



MALAYSIA

Permanent Mission to the United Nations, New York

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**STATEMENT BY
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PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS**

ON AGENDA ITEM 88: RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS

**AT THE SIXTH COMMITTEE OF
THE 75TH SESSION OF THE GENERAL ASSEMBLY**

NEW YORK, 11 NOVEMBER 2020

Mr. Chair,

Malaysia would like to extend its gratitude to the Secretariat for the preparation of the Reports of the Secretary-General on the Compilation of decisions of international courts and tribunals, as well as the comments and information received from the Governments and international organizations dated 24 April and 3 August 2020 respectively.

2. Malaysia notes that specific articles on the responsibility of international organizations were referenced in four (4) cases decided by international courts and tribunals and other bodies during 1 January 2017 to 31 December 2019. However, we wish to highlight that the references have not firmly established that these articles had reflected the existing international law governing the responsibility of international organizations for their internationally wrongful acts. Thus, for the purpose of progressive development of international law on responsibility of international organizations in the future, Malaysia would like to recommend the Secretariat to continuously update the compilation of cases decided by international courts and tribunals and other bodies which make reference to the articles on the responsibility of international organizations.

This exercise will also benefit Member States in making a holistic assessment on the best way forward for the articles.

3. Additionally, the comments and information received from the Governments and international organizations have demonstrated that there has been no significant change on the general views of Member States regarding the question of the form that might be given to the articles since the consideration of this topic during the sixty-ninth and the seventy-second sessions of the General Assembly in 2014 and 2017.

4. At this juncture, Malaysia is of view that the articles on the responsibility of international organizations have reflected the progressive development rather than codification of international law. This is due to the continuous dearth of relevant practice on the responsibility of international organizations and the ambiguity on the application of provisions relating to the use of term “Rules of the organization”, self-defence, countermeasures, necessity and reparation for injury to international organizations which are considerably different in terms of their nature, objects, composition and functions as stipulated in their constituent instruments.

5. A legally binding instrument in the form of a convention should only be drafted when broad support from the international community can be expected and when practices of responsibility of international organizations are clearly defined. In this respect, Malaysia underscores that the time is not yet ripe for the articles to be elaborated into a convention. Therefore, Malaysia reiterates its previous views that, at this stage, the articles should be considered as guidelines.

Thank you.