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**RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS**

**Text of draft articles 3, 3 bis, 28, paragraph 1, 61, 62, 63 and 64  
adopted by the Drafting Committee on 2 June 2009**

**RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS**

**Article 3**

**Responsibility of an international organization for its  
internationally wrongful acts**

Every internationally wrongful act of an international organization entails the international responsibility of the international organization.

**Article 3 bis**

**Elements of an internationally wrongful act of an international organization**

There is an internationally wrongful act of an international organization when conduct consisting of an action or omission:

- (a) Is attributable to the international organization under international law; and
- (b) Constitutes a breach of an international obligation of that international organization.

## **Article 28**

### **Responsibility of a member State seeking to avoid compliance**

1. A State member of an international organization incurs international responsibility if it seeks to avoid complying with one of its own international obligations by taking advantage of the fact that the organization has competence in relation to the subject matter of that obligation, thereby prompting the organization to commit an act that, if committed by the State, would have constituted a breach of the obligation.

## **Article 61**

### ***Lex specialis***

These articles do not apply where and to the extent that the conditions for the existence of an internationally wrongful act or the content or implementation of the international responsibility of an international organization, or a State for an internationally wrongful act of an international organization, are governed by special rules of international law, including rules of the organization applicable to the relations between an international organization and its members.

## **Article 62**

### **Questions of international responsibility not regulated by these articles**

The applicable rules of international law continue to govern questions concerning the responsibility of an international organization or a State for an internationally wrongful act to the extent that they are not regulated by these articles.

## **Article 63**

### **Individual responsibility**

These articles are without prejudice to any question of the individual responsibility under international law of any person acting on behalf of an international organization or a State.

## **Article 64**

### **Charter of the United Nations**

These articles are without prejudice to the Charter of the United Nations.

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