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### RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS

**Restructuring of the draft articles and text of draft articles 2, 4, 8, 15,  
paragraph 2, (b), 15 *bis*, 18, 19 and 55, adopted by the Drafting  
Committee on 25, 26, 27 May and 2 June 2009**

### RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS

#### PART ONE

#### INTRODUCTION

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#### Article 2

#### Use of terms

For the purposes of the present draft articles:

(a) “International organization” means an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality. International organizations may include as members, in addition to States, other entities;

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\* Reissued for technical reasons.

(b) “Rules of the organization” means, in particular, the constituent instruments, decisions, resolutions and other acts of the organization adopted in accordance with those instruments, and established practice of the organization;

(c) “Agent” includes officials and other persons or entities through whom the organization acts.

## **PART TWO**

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

#### **CHAPTER I**

#### **GENERAL PRINCIPLES**

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#### **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. Rules of the organization shall apply to the determination of the functions of its organs and agents.

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#### **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 includes the breach of an international obligation that may arise under the rules of the organization.

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## **Article 15**

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

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2. An international organization incurs international responsibility if:

...

- (b) That State or international organization commits the act in question because of that authorization or recommendation.

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## **Article 15 bis**

### **Responsibility of an international organization member of another international organization**

Without prejudice to draft articles 12 to 15, the international responsibility of an international organization that is a member of another international organization also arises in relation to an act of the latter under the conditions set out in articles 28 and 29 for States that are members of an international organization.

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## **Article 18**

### **Self-defence**

The wrongfulness of an act of an international organization is precluded if and to the extent that the act constitutes a lawful measure of self-defence under international law.

## **Article 19**

### **Countermeasures**

1. Subject to paragraph 2, the wrongfulness of an act of an international organization not in conformity with an international obligation towards a State or another international organization is precluded if and to the extent that the act constitutes a countermeasure taken in accordance with the substantive and procedural conditions required by international law, including those set forth in Chapter II of Part IV for countermeasures taken against another international organization.
2. An international organization may not take countermeasures against a responsible member State or international organization under the conditions referred to in paragraph 1 unless:
  - (a) The countermeasures are not inconsistent with the rules of the organization; and
  - (b) No appropriate means are available for otherwise inducing compliance with the obligations of the responsible State or international organization concerning cessation of the breach and reparation.

## **PART THREE**

### **CONTENT OF THE INTERNATIONAL RESPONSIBILITY OF AN INTERNATIONAL ORGANIZATION**

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## **PART FOUR**

### **THE IMPLEMENTATION OF THE INTERNATIONAL RESPONSIBILITY OF AN INTERNATIONAL ORGANIZATION**

## **Article 55**

### **Countermeasures by members of an international organization**

An injured State or international organization which is a member of a responsible international organization may not take countermeasures against that organization under the conditions set out in the present Chapter unless:

- (a) The countermeasures are not inconsistent with the rules of the organization; and

(b) No appropriate means are available for otherwise inducing compliance with the obligations of the responsible organization under Part Three.

**PART FIVE**

**RESPONSIBILITY OF A STATE IN CONNECTION WITH  
THE ACT OF AN INTERNATIONAL ORGANIZATION**

**PART SIX**

**GENERAL PROVISIONS**

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