

Statement by Mr. Mohamad Ghorbanpour  
The Representative of the Islamic Republic of Iran  
Before the Sixth Committee of the Seventy- Second Session of  
the United Nations General Assembly  
On agenda item 88  
“Responsibility of International Organizations”  
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**Mr. Chairman,**

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

Although it is true that there is limited practice in the field, there has been an increasing number of claims in recent years of internationally wrongful acts being committed by international organizations. It is therefore crucial to have a set of general rules on the responsibility of international organizations in place that are drafted in an open and multilateral process, bearing in mind that this area of law has significant implications for the framework of 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 not only have provided, in general terms, appropriate responses to the legal issues concerned but also serve as a reference text to guide the practice of states and international organizations.

**Mr. Chairman,**

Taking into account the distinct nature and functions of international organizations, it seems doubtful whether state responsibility in certain aspects are attributable to the responsibility of international organizations, *inter alia* the matters such as self-defense, subsidiary or joint responsibility, necessity and counter measure.

Furthermore, the subsidiary or joint responsibility of the Member States of an organization 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 for 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 the convention on the Responsibility of International Organizations is imminent. 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 the responsibility of international organizations could contribute to legal certainty and improved application and, consequently, promotion of international law. Therefore, we welcome the negotiation of a legally binding instrument on the basis of the ILC's Draft Articles.

I thank you, Mr. Chairman.