On the basis of the International Law Commission’s 2011 Report and draft Articles on the responsibility of international organizations,¹ the immediate answer that one may be tempted to give to the question posed in the title of this study is a very simple one: there is none. While numerous decisions of the International Court are cited in the commentary to the Articles as authority for various propositions of law concerning international organizations, and concerning international responsibility in general, no mention is made of the Court as a potential decision-making organ in respect of questions arising in the future as to the application or enforcement of the Articles; nor indeed of any mechanism whatever for settlement of disputes arising out of them.² In this the Articles of course follow the example of the Articles on State responsibility, where provision for dispute settlement mechanisms, having been included in earlier drafts, was eventually deleted.³ However, there is also the fact that, as the introduction to the Articles observes, there has only been ‘limited use of procedures for third-party settlement of disputes to which international organizations are parties’:⁴ indeed practice in relation to disputes generally has been very sparse.

² Article 43 deals with the ‘[i]nvocation of the responsibility of an international organization’, but does no more, in parallel with article 42 of the Articles on State responsibility, than define the claimant/respondent relationship, in particular in relation to obligations erga omnes, without contemplating methods of settlement.
⁴ See the Commission’s general commentary to the draft Articles: ‘Draft articles on the Responsibility of International Organizations, with commentaries 2011’, 69–70, para. (5).
There is however an evident and more determinative reason for the exclusion of any possibility of recourse to the International Court being contemplated in this context, in the form of article 34, paragraph 1, of the Court’s Statute: ‘Only States may be parties in cases before the Court’. The international responsibility of a State may be asserted by a claim before the International Court by any State considering itself injured, and may be declared by the Court, and reparation afforded where appropriate, provided there is a valid basis of jurisdiction. Article 34 however constitutes an absolute bar to the international responsibility of an international organization being sanctioned by this means.

This does not mean that international organizations are totally outside the purview of the Court; in the first place there is of course its advisory jurisdiction, provided specifically for the United Nations. Presumably it is open to the Security Council and General Assembly to ask the Court for an advisory opinion on the question whether or not the organization has incurred international responsibility; this would seem also to be open to the other organs authorized under article 96, paragraph 2, of the Charter to request opinions, provided the question (and thus the possible responsibility) arose ‘within the scope of their activities’. Similarly the specialized agencies (such as ILO or WHO) might request opinions on the responsibility of the agency. Other international organizations are also mentioned in the Statute, inasmuch as it provides for information relevant to a case to be requested or received from ‘public international organizations’ (article 34, paragraph 2), and where ‘the constituent instrument of a public international organization or… an international convention adopted thereunder’ falls to be interpreted in a case before the Court, the organization must be notified so that it can supply such information if it so wishes. These latter provisions relate to contentious cases, between States; a similar provision for requests for, or supply of, information in advisory proceedings appears in article 66, paragraphs 2 and 4, of the Statute.⁵

The Articles on the responsibility of international organizations however contemplate some situations in which the responsibility of a State may be intertwined with that of an organization. Chapter IV of the Articles includes provisions on aid or assistance given to a State by an organization in the commission of an internationally wrongful act (article 14); direction or control by an organization of the commission of such an act by a State (article 15); coercion of a State by an organization (article 16); and ‘[c]ircumvention of international obligations through decisions and authorizations’ of the organization and addressed to its members (article 17). What would be the consequences if a case brought to the Court, and