



BELARUS

United Nations General Assembly Sixty-fourth Session

Sixth Committee

Agenda item 81

'Report of the International Law Commission
on the work of its sixty-first session'

(Responsibility of International Organizations)

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Key points of the statement by

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- **The Delegation of Belarus supports the general structure of the draft articles, which covers different aspects of the responsibility of international organizations and States in connection with wrongful acts of international organizations. The scope of the draft articles, however, could be expanded in order to address specific aspects of the responsibility of States towards an international organization.**
- **An international organization can invoke the responsibility of States, particularly, when States breach international treaty obligations to the international organization, injure assets and legal interest of the international organization in general by internationally wrongful acts, injure the personnel of the international organization in the process of fulfillment of functional duties and other persons acting under the control and for the benefit of the organization if States are aware of the status of such persons.**
- **The Republic of Belarus sticks to the position that States and international organizations should be, as a rule, on an equal footing with regard to their international responsibility for internationally wrongful acts. The possibility of subsidiary responsibility or liability of States can be exceptional on the understating that States expressed their consent in a manner stipulated in draft article 61 or committed acts circumscribed in other draft articles of Part Five.**
- **Draft article 39 may be interpreted as related to a subsidiary liability of Member States in case of a deficiency of financial resources of an international organization. The Delegation of Belarus prefers to amend the wording of article 39 in order to limit the scope of obligations of Member States to the stimulation of an international organization to fulfill its obligations of reparation within available resources through measures provided in rules of an organization.**
- **Taking into the account that the self-defense notion in International Law primary relates to the application of the right of individual and collective self-defense by States in accordance with Article 51 of the UN Charter, there is no objection against deletion of article 20 from the draft.**
- **There are still serious doubts on the reasonability of inclusion to the draft of the Article 24, regarding the "necessity" as a ground for precluding the wrongfulness of an act not in**

conformity with an international obligation. The attempts of the International Law Commission to reconcile the opinions of groups of States within the current wording of the draft article cannot be fully sufficient due to the necessity of further research of law-terms "essential interest of international community" and "essential interest of State".

- As regards the question of the International Law Commission about situations when consent given by an international organization to the commission of a given act by a State precludes the wrongfulness of that State's conduct the Delegation of Belarus would like to propose the application of the legal principle "*volenti non fit injuria*" if the consent is given free of any coercion, explicitly and no serious injury to the rights of Member States of the international organization by a given act is presumed.
- The conceptual problems of "obligations owed to the international community as a whole" and "responsibility towards the international community", including those touched upon in draft article 48, should be further investigated and discussed. At present, the concept of "responsibility towards the international community" plays insignificant role in the invocation of international responsibility and relevant rules of customary international law are only developing. In practice, the traditional understating of international responsibility as bilateral legal relations prevails.
- The question, when a conduct of an organ of an international organization placed at the disposal of a State is attributable to the latter, may be regulated by analogy with draft articles 6, 8, 9 and 11 on the responsibility of States for internationally wrongful acts.