

Translated from Russian

Future action with regard to the International Law Commission's articles on the
responsibility of international organizations

The responsibility of an international organization for a breach of its international obligations is an integral element of its legal personality. This issue is becoming more and more urgent. Furthermore, it is no longer a theoretical issue, and the main problem in this area is becoming increasingly unacceptable. In addition, damage caused by international organizations may be even more serious than that caused by States.

In our view, the topic of

Practice in the application by courts of the International Law Commission's articles on the responsibility of international organizations

There are examples of situations in which national and international courts have dealt with issues relating to the responsibility of international organizations. They have referred in their decisions to the Commission's articles on the subject, which are an authoritative source for judges. This is demonstrated by the compilation of such decisions contained in the report of the Secretary General (A/75/80), which was provided as an update in accordance with General Assembly resolution 72/122. However, in our view, it would be more appropriate if such decisions were made on the basis of rules that had the approval of States. We believe that the elaboration of a convention on this subject would enable courts, in their decisions, to rely on an instrument with binding legal force, which would inevitably lead to an expansion of judicial practice in this area.

There have been no references in the decisions of the national courts of the Russian Federation to the Commission's articles on responsibility of States.