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RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS

**Titles and texts of Part Three, Chapter I, Chapter II and draft
articles 54, 55, 56, 57, 58, 59 and 60 provisionally adopted by
the Drafting Committee on 16 July 2008**

Addendum

PART THREE

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

CHAPTER I

**INVOCATION OF THE RESPONSIBILITY OF AN
INTERNATIONAL ORGANIZATION**

[See A/CN.4/L.725]

CHAPTER II

COUNTERMEASURES

Draft article 54 [52]

Object and limits of countermeasures

1. An injured State or an injured international organization may only take countermeasures against an international organization which is responsible for an internationally wrongful act in order to induce that organization to comply with its obligations under Part Two.
2. Countermeasures are limited to the non-performance for the time being of international obligations of the State or international organization taking the measures towards the responsible international organization.
3. Countermeasures shall, as far as possible, be taken in such a way as to permit the resumption of performance of the obligations in question.
4. Countermeasures shall, as far as possible, be taken in such a way as to limit their effects on the exercise by the responsible international organization of its functions.

Draft article 55 [52 bis]

Countermeasures by members of an international organization

In addition to the other conditions set out in the present Chapter, an injured member of a responsible international organization may not take countermeasures against that organization if some reasonable means for ensuring compliance with its obligations under Part Two are available in accordance with the rules of the organization.

Draft article 56 [53]

Obligations not affected by countermeasures

1. Countermeasures shall not affect:
 - (a) The obligation to refrain from the threat or use of force as embodied in the Charter of the United Nations;
 - (b) Obligations for the protection of fundamental human rights;

- (c) Obligations of a humanitarian character prohibiting reprisals;
- (d) Other obligations under peremptory norms of general international law.

2. An injured State or international organization taking countermeasures is not relieved from fulfilling its obligations:

(a) Under any dispute settlement procedure applicable between the injured State or international organization and the responsible international organization;

(b) To respect any inviolability of agents of the responsible international organization and of the premises, archives and documents of that organization.

Draft article 57 [54]

Proportionality

Countermeasures must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question.

Draft article 58 [55]

Conditions relating to resort to countermeasures

1. Before taking countermeasures, an injured State or international organization shall:

(a) Call upon the responsible international organization, in accordance with article 47, to fulfil its obligations under Part Two;

(b) Notify the responsible international organization of any decision to take countermeasures and offer to negotiate with that organization.

2. Notwithstanding paragraph 1 (b), the injured State or international organization may take such urgent countermeasures as are necessary to preserve its rights.

3. Countermeasures may not be taken, and if already taken must be suspended without undue delay if:

(a) The internationally wrongful act has ceased; and

(b) The dispute is pending before a court or tribunal which has the authority to make decisions binding on the parties.

4. Paragraph 3 does not apply if the responsible international organization fails to implement the dispute settlement procedures in good faith.

Draft article 59 [56]

Termination of countermeasures

Countermeasures shall be terminated as soon as the responsible international organization has complied with its obligations under Part Two in relation to the internationally wrongful act.

Draft article 60 [57]

Measures taken by an entity other than an injured State or international organization

This chapter is without prejudice to the right of any State or international organization, entitled under article 52, paragraphs 1 to 3, to invoke the responsibility of an international organization, to take lawful measures against the latter international organization to ensure cessation of the breach and reparation in the interest of the injured party or of the beneficiaries of the obligation breached.
