

Responsibility of international organizations

Introduction of draft resolution A/C.6/78/L.18

Statement by the coordinator, Mr. Pedro Sloboda (Brazil)

Mr. Chair,

It is my honor to introduce, on behalf of the Bureau, draft resolution A/C.6/78/L.18, entitled “Responsibility of international organizations”.

During the plenary debate, some delegations were in favor of considering the negotiation of an international convention on the basis of the articles elaborated by the International Law Commission, while others expressed reservations to have a convention on this subject. Some delegations identified a strict relation between this topic and state responsibility. Other delegations highlighted the differences between these two topics, including in relation to the amount of state practice available.

Delegations also expressed different views in the five rounds of informal consultations that resulted in the draft resolution I am introducing today. Some delegations made proposals to create specific frameworks for the examination of this topic, including a resumed session of the Sixth Committee, and a Working Group. Other delegations expressed a preference for a purely technical update of General Assembly resolution 72/122 of 15 December 2020.

Regarding the periodicity of the debates on this agenda item, one delegation proposed to discuss it on an annual basis. Some delegations considered aligning the cycle of consideration of this agenda item with the one on state responsibility. Other delegations were of the view that it would not be necessary for this item to be included in the agenda of future sessions.

Following the five rounds of informal consultations, I am convinced that the draft resolution I am presenting today strikes a compromise among different positions and reflects a balance between the views expressed by the delegations.

Mr. Chair,

I will briefly go through each paragraph of the draft resolution for the benefit of delegations.

The first preambular paragraph recalls resolution 66/100, the annex to which contains the text of the articles, as well as resolutions 69/126, 72/122 and 75/143, in which the Assembly commended the articles on the responsibility of international organizations to the attention of Governments and international organizations.

The second preambular paragraph recalls also that the International Law Commission decided to recommend to the General Assembly that it take note of the draft articles on the responsibility of international organizations in a resolution and annex them to that resolution, and that it consider, at a later stage, the elaboration of a convention on the basis of the draft articles.

The third preambular paragraph emphasizes the continuing importance of the codification and progressive development of international law, and the fourth preambular paragraph notes the importance of the subject in the relations between States and international organizations.

The fifth preambular paragraph takes note of the comments and observations of Governments and international organizations, the reference to which has been expanded to include the discussions at the sixty-sixth and the present sessions. Preambular paragraph six notes the compilation of decisions on the subject prepared by the Secretary-General.

Mr. Chair,

The draft resolution contains four operative paragraphs. The first one takes note once again of the articles on the responsibility of international organizations and commend them to the attention of Governments and international organizations without prejudice to the question of their future adoption or other appropriate action.

In the second operative paragraph, the General Assembly requests the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments and international organizations to submit information on their practice in this regard, as well as written comments on any future action regarding the articles, and further request the Secretary-General to submit this material well in advance of its eighty-first session.

The third operative paragraph is entirely new. In this paragraph, the General Assembly invites States to engage in substantive dialogue on the topic on an informal basis during the intersessional periods.

Finally, in the expanded and renumbered fourth operative paragraph, the General Assembly decides to include the item in the provisional agenda of its eighty-first session, with a view to further examining the recommendation of the Commission on the topic, namely “to consider, at a later stage, the elaboration of a convention on the basis of the draft articles”, or any other appropriate action. In this paragraph, the General Assembly also invites the Sixth Committee to consider at a later stage the framework, if any, in which it could continue its examination of this topic.

Mr. Chair,

I wish to take this opportunity to sincerely thank all delegations for their constructive engagement and the flexibility demonstrated throughout the negotiations.

I would also like to thank you, Mr Chair, and your Bureau, for your leadership and guidance. Let me also express my gratitude to the Secretariat, especially to the Codification Division, for the invaluable assistance throughout this process.

This concludes my introduction of draft resolution *A/C.6/78/L.18*.

I recommend that the Sixth Committee adopt it without a vote.

Thank you.