

Statement by Finland
on behalf of Nordic Countries
(Denmark, Finland, Iceland, Norway, and Sweden)
(for eStatements)

United Nations General Assembly 78th Session
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Agenda item 85: Responsibility of International Organizations

Statement by
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to the United Nations

New York, 18 October 2023
(check against delivery)

Madam/Mr. Chair,

I have the honour to speak on behalf of the five Nordic countries, Finland, Iceland, Norway, Sweden - and my own country, Denmark, on the topic of responsibility of international organizations.

Allow me first to reiterate our appreciation to the International Law Commission for finalizing the articles with commentaries on the responsibility of international organizations, adopted by the Commission in 2011. We would also like to thank the Secretariat for compiling and successively updating State comments and decisions of international courts and tribunals referring to the articles.

The Committee is requested to revisit the question of the form that might be given to the articles. The Nordic countries support the ILC's articles, which together with the commentary already constitute a useful tool for practitioners and scholars alike. We see no immediate need for action on their basis.

In fact, the Nordic countries continue to hold the view that it would be premature to embark on elaboration of a convention on the basis of the articles at this point.

We note that this is also the predominant position among other governments and international organizations that have submitted written comments presented in the Secretary-General's report of 7 July 2023.

We further note that States and international organizations have submitted very limited information on practice regarding the articles. The scarcity of relevant and consistent practice underpinning the articles represents one of the main reasons why we find it premature to negotiate a treaty based on the articles. Indeed, the Commission pointed out this difficulty in the commentary to the present articles.

We believe that the articles on the responsibility of international organizations should crystalize through the practice of states and tribunals.

We welcome the compilation of the decisions taken by international courts, tribunals and other bodies in the 7 July 2023 report of the Secretary General.

It appears from the compilation that relevant practice is not accumulating quickly and that little significant practice has emerged since the General Assembly took note of the draft articles at its sixty-sixth session in 2014.

Nevertheless, updating the compilation is likely to prove helpful as an overview of this complex subject.

Finally, please be assured that the Nordic countries are impressed by the high quality of the work carried out by the Commission and the Secretariat on this topic.

Thank you.