



75th session of the Sixth Committee
Responsibility of international organizations
(Agenda item 88)

Statement by Portugal – Mr. Sergio Carvalho (Legal Adviser)

Madam Chair,

At the outset, Portugal would like to thank the Secretary-General for his two reports on this agenda item¹. We particularly note the report A/75/80 containing a compilation of decisions of international courts and tribunals.

However, we regret to note that this particular document once again leaves out elements we consider pertinent. As acknowledged in paragraph 7, "*The compilation does not cover (...) opinions of judges appended to a decision*". Portugal reiterates the suggestion for future reports to include relevant dissenting opinions, to ensure a broader overview of the judicial practice and interpretation regarding the Draft Articles on the Responsibility of International Organizations as adopted in 2011.

Madam Chair,

Portugal has always seen the Draft Articles on the Responsibility of International Organizations as the logical counterpart of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts.

Notwithstanding our firm conviction that the General Assembly will have to consider at some point the adoption of a convention based on the 2011 Draft

¹ Report of the Secretary-General: compilation of decisions of international courts and tribunals (A/75/80) and Report of the Secretary-General: comments and information received from Governments and international organizations (A/75/282)



Articles, it does not seem reasonable to convene a diplomatic conference to do so without further developments regarding the Draft Articles on State Responsibility.

In this sense – and for the time being – Portugal believes that the General Assembly may again take note of the Draft Articles on the Responsibility of International Organizations, and that it should keep the topic on its agenda.

As in previous sessions, we argue that the agenda item on the Responsibility of International Organizations should be considered in the session immediately following the next consideration of the agenda item on the Responsibility of States for Internationally Wrongful Acts.

Madam Chair,

The Member States and the General Assembly have a duty to contribute towards the stability and the strengthening of both sets of Draft Articles – the ones on State Responsibility and the ones on the Responsibility of International Organizations.

These two important outputs on International Responsibility by the International Law Commission represent a work that, in its entirety, has taken more than sixty years to finalize.

We believe that collective inaction by States will only exacerbate fragmentation in jurisprudence, which may in turn represent a step back in the codification and progressive development of the Law on International Responsibility.

Thank you, Madam Chair.