations**

Mr. Chairman, the United States wishes to reiterate its thanks to the International Law Commission and Special Rapporteur, Judge Giorgio Gaja, for their work on this topic and for bringing it to completion. We also again express our gratitude for the valuable views – many of which we share - provided by the United Nations Secretariat and other international organizations, such as the International Monetary Fund and the World Bank.

As we have said before, we are pleased that the General Commentary introducing the draft Articles recognizes the scarcity of practice in this area and that many rules contained in these draft articles fall into the category of progressive development rather than codification of the law. 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. That assessment must be kept in mind when considering the cross-references from these draft articles to the articles and commentary on State responsibility, and whether these draft articles sufficiently reflect the differences between international organizations and States.

We also agree with the General Commentary that there exists great diversity among international organizations, which of course operate at the global, regional, sub-regional, and even bilateral levels, with important structural differences, and an extraordinary range of functions, powers, and capabilities, typically driven by each organization's unique charter. Given these differences, the principles described in some of the draft articles -- for example, those addressing countermeasures and self-defense -- likely do not apply generally to international organizations in the same way that they generally apply to States. Indeed, for all of the draft articles, the *lex specialis* rule set forth in Article 64 is of extraordinary importance. Moreover, in connection with this rule, there may be differences in the way rules on responsibility operate as between an international organization and its members, as opposed to how those rules operate for the international organization in other settings.

We continue to believe that the draft articles should not be transformed into a Convention.

Thank you, Mr. Chairman.