



General Assembly

Distr.
LIMITED

A/CN.4/L.666
27 May 2005

Original: ENGLISH

INTERNATIONAL LAW COMMISSION
Fifty-seventh session
Geneva, 2 May-3 June 2005 and
11 July-5 August 2005

RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS

**Titles and texts of the draft articles adopted by
the Drafting Committee on 27 May 2005**

PART ONE

**THE INTERNATIONALLY WRONGFUL ACT OF
AN INTERNATIONAL ORGANIZATION**

CHAPTER I

Introduction

[Articles 1, 2 and 3]

CHAPTER II

Attribution of conduct to an international organization

[Articles 4, 5, 6 and 7]

CHAPTER III

Breach of an international obligation

Article 8

Existence of a breach of an international obligation

1. There is a breach of an international obligation by an international organization when an act of that international organization is not in conformity with what is required of it by that obligation, regardless of its origin and character.
2. Paragraph 1 also applies to the breach of an obligation under international law established by a rule of the international organization.

Article 9

International obligation in force for an international organization

An act of an international organization does not constitute a breach of an international obligation unless the international organization is bound by the obligation in question at the time the act occurs.

Article 10

Extension in time of the breach of an international obligation

1. The breach of an international obligation by an act of an international organization not having a continuing character occurs at the moment when the act is performed, even if its effects continue.
2. The breach of an international obligation by an act of an international organization having a continuing character extends over the entire period during which the act continues and remains not in conformity with the international obligation.

3. The breach of an international obligation requiring an international organization to prevent a given event occurs when the event occurs and extends over the entire period during which the event continues and remains not in conformity with that obligation.

Article 11

Breach consisting of a composite act

1. The breach of an international obligation by an international organization through a series of actions and omissions defined in aggregate as wrongful, occurs when the action or omission occurs which, taken with the other actions or omissions, is sufficient to constitute the wrongful act.

2. In such a case, the breach extends over the entire period starting with the first of the actions or omissions of the series and lasts for as long as these actions or omissions are repeated and remain not in conformity with the international obligation.

CHAPTER IV

Responsibility of an international organization in connection with the act of a State or another international organization

Article 12

Aid or assistance in the commission of an internationally wrongful act

An international organization which aids or assists a State or another international organization in the commission of an internationally wrongful act by the State or the latter organization is internationally responsible for doing so if:

(a) That organization does so with knowledge of the circumstances of the internationally wrongful act; and

(b) The act would be internationally wrongful if committed by that organization.

Article 13

Direction and control exercised over the commission of an internationally wrongful act

An international organization which directs and controls a State or another international organization in the commission of an internationally wrongful act by the State or the latter organization is internationally responsible for that act if:

- (a) That organization does so with knowledge of the circumstances of the internationally wrongful act; and
- (b) The act would be internationally wrongful if committed by that organization.

Article 14

Coercion of a State or another international organization

An international organization which coerces a State or another international organization to commit an act is internationally responsible for that act if:

- (a) The act would, but for the coercion, be an internationally wrongful act of the coerced State or international organization; and
- (b) The coercing international organization does so with knowledge of the circumstances of the act.

Article 15 [16]*

Decisions, recommendations and authorizations addressed to member States and international organizations

1. An international organization incurs international responsibility if it adopts a decision binding a member State or international organization to commit an act that would be internationally wrongful if committed by the former organization and would circumvent an international obligation of the former organization.

* The square bracket refers to the corresponding article in the Third Report of the Special Rapporteur A/CN.4/553.

2. An international organization incurs international responsibility if:

(a) It authorizes a member State or international organization to commit an act that would be internationally wrongful if committed by the former organization and would circumvent an international obligation of the former organization, or recommends that a member State or international organization commit such an act; and

(b) That State or international organization commits the act in question in reliance on that recommendation.

3. Paragraphs 1 and 2 apply whether or not the act in question is internationally wrongful for the member State or international organization to which the decision, authorization or recommendation is directed.

Article 16 [15]*

Effect of this chapter

This chapter is without prejudice to the international responsibility of the State or international organization which commits the act in question, or of any other State or international organization.

* The square bracket refers to the corresponding article in the Third Report of the Special Rapporteur A/CN.4/553.