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RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS

Titles and texts of the draft articles 4, 5, 6, and 7 adopted by the Drafting Committee

Article 4

General rule on attribution of conduct to an international organization

1. The conduct of an organ or agent of an international organization in the performance of functions of that organ or agent shall be considered as an act of that organization under international law whatever position the organ or agent holds in respect of the organization.
2. For the purposes of paragraph 1, the term “agent” includes officials and other persons or entities through whom the organization acts.¹
3. Rules of the organization shall apply to the determination of the functions of its organs and agents.
4. For the purpose of the present draft article, “rules of the organization” means, in particular: the constituent instruments; decisions, resolutions and other acts taken by the organization in accordance with those instruments; and established practice of the organization.¹

¹ The location of paragraphs 2 and 4 may be reconsidered at a later stage with a view of eventually placing all definitions of terms in article 2.

Article 5

Conduct of organs or agents placed at the disposal of an international organization by a State or another international organization

The conduct of an organ of a State or an organ or agent of an international organization that is placed at the disposal of another international organization shall be considered under international law an act of the latter organization if the organization exercises effective control over that conduct.

Article 6

Excess of authority or contravention of instructions

The conduct of an organ or an agent of an international organization shall be considered an act of that organization under international law if the organ or agent acts in that capacity, even though the conduct exceeds the authority of that organ or agent or contravenes instructions.

Article 7

Conduct acknowledged and adopted by an international organization as its own

Conduct which is not attributable to an international organization under proceeding draft articles shall nevertheless be considered an act of that international organization under international law if and to the extent that the organization acknowledges and adopts the conduct in question as its own.
