

Responsibility of International Organisations

Dr Bríd Ní Ghráinne

Overview of this fortnight's topic

This topic is quite similar to state responsibility, which we have already studied. There are two key things you need to understand:

- (i) *under what conditions does the international legal responsibility of international organisations arise?*

This issue is fairly straightforward. The key document is the Draft Articles on the Responsibility of International Organisations (DARIO):

https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf

This document is also very useful. You don't need to read it in detail, but perhaps you can refer to it if there is something in DARIO which you don't understand or need more information on:

https://www.mpil.de/files/pdf4/mpunyb_06_Moeldner_161.pdf

- (ii) *How do we reconcile the responsibility of international organisations with the responsibility of states?*

States are members of international organisations. States create international organisations, states decide how international organisations operate, states fund international organisations. If an international organization breaches international law, are the member states also responsible? Can both the international organization and the state be responsible concurrently?

It is difficult to answer these questions but there are some clues in the jurisprudence of international and domestic courts. I have given you an overview of these decisions in the powerpoint.

Here is some further reading for you, if you want to learn more. All of these documents are accessible via the MUNI VPN:

- <https://link.springer.com/content/pdf/10.1017/S0165070X09000357.pdf>
- https://www.jstor.org/stable/pdf/20488291.pdf?casa_token=EYWlgwgVitEAAAAA:i7dtCX4D4MyMw2gFcv8jkGoNZZ0vDQaTT75L-jSjrjrhOm9ImCGBVgs3yBaaEzkkBqhloQrd6j80BrW_beQl_P5-HQZa9ihxBLAUfS1xuxgBMigu10cl
- https://watermark.silverchair.com/ngm046.pdf?token=AQECAHi208BE49Ooan9kKhW_Ercy7Dm3ZL_9Cf3qfKAc485ysgAAAOEwggJ9BgkqhkiG9w0BBwagggJuMIICagIBADCCAmMGCSqGSib3DQEHATAeBgIghkgBZQMEAS4wEQQMm-X0sdVdMj0fpSmYAgEQgIICNFHqoMzIT-sq1SEzQpir9jU5-sBlvkyn1WrbbYbkyu1O0EIVbUOY33IGv-apduzwPO7h83dUMfraYZ_Ci6qSZo42liz9g5norKdmhtEJeIVYnVcj2xe7vA3KcVdJnTMfR4LD6nFluvR1P95jm8iqEMGipgxOMz5wPfozktl1xaSxxghuYCFHNgGSNFNJ-9whA3JVF8ESr_t9_QQXPgHjrnPjML-sbz2Zij4qvlMhOYS51OwzNZbUqPR4qgp4TLLmpdEV_6YNbC6cMmATLO8dRz4Ne-B8CbEH0_S8Tuv17_YHPYcri06ixM5u8n8z2z0YwSEk2LctUgE2jOMf0xk67WRrkebE875

[5B2pKWD7P9ME7eaz8vTmdDXTIdVOz6jSEnxhoAXaahrX3gW60bZw6Bi1 4ANRr6IST5 mJLPUJC WPWJ hol3GVBERFncMcBf4wx4pxLO6Vv3WNtBoCsGrTPqWiOX2bq lzmLn 0N5aOZSArHq3JWM Mk5LjVE1gBkim1pkiDsCvkEa2Bon2G4iDAjN3iuY9fuInctNW7X9 MTV1HYBIIYoyBOj5BEOEErLvRnyF4JtgrU4j8uK-L0HqWBooKY9geAsEqW5h9wBlS7J-- q6fCrFIII9aJvoNWIIA1 17Wsfm nwi53l6ijXzJQslOnBwKO l KRcvxHREQvtUaptFZw1 74A3eFNwA9zHb4KBcCSZ8373cdj4Um5ooZAD9ECXAifFi3cz2o6ZrREmjDQ](https://watermark.silverchair.com/mqw040.pdf?token=AQECAHi208BE49Ooan9kKhW Ercy7Dm3ZL 9Cf3qfKAc485ysgAAAOQwggKABgkqhkiG9w0BBwagggJxMIICbQIBA DCCAmYGCSqGSib3DQEHATAeBgIghkgBZQMEAS4wEQQMPmMppazisYL6pSsrAgEQGj ICN5knNgjXD-di1V7R-YBxs6TVZxu5m9-SJrTs2nqfAJb9pZjBgnD-b9ycN6cJlwlcmZiEN96fTK8vmqetYkow7W5rndDxtWu2QZF3mUrNegCcAkvGQIOPySZ WrgxoeVCSyA-XJJGj---Ccl2O7G-bQXfVnLfug9V-lt0YJKQUdP2QPXZgZo7tVPieI8FbvAWpKa21R9FRc39qaN0- jgY TZiqnmedRCpLX9iCqtCQe2dK ynVsX4zo9wOktdTtTnE3LGwV9kiXzbaXHrotwo8Bj iEMelt79tfM631KOG1xh2 1cGpCrddoDY38Zail565ohLHI9Lj8DSFDEKjiYukYOJqUHYn V0kbdDcAfUUPInBoN-3u1666Q- u8 kArumR3HpMlzVnri4P5ylWicCQtCULBkfb8aRAD3ZcG9jnTvPnRQWzxmINWq7m1f HwMzZOpw1idTeqGtdFaSPq4auJQ9YngKQVh- Y5Fny0pv8MigMKX oCxJiKfWG33powQMMPOn0cJLdlqqYaz- IRQPNOMmYjmlRMR5WpX 5OhvrvvB-KS6NRjNp4GI- Lzz63MXa xm68LMjB1gcMilaYdKUOQX0XS9pSRO6O- TtiRLntpHScW2Pt99Z1HDYAO8o7eoSeRSCWfCMqbXy9RZPAxyVGEvu6ADzO1CKiaKZn e-TA3yHQyPh5Cm0mCSn2jZrxsOCT8UFnQBxVqk72kWiCHwW0Cp3FngRn5h- YqVOoD0BdXb GQasxwCpTA)

- <https://watermark.silverchair.com/mqw040.pdf?token=AQECAHi208BE49Ooan9kKhW Ercy7Dm3ZL 9Cf3qfKAc485ysgAAAOQwggKABgkqhkiG9w0BBwagggJxMIICbQIBA DCCAmYGCSqGSib3DQEHATAeBgIghkgBZQMEAS4wEQQMPmMppazisYL6pSsrAgEQGj ICN5knNgjXD-di1V7R-YBxs6TVZxu5m9-SJrTs2nqfAJb9pZjBgnD-b9ycN6cJlwlcmZiEN96fTK8vmqetYkow7W5rndDxtWu2QZF3mUrNegCcAkvGQIOPySZ WrgxoeVCSyA-XJJGj---Ccl2O7G-bQXfVnLfug9V-lt0YJKQUdP2QPXZgZo7tVPieI8FbvAWpKa21R9FRc39qaN0- jgY TZiqnmedRCpLX9iCqtCQe2dK ynVsX4zo9wOktdTtTnE3LGwV9kiXzbaXHrotwo8Bj iEMelt79tfM631KOG1xh2 1cGpCrddoDY38Zail565ohLHI9Lj8DSFDEKjiYukYOJqUHYn V0kbdDcAfUUPInBoN-3u1666Q- u8 kArumR3HpMlzVnri4P5ylWicCQtCULBkfb8aRAD3ZcG9jnTvPnRQWzxmINWq7m1f HwMzZOpw1idTeqGtdFaSPq4auJQ9YngKQVh- Y5Fny0pv8MigMKX oCxJiKfWG33powQMMPOn0cJLdlqqYaz- IRQPNOMmYjmlRMR5WpX 5OhvrvvB-KS6NRjNp4GI- Lzz63MXa xm68LMjB1gcMilaYdKUOQX0XS9pSRO6O- TtiRLntpHScW2Pt99Z1HDYAO8o7eoSeRSCWfCMqbXy9RZPAxyVGEvu6ADzO1CKiaKZn e-TA3yHQyPh5Cm0mCSn2jZrxsOCT8UFnQBxVqk72kWiCHwW0Cp3FngRn5h- YqVOoD0BdXb GQasxwCpTA>

This fortnight's questions:

1. Give three examples of analogies (similar rules) regarding the responsibility of states and the responsibility of international organizations.
2. Are international organisations bound by international human rights law and/or international humanitarian law?
3. If an international organization breaches international law, are the member states also responsible?
4. Can both the international organization and the state be responsible concurrently?