

ARTICLES ON THE RESPONSIBILITY OF INTERNATIONAL ORGANISATIONS

At its [fifty-second](#) session, in 2000, the International Law Commission, on the basis of the recommendation of the Working Group on the long-term programme of work, concluded that the topic “Responsibility of international organizations” was appropriate for inclusion in its long-term programme of work ([A/55/10](#), paras. 726-729). A syllabus describing the possible overall structure of, and approach to, the topic was annexed to that year’s report of the Commission ([A/55/10](#), Annex I).

The General Assembly, in [resolution 55/152](#) of 12 December 2000, took note of the Commission’s report concerning its long-term programme of work and the syllabus of the new topic annexed to the report. In [resolution 56/82](#) of 12 December 2001, the Assembly requested the Commission to begin its work on the topic.

At its [fifty-fourth](#) session, in 2002, the Commission decided to include the topic in its programme of work, to appoint Mr. Giorgio Gaja as Special Rapporteur for the topic, and to establish a Working Group on the topic ([A/57/10](#), paras. 10 (b), 18, 458-463, 517 and 519). The Working Group considered the following issues: (a) the scope of the topic, including the concepts of responsibility and international organizations; (b) relations between the topic of responsibility of international organizations and the articles on State responsibility; (c) questions of attribution; (d) questions of responsibility of member States for conduct that is attributed to an international organization; (e) other questions concerning the arising of responsibility for an international organization; (f) questions of content and implementation of international responsibility; (g) settlement of disputes; and (h) the practice to be taken into consideration. The Working Group recommended that the Secretariat approach international organizations with a view to collecting relevant materials, especially on questions of attribution and the responsibility of member States for conduct that is attributed to an international organization ([A/57/10](#), paras. 465-488). The Commission subsequently adopted the report of the Working Group and approved its recommendation.

The General Assembly, in [resolution 57/21](#) of 19 November 2002, took note of the Commission’s decision to include the topic in its programme of work. In [resolution 58/77](#) of 9 December 2003, the General Assembly requested the Secretary-General to invite States and international organizations to submit information concerning their practice relevant to the topic, including cases in which States members of an international organization may be regarded as responsible for acts of the organization.

From its [fifty-fifth](#) to [sixty-first](#) sessions, held 2003 to 2009, the Commission had received and considered seven reports from the Special Rapporteur ([A/CN.4/532](#); [A/CN.4/541](#); [A/CN.4/553](#); [A/CN.4/564](#), [Add.1](#) and [Add.2](#); [A/CN.4/583](#); [A/CN.4/597](#); and [A/CN.4/610](#)), as well as comments and observations received from Governments and international organizations ([A/CN.4/545](#); [A/CN.4/547](#); [A/CN.4/556](#); [A/CN.4/568](#) and [Add.1](#); [A/CN.4/582](#); [A/CN.4/593](#) and [Add.1](#); and [A/CN.4/609](#)), and provisionally adopted draft articles 1 to 66, with commentaries thereto ([A/61/10](#), para. 90; for commentaries to: draft articles 1 to 3, see [A/58/10](#), para. 54; draft articles 4 to 7, see

[A/59/10](#), para. 72; draft articles 8 to 16, see [A/60/10](#), para. 206; draft articles 17 to 30, see [A/61/10](#), para. 91; draft articles 31 to 45, see [A/62/10](#), para. 344; draft articles 46 to 53, see [A/63/10](#), para. 165; and draft articles 54 to 66, as well as a consolidated version of commentaries on draft articles 1-53, including modifications and additions made to commentaries previously adopted, see [A/64/10](#), para. 51). Working Groups were also established at the [fifty-fifth](#) session, in 2003, to consider the Special Rapporteur's proposal for draft article 2, as well as to provide guidance to the Special Rapporteur on his next report ([A/58/10](#), paras. 47-48 and 51), and at the [fifty-seventh](#) session, in 2005, to consider draft articles 8 and 16, as proposed by the Special Rapporteur ([A/60/10](#), para. 201).

At its [sixty-first](#) session, in 2009, the Commission adopted a set of 66 draft articles on the responsibility of international organizations on first reading, together with commentaries ([A/64/10](#), paras. 46-47 and 50-51). The Commission decided, in accordance with articles 16 to 21 of its [Statute](#), to transmit the draft articles, through the Secretary-General, to Governments and international organizations for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by 1 January 2011 ([A/64/10](#), para. 48).

At the [sixty-third](#) session, in 2011, the Commission adopted, on second reading, a set of [67 draft articles](#), together with [commentaries thereto](#), on the responsibility of international organizations ([A/66/10](#) and Add.1, paras. 82-83 and 87-88). In so doing, the Commission had before it the eighth report of the Special Rapporteur ([A/CN.4/640](#)) surveying the comments made by Governments ([A/CN.4/636](#) and [Add.1](#)) and international organizations ([A/CN.4/637](#) and [Add.1](#)) on the draft articles adopted on first reading in 2009, and making recommendations for consideration by the Commission during the second reading. The draft articles were divided into six parts, as follows: Part I entitled "Introduction" (articles 1 and 2); Part II entitled "The internationally wrongful act of an international organization" (articles 3 to 27); Part III entitled "Content of the international responsibility of an international organization" (articles 28 to 42); Part IV entitled "The implementation of the international responsibility of an international organization" (articles 43 to 57); Part V entitled "Responsibility of a State in connection with the conduct of an international organization" (articles 58 to 63); and Part VI entitled "General Provisions" (articles 64 to 67).

In accordance with article 23 of its Statute, the Commission recommended to the General Assembly to take note of the draft articles in a resolution, and to annex them to the resolution, and to consider, at a later stage, the elaboration of a convention on the basis of the draft articles ([A/66/10](#) and [Add.1](#), para. 85).

In [resolution 66/100](#) of 9 December 2011, the General Assembly took note of the articles on the responsibility of international organizations, the text of which was annexed to the resolution, and commended them to the attention of Governments and international organizations without prejudice to the question of their future adoption or other appropriate action. It further decided to return to the topic at its sixty-ninth session, in 2014, with a view to examining, *inter alia*, the question of the form that might be given to the draft articles.