

International responsibility of the international organization

المسؤولية الدولية للمنظمة الدولية

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Abstract :

The efforts of the International Law Commission have focused on the issue of the international responsibility of an international Organizations that is a party to it, which is still under study, work, and deliberation by the International Law Commission as a fundamental matter related to the principles of international justice and the protection of the rights of parties harmed as a result of unlawful acts.

The topic of defining the nature of acts that give rise to international responsibility, the cases of its denial, and the methods of determining compensation is one of the most important issues raised. There are also methods for resolving disputes related to international responsibility in accordance with what is stipulated in the United Nations Charter, following an analytical approach in line with the nature of the subject.

Keywords :

International organizations, international responsibility, subjects of international law, responsible parties, wrongful acts are key concepts.

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Introduction

The international organization is one of the main actors in the international legal system, as it has a legal personality that qualifies it to acquire rights and assume obligations, as it plays different and pivotal roles in various political and economic fields, and due to the increase in its number, especially after the Second World War and its expansion in its activity and relations with States and their employees, and in the midst of exercising this function was the need to search for a legal system that guarantees rights and fulfills the obligations resulting from the acts it commits, hence the need for a legal system related to the international responsibility of the international organization.

International organizations are key players in the international legal system and have legal personality that enables them to acquire rights and assume obligations. They play various pivotal roles in different political and economic fields. Given their increasing number, especially after World War II, and the subsequent expansion of their activities and relations with states and their employees, in the course of performing this function, There was a need to seek a legal system that would guarantee rights and impose obligations arising from the actions they commit. Hence, there was a need for a legal system relating to the international responsibility of international organizations.

There is no doubt that the effectiveness of any legal system lies in the maturity of its rules of responsibility. In the field of international law, the rules of international responsibility play a fundamental and crucial role, as they constitute one of the primary guarantees for the proper application of international law.

With the remarkable development of international law from regulating international relations to a law that regulates relations between persons, international law has become concerned with regulating the status of international organizations and governing their activities. Therefore, the issue of international responsibility relating to international Organizations has raised many problems, particularly about determining its conditions and establishing its pillars, or in terms of the nature of the acts that can be attributed to it.

On that basis, the International Law Commission decided in 2000, at its fifty-second session, to include the topic of the responsibility of international organizations in its long-term program of work and informed the General Assembly accordingly, Subsequently, in 2001 the General Assembly decided that the International Law Commission should begin its work on the topic of “responsibility of international Organizations,” because those who have the power to act must bear the burden of responsibility. Among the Commission's tasks was to define the elements of international responsibility of international organizations, the circumstances in which it arises, and the circumstances in which it is negated.

The importance of the study :

The importance of the topic lies in the fact that when an international organisation enjoys legal personality and its work overlaps with the international agenda, it becomes the focus of international responsibility and bears the burden of

actions that cause harm to others. Therefore, it is necessary to clarify the provisions of this aspect of responsibility relating to international organizations as a result of actions or conduct emanating from the organization itself or attributed to it.

Objectives of the study

The international responsibility regime of an international organization cannot be complete without defining international responsibility. In terms of terminology, some refer to it as the elements of international responsibility, others call it the conditions of international responsibility, and still others refer to it as the components of international responsibility. Perhaps the reason lies in the absence of a comprehensive international treaty that clarifies and defines the basis of international responsibility for international organizations.

Methodology:

In this study, we followed an analytical approach by analyzing the legal texts related to the International Law Commission's draft on the international responsibility of international organizations.

Research question:

The research question focuses on the extent to which international legal rules can determine cases of international responsibility for international organizations, given the prominent and important role played by international organizations, which may render their actions unlawful and cause harm. We therefore pose the following question:

In what cases can international organizations be held internationally responsible?

Division of the study :

In this study, we will divide the topic into two sections in order to cover all aspects, starting with an introduction. The first section will be devoted to cases of attribution of international responsibility to international Organizations and cases of denial thereof, while the second section will address the effects of the order of international responsibility.

Firstly: Cases of international responsibility

In view of the importance of the topic of international responsibility of an international organization, which is a prominent topic, we address the cases of attribution of responsibility, as well as that negate it.

1. Cases of sole and multiple responsibility of international organizations.

These cases are:

Section I. Cases of attribution of individual international responsibility to international organizations:

It is in the following cases:

A. Illegal acts committed by the organization, one of its agencies, or its employees.

In this case, the international organization bears international responsibility when it commits an act that harms individuals under international law, violates international law, or fails to fulfill its obligations under international law. This

responsibility also applies when an international organization assists a state in occupying or violating an international obligation imposed on both parties¹.

As for the wrongful act of an organ or a staff member of an international organization, such acts are considered to be issued by that organization under international law regardless of the status of the organ or staff member of the organization, because this organization is a legal person that can act only through the natural persons they represent, who are international employees and the forces that maintain international peace and security², which is known as the personal element of the responsibility of international organizations, as the acts issued by one of its organs or agents during the performance of their duties are considered to be issued by that organization regardless of the status of the organ or agent, and this is confirmed by the International Law Commission³.

B. Exceeding the limits of authority and taking action.

The international responsibility of the international organization in this case arises if the international Organizations exceeds the limits of the authority granted to it by one of the organs or agents under international law, if the action was taken by them in an official capacity and outside the scope of the international organization's functions, whether correct or incorrect⁴.

Section II: Multiple attributions of responsibility between subjects of international law

It is in the following cases:

A. Attribution of international responsibility to persons of international law for an act of another State or international organization:

This is the case when an international organization assists a subject of international law in the commission of an internationally wrongful act, knowing the circumstances surrounding that act, or even if that act would constitute a wrongful act, as confirmed by the draft responsibility of the international organization to the commission⁵, This was exemplified by NATO's military intervention following the Libyan revolution, as authorized by United Nations Security Council Resolution 1973 (2011), which permitted the use of all necessary measures to protect civilians and civilian-populated areas⁶.

Additionally, Security Council Resolution 678 of 1990 authorized states allied with Kuwait to use all necessary means to uphold international peace and security, permitting member states cooperating with the Kuwaiti government to act should Iraq fail to comply⁷.

B. Attribution of Responsibility to Subjects of International Law in Cases of Coercion or Breach of an International Obligation Resulting from an Internationally Wrongful Act by a State or International Organization:

For international organizational liability to arise for a member state in this scenario, three conditions must be met, as stipulated by Articles 62 and 63 of the Draft Articles on the Responsibility of International Organizations:

- **The first condition:** The creation of international responsibility in accordance with this article is that the international obligation includes the area in which the

international organization grants an obligation to a Member State, which may be specific or may be broader, as in the case of obligations under human rights protection treaties

-**The second condition:** there is a great link between the actions of the Member State that violates its obligations and the international organization, so that this act caused by the State is attributed to the international organization.

- **Third condition:** The act committed by a Member State must be a breach of an international obligation.

2: Cases of negation of international responsibility for an international organization

There are circumstances and situations in which the wrongful act does not constitute a breach of international obligations.

Section I: Circumstances attributable to the parties concerned.

These cases are contained in articles 20, 21 and 22.

A. Acceptance.

One of the most pertinent cases of denial of international responsibility is the case of approval issued by the State on whose territory international organizations exercise their functions such as supervising elections or, for example, supervising the firing of bullets in an internal or international conflict⁸.

And therefore, the approval requires the following conditions:

-Acceptance by subjects of international law must be of a correct and non-flawed will

- The consent must be explicit and positive.

B. Legal defense:

The case of self-defense is defined as "a right established by law for a member of the international community to use force to repel an armed aggression provided that it is necessary to deter it and proportionate to its ability to cease when the Security Council takes the necessary measures to maintain international peace and security."⁹.

However, there are conditions that must be adhered to by the international organization in order for its act to be considered self-defense and for it to deny responsibility, namely:

-The act of self-defense must be proportional to the wrongful act, i.e., the act of aggression.

- The aggression must be current and continuous, that is, it must not be interrupted, and the international organization has no other choice but to defend itself to ward off that aggression, even by the use of force. In the event that the aggression is interrupted and the organization has several options and other means are available to ward off aggression without the use of force, the principle of self-defense cannot be invoked¹⁰.

Measures taken must also take into account judicial obligations and full self-restraint, which were applicable in international disputes, as well as compliance with the conditions of proportionality and necessity inherent in the case of self-defense¹¹.

C. Countermeasures:

Countermeasures refer to measures taken by an international organization against another state or organization under international law that has committed an unlawful act against it. These measures may include taking the same measures as those taken by the state or organizations that committed the harmful act¹².

In any case, for an international organization to take countermeasures against its members, it must meet the requirements laid down in paragraphs 2 and 3 of article 22 of the draft on the exercise of countermeasures. Moreover, there are certain conditions that must be met when using countermeasures, the most important of which is that an injured international organization may take them only if such countermeasures are not incompatible with the rules of the organization and adequate means are not available to induce the responsible parties otherwise to comply with their obligations otherwise. Countermeasures must be proportionate to the damage suffered, taking into account the gravity of the internationally wrongful act and the rights concerned in response to an actual breach of law¹³.

Section II: Contraindications to international liability other than the will of the parties

These cases are considered to be incompatible with international responsibility because they are issued outside the will of the international organization. These cases are provided for under articles 23, 24 and 25 of chapter V of the draft international responsibility of the international organization.

A. Force majeure:

In the context of international law, States have traditionally considered force majeure to be an exceptional case affecting obligations between States, as provided for in article 61 of the 1969 Vienna Convention on the Law of Treaties: "A party to a treaty may invoke the impossibility of its implementation as a basis for its abrogation or withdrawal if such impossibility is the result of the disappearance or loss of something necessary for implementation...", and article 6 of the 1996 Agency Agreement between UNDP and WHO added: "In the case of force majeure or other similar situations or events that prevent successful implementation by the implementing agency, the implementing agency shall promptly notify the United Nations Development Program of that circumstance, and may, in consultation with the United Nations Development Program, withdraw from the implementation of the project, and if such withdrawal occurs and unless the parties agree otherwise reimburse the executing agency the actual costs that it may have incurred up to the effective date of the withdrawal."

B. Situation of distress:

It means that a state organ is in a dangerous position which is not allowed to save itself or other persons entrusted with their protection except by taking an act contrary to the international obligations of the State¹⁴.

Article 24 of the draft international responsibility of an international organization provides that: "1. An act of an international organization which is not in conformity with an international obligation of that organization shall be precluded from being unlawful if the perpetrator of the said act in distress has no other reasonable way of saving his or her life or the lives of other persons entrusted to his or her care;

2 -The idea 1 does not apply:

a. if the situation of distress has been caused by it alone or in combination with other factors by the organization invoking it;

(b) if the act in question is likely to result in a similar or greater risk".

The Commission has also discussed the existence of situations in which an international organization intervenes to prevent the loss of lives of individuals with no relationship of their own, and the considerations of the Drafting Committee have been so broad here that they have touched upon the issues of the responsibility to protect and humanitarian intervention¹⁵, Security Council resolution 688/1991, which included the intervention of the United Nations in northern Iraq, contained some contradictions, especially in its third paragraph, which allows international humanitarian organizations to intervene immediately to provide assistance to all civilians throughout Iraq. At the same time, Article 2 paragraph 7 of the Charter stipulated that the United Nations should not interfere in the internal affairs of states¹⁶.

C. tatus of necessity:

In the event that there are important fundamental interests of the international community and its functions include the protection of these interests, such as judgment No. 2183 in TORN v. TORN v. CERN of the Administrative Tribunal of the International Labor Organization (ILO), the necessity has been taken in this case to have access to the electronic account of an employee who was on leave. The Tribunal has indicated that in the event that access to the electronic mail becomes necessary for emergency reasons or for the prolonged absence of the account holder, the Organization must be given access to the account using appropriate technical safeguards and great care must be taken in deciding the case of necessity that justifies access to data that may be confidential¹⁷.

As stated in article 27 of the draft international responsibility of an international organization: "The invocation of a circumstance precluding wrongfulness in accordance with this chapter shall not prejudice:

(a) compliance with the obligation in question, if and to the extent that the circumstance precluding wrongfulness no longer exists;

(b) the question of compensation for any material loss caused by that act".

This article makes it clear that a circumstance does not preclude wrongfulness unless the circumstance exists and is comprehensive of a particular situation and outside the scope of the circumstance the character of wrongfulness remains in place.

Secondly: Implications of the international responsibility of the international organization

The international responsibility of an international organization for its wrongful acts entails the obligation of the organization to fulfill the obligations breached by that act as provided for in article 29 of the draft international responsibility of the international organization, and the question of compensation depends on the nature of the wrongful act or on the nature of the damage caused.

1. Indemnification Obligation.

Compensation serves to address any remaining gaps, ultimately achieving full reparation for damages. While the direct meaning of compensation often implies a monetary payment, it is not the sole means of redress. Financial compensation may fully cover "material" damages, but it typically does not adequately address "moral" or "non-pecuniary" damages. In such cases, this function of compensation is fulfilled through other means, either directly or indirectly¹⁸.

Section I : Direct Obligations of the International Organization

An international organization's conduct that breaches its existing obligations directly incurs legal consequences, independent of any doubts or claims made by the injured party. This imposes new obligations on the international organization, aimed at ensuring its compliance and preventing the recurrence of its unlawful act, in addition to the obligation to make reparation for damages.

A. Fulfillment of International Organization Commitments

International responsibility entails that an organization must fulfill the obligations it has breached, as provided for in article 29 of the draft international responsibility of an international organization, since it must continue to fulfill the obligation continuously and not degrade from it¹⁹.

B. Cessation and non-repetition of the wrongful act :

The obligation of an international organization to cease its internationally wrongful conduct is one of the most important effects of international responsibility. It means re-aligning the conduct of the international organization concerned with the international obligation that has been violated, and this is done by eliminating it or eliminating the source of the damage without delving into the elimination of the effects resulting from it, and, as a preliminary matter, before delving into how and what kind of reparation is appropriate for those damages²⁰.

The obligation to cease and not to repeat the wrongful act is considered one of the most important legal effects of international responsibility, as explained by the International Law Commission, where cessation includes all wrongful acts and acts, whether the act or omission, and this is evident through article 30 of the draft international responsibility, which states: "The international organization responsible for the internationally wrongful act has an obligation to; Stop doing if it continues; Provide appropriate assurances and guarantees of non-repetition if necessary."

The International Law Commission, at its fifty-third session in 2001, dealt with the responsibility of States for wrongful acts in article 30 by requiring the State responsible for the internationally wrongful act to cease the wrongful act and to

provide appropriate assurances and guarantees of non-repetition if necessary and referring the matter to States on a case-by-case basis.

C. The international organization's commitment to redressing damages:

The state is obliged to compensate others for damages resulting from its unlawful acts by compensating them for material and moral losses, as stated in Article 31 of the draft international responsibility of the international organizations, which reads, "The responsible international organization is obliged to fully compensate for the damage and to compensate for the loss and damage caused to others, whether in the form of material or moral compensation, or both."

Section II: Indirect obligations of the international organization.

International responsibility imposes indirect consequences on the international organizations and takes the following forms:

A. Response or restoration of the situation.

One of the measures taken by an international organization to redress damage caused to others by its lawful acts is compensation in kind, whereby it must restore the situation to what it was before, as stated in Article 35 of the Draft Articles on the Responsibility of International Organizations: "An international organization responsible for an internationally wrongful act is obliged to restore the situation to what it was before the wrongful act was committed, provided that such restoration is not physically impossible and does not entail a burden that is disproportionate to the benefit to be derived from the restoration instead of compensation."

It is likely that the responsible state does not have the right to choose between accepting this effect (restoration) and abandoning it and accepting another effect if, when weighing up the options, the choice of the affected state must be given priority. This state must not act arbitrarily, and its choice of specific response must be accompanied by the following conditions:

1-The response in kind must be feasible from a material standpoint, as the destruction of living marine resources or damage to crops and animals caused by toxic or radioactive materials makes it impossible to restore the situation to its previous state. However, legal impossibility resulting from obstacles based on national law is not recognized under international law²¹.

2-The reparation should not entail a burden that is disproportionate to the benefit derived from it, rather than compensation. The purpose of this condition is to strike a balance between the burden that the responsible state should bear in fulfilling its obligation to provide reparation in kind and the benefit that the injured state derives from reparation in kind, rather than compensation for the damage it has suffered. The injured state, despite its right to choose reparation in kind, may insist on it without accepting compensation, which may constitute an abuse of that right where the burden of reparation in kind is disproportionate. Right to choose reparation in kind; its insistence on this without accepting compensation may constitute an abuse of that right where the burden of reparation in kind is excessive. The situation is remedied by a physical, legal, or judicial measure, depending on the type and nature of the violation that caused the damage to others. The release of a detained person or

withdrawal from occupied territory requires a physical measure, and internal law or an administrative decision that contravenes an international rule or a treaty whose subject is contrary to a peremptory norm of international law requires another legal measure that repeals, amends, or invalidates the law, decision, or treaty that was issued, while a judicial decision to arrest persons or confiscate property without justification requires another judicial decision to restore the situation to what it was before the first decision²².

B. Compensation :

With regard to financial compensation, Article 36 of the Draft International Liability of International Organizations states, "An international organization responsible for an internationally wrongful act is under an obligation to compensate for the damage resulting from the act, insofar as such damage is not remedied by reparation; compensation covers any damage that is financially assessable, including loss of profit insofar as it can be proven." An example of financial compensation is the settlement of claims arising from the United Nations Operation in the Congo. Compensation was awarded to nationals of Italy, Belgium, Switzerland, Luxembourg, and Greece through an exchange of letters between the Secretary-General and the permanent missions of the countries concerned, in accordance with the United Nations declaration contained in these letters, in which it stated that it would not evade responsibility when it was proven that United Nations agents had caused unjustified damage to innocent parties. With regard to the operation itself, further settlements were made with Zambia, France, and the United Kingdom, also with the International Committee of the Red Cross²³.

As for the assessment of compensation, it is usually done by mutual agreement between the injured party and the party causing the damage. This is considered the most appropriate form of assessment, and the principle governing it, whether the assessment is consensual or judicial, is that compensation should cover both material and moral damages and be equal to the damage in all its elements, including loss, loss of earnings, and interest on arrears. This is usually done on the basis of the rules and standards known in domestic legal systems with regard to the assessment of compensation, but not as an application of those systems, rather as "general principles of law recognized by civilized nations," where international jurisprudence relies on the flexibility of those domestic rules and their applicability in the international sphere²⁴.

C. Satisfaction:

Compensation serves to fill any gaps that may remain in order to fully redress the damage. While the payment of money is the direct means of compensation, it is not the only means of redress. Even if financial compensation can cover the entire "material" damage, it does not usually cover the "moral" damage. "Moral" damage, in which case compensation is provided in another form, namely satisfaction.

One example of satisfaction being accepted is the decision of the Permanent Court of International Justice in the case between Belgium and Spain in 1937, when Belgium submitted requests to apologize to the Spanish government, ask for

forgiveness, hold military ceremonies, and pay approximately one million Belgian francs in compensation and damages. The punishment of the guilty parties is in line with the principles of international law relating to international responsibility²⁵.

D. Benefit:

The International Law Commission has confirmed that there is no automatic right to benefits in the absence of legal evidence established in favor of the affected states. Claims for compensation shall be considered on a case-by-case basis and shall include full compensation for damages, including lost profits and losses incurred²⁶.

This is stated in Article 38 of the draft international responsibility of the international organization, which states, "Interest shall be paid, where appropriate, on any principal sum payable under this chapter in order to ensure full reparation;

the rate of interest and the method of calculation shall be determined in such a way as to achieve that result;

Interest shall run from the date on which the principal sum was due until the date of payment."

Among international practices relating to the Iranian-American claims, the Arbitration Court stated in 1978, "Claims for interest are part of the compensation sought and do not constitute an independent cause of action for which a separate award may be made. It is customary for arbitral tribunals to award interest as part of the award for compensation, regardless of whether there is any express reference to interest in the settlement agreement²⁷.

2. Settlement of disputes concerning the international responsibility of the international organization.

The question of the international organization had created some obstacles that might be encountered by the injured person in the course of claiming compensation, and ways in which the international community could resolve the disputes at hand had been identified.

Section I : Obstacles to the settlement of disputes of international responsibility of the international organization.

There are several obstacles that international law persons may encounter during the international organization's dispute, namely:

A. Immunity of international Organizations:

International organizations enjoy a set of immunities and privileges necessary to carry out their functions and perform their work properly. These immunities and privileges are primarily reflected in the fact that the organization is not subject to the national legislation of states, especially the legislation of the host state, as compliance with such legislation would undermine the integrity of its functions and violate the principle of equality that must prevail in relations between member states. In addition to judicial immunity, meaning that the international organization, its funds, and its assets are not subject to the jurisdiction of the host country unless there is an explicit decision by the body to waive this right. This right is found in the 1949 Convention on the Privileges and Immunities of the United Nations, under Article 02: "The United Nations, its funds and assets, wherever located and by whomsoever held, shall enjoy

absolute immunity from legal process of every kind, unless the Organization expressly waives such immunity, and this waiver shall apply in all cases except those relating to enforcement proceedings."

In addition to Article 2 of the Convention on the Privileges and Immunities of the League of Arab States, which states that: "The funds of the League of Arab States, whether fixed or movable, and its assets, wherever they may be and wherever their holder may be, shall enjoy judicial immunity unless the Secretary-General expressly waives such immunity. Such waiver shall be subject to implementation procedures."

Article 14 of the 1980 Headquarters Agreement between the League of Arab States and Tunisia stipulates that: The funds of the League of Arab States, whether fixed or movable, and its assets, wherever located and by whomsoever held, shall enjoy immunity from legal process unless the Secretary-General expressly waives such immunity, provided that such waiver shall be subject to the procedures for its implementation²⁸.

However, the immunity of the international organization against litigation does not prevent it from exercising its right to resort to agreed legal procedures to resolve the dispute, whether by resorting to national courts or referring the matter to arbitration courts. In other words, it is possible to sue an international organization before national courts if the organization gives its express consent and the national courts respect the fact that the international organization is not subject to national law. Perhaps the reason for granting the international organization this immunity is to ensure that it is not subject to the control of the host countries of its headquarters, on the one hand, and to ensure the achievement of its objectives and duties assigned to it by the charter that established it, on the other²⁹.

B. succession between international Organizations :

An international Organizations may transfer its functions to another Organizations through succession mechanisms, by transferring all its funds, assets, and functions to another international Organizations³⁰.

For the succession to be legal, the successor organization must have constitutional authority to acquire the rights and functions of the predecessor international organization, and the successor organization cannot accept responsibility for a function that does not fall within its competence. All outstanding responsibilities must be settled before the successor organization assumes responsibility, meaning that the existing international court must be entrusted with continuing its work until all outstanding disputes are settled³¹.

Through actual practice, we found what happened with Serbia, which objected to its indictment under Article 09 of the 1949 Convention on Genocide by Bosnia and Croatia before the International Court of Justice on the grounds that it was not a party to the Convention. However, the International Court of Justice responded that it had jurisdiction in the case because Serbia was considered the successor of the former Yugoslavia in assuming its international obligations, including the Genocide Convention. On April 2, 1992, the Republic of Serbia officially informed the

Secretary-General of the United Nations that it considered itself the legal successor to the former Yugoslavia and that it would respect its international treaties³².

Section II: Methods of settling disputes concerning the international responsibility of an international organization

When any dispute arises between an international organization and any other person, the provisions of the agreement regulating the work of the international organization with this party are resorted to first. In the case where the provisions of the resolution of the dispute are not provided for, the provisions of international law are resorted to. Article XXIX of the 1949 Convention on the Privileges and Immunities of the United Nations stipulated that: "The United Nations shall make provisions on appropriate ways to settle:

1-Disputes arising out of contracts or other private law disputes to which the United Nations is a party;

2-Disputes involving a staff member of the United Nations who enjoys immunity by virtue of his official status, unless such immunity is waived by the Secretary-General."

Contemporary international law provides many international mechanisms for the settlement of international disputes in accordance with Article 33 of the Charter of the United Nations, which is the resort to diplomatic and peaceful means as well as judicial methods, and therefore we address the following means:

A. Negotiations:

The International Court of Justice defined negotiations in the *Mavrommatis* case in 1924 as: "Negotiations in the international arena and in the concept of international law are considered the legal means and administrative mechanism by which governments, in the exercise of their legal powers, can continue their relations, communicate, and resolve their differences³³.

We also find the definition of the International Chamber of Commerce, which defined negotiations as: "A contract whereby the parties undertake to negotiate or continue negotiations with a view to concluding a contract, the subject matter of which is to be determined later, except in a partial manner that is not sufficient in all cases for its conclusion³⁴.

Negotiations are one of the oldest means used to resolve international disputes and are the most acceptable to the disputing parties, as diplomatic negotiations are often required by treaties to be the first resort because they are considered the first stage that the parties to the dispute resort to in order to resolve their disputes in a manner satisfactory to all parties³⁵.

Negotiations are at the heart of the international organization's activities and international conferences for the peaceful and diplomatic resolution of disputes. The United Nations, along with Belgium and other countries, has taken this approach to compensate Belgian citizens for the damage caused to them by United Nations forces in the Congo, also through the exchange of letters and permanent missions of those countries. The United Nations has stated that they have in fact caused unjustified harm to innocent parties³⁶.

This method is one of the best and most common ways to resolve disputes. It is characterized by flexibility and confidentiality. Each party escalates, hardens, or softens its position in its own favor in order to increase its gains, thereby resorting to postponement, prolongation, or hardening. Despite the many advantages of negotiations, their success depends on the spirit that prevails during the negotiations, and negotiations become more like a policy of *fait accompli* if they take place between two unequal parties. Also, the first paragraph of Article 19 of the agreement concluded between the Arab League and the Spanish government on 19/12/1981 to regulate the legal status of its office in Madrid stipulates that all disputes between the League and Spain concerning the interpretation or application of this agreement or any matter relating to relations between the League and Spain shall be settled initially through direct negotiations between the parties concerned.

B. Good offices:

It refers to a state attempting to bring two disputing states closer together and urging them to enter into negotiations to resolve their dispute, without the state offering good offices participating in the negotiations in any direct way.

International law scholars generally define good offices as: a friendly political action undertaken by a state, a group of states, or even a high-ranking individual such as the Secretary-General of the United Nations in an attempt to bring together states in conflict and urge them to begin or resume negotiations without the state or individual undertaking the good offices making proposals or setting conditions between the parties in conflict. Otherwise, what is offered is merely non-binding advice that the disputing parties may accept or reject without violating the rules of international law.

Good offices are considered a peaceful means of resolving international and regional disputes and are mentioned in the Hague Conventions of 1889–1907, which urge States to resort to them in their mutual relations under Articles 2, 3, and 6, as well as in the 1972 Manila Declaration. We note that this mechanism has been used to resolve many disputes, such as the intervention of the UN Secretary-General in the dispute between Argentina and the United Kingdom over the Falkland Islands in 1982, also the intervention of the Secretary-General of the United Nations to settle the ‘Indonesian-Dutch’ dispute, where the Security Council took up the matter and demanded a ceasefire in August 1947.

C. mediation:

The latter is also considered one of the amicable means used by international organizations to resolve disputes. Mediation is defined as “the amicable activity undertaken by a state or international organization to resolve a dispute between two states.” Mediation involves the intervention of a third party to resolve an existing dispute. This third party participates in the negotiations between the disputing parties and makes an appropriate proposal to resolve the dispute, leaving it up to the disputing states to accept or reject the proposal.

In the event of rejection, the disputing parties are not in violation of international law, even if the rejection is an unfriendly act. The mediator expresses his opinion,

makes suggestions, and continues his work until an agreement is reached to resolve the dispute. The mediator's work ceases if his proposal is unacceptable or if it is rejected by one of the parties to the dispute or if all parties reject it³⁷.

In an important development in terms of reforming the United Nations and expanding its powers, the UN General Assembly issued Resolution No. 32/253 on March 17, 2009, establishing two new legal systems, one of which is informal, as the Office of the Ombudsman is established in accordance with General Assembly Resolution 26/227 so that international staff members can submit their disputes to mediation under the auspices of the Office of the Ombudsman to avoid formal litigation³⁸.

D. Reconciliation mechanism:

Reconciliation means: "An international committee shall contact the two disputing parties and make proposals for an appropriate settlement acceptable to both parties, and each party shall be free to accept or reject these proposals, which shall not be legally binding³⁹.

Conciliation commissions are similar in function to arbitration or judicial bodies, but they differ in terms of the nature of the decisions they make. The decisions of conciliation commissions are not binding, and the countries concerned are free to accept or reject them, whereas arbitration or judicial decisions are binding on the parties to the dispute, who are required to implement them in their entirety. This method of international dealings was introduced after 1919 through bilateral or collective treaties, including the Locarno Pact of 1925, the Baltic Treaty of 1925, and the Arbitration Pact of 1927. Maritime disputes can also be resolved in accordance with the Vienna Convention on the Law of the Sea of 1982, pursuant to Article 274, which explicitly provides for a conciliation mechanism.

E. Investigation mechanism:

It may happen that the basis of the dispute is a disagreement over certain facts. If their validity is established, it is then possible to settle the dispute amicably. In such a case, it is advisable for the two disputing states to refer the subject of the dispute to investigation in order to clarify the facts in dispute so that the discussion on how to resolve the dispute is based on established facts. This method was first devised at the Second Hague Conference in 1899.

This mechanism has been applied on numerous occasions, including Security Council Resolution 1647, issued in December 1999, which established the Monitoring, Verification, and Inspection Commission (MVIC) to replace the Special Commission established in 1991. The MVIC ensured Iraq's compliance with identifying the locations of weapons and working to destroy them in cooperation with the International Atomic Energy Agency⁴⁰.

Although investigative committees are not binding, we find the opposite in international agreements. For example, Article 5 of Annex VIII of the 1982 United Nations Convention on the Law of the Sea refers to fact-finding and authorizes the contracting parties to request a special arbitral tribunal to establish certain facts that have given rise to a dispute concerning the interpretation or application of the

provisions of the Convention. The second paragraph of the article confirms that the findings of the tribunal shall be final and binding unless the parties agree otherwise. Finally, we note that attempts have been made at the United Nations to establish an institutional framework for the investigation process, entrusting its organization to a permanent central body independent of the parties.

It is also worth noting the report submitted by the Commission for the Investigation of the Actions of the United Nations during the 1994 Genocide in Rwanda, which was presented to the United Nations in 1999. The report affirmed that international responsibility for the genocide in Rwanda lies with the following parties: the Security Council, the United Nations Secretariat, the leadership of the international mission, and the countries contributing troops to it.

In addition, the investigative committee appointed by Secretary-General Kofi Annan in 2004 to investigate the Oil-for-Food Program found mismanagement of the program and evidence of corruption within the organization and on the part of contractors. The Secretary-General announced that he took full responsibility for the failures of the program and expressed regret for not persevering in pursuing investigations into the alleged wrongdoing.

F. Resorting to arbitration :

All subjects of international law are committed to the necessity of settling disputes by peaceful means. This commitment is based on Article 3 of the Charter of the United Nations, which emphasizes the necessity that all Members of the United Nations settle their disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. This is confirmed by Article 33 of the Charter, which imposes on the parties to any international dispute an obligation to seek its settlement through diplomatic and peaceful means.

While Article 29 of the Convention on the Privileges and Immunities of the United Nations requires the United Nations to consider appropriate means of settling disputes arising out of contracts or involving its staff members, actual practice with regard to means of settlement has not gone beyond amicable settlement or arbitration.

The United Nations waited until 1995 for the Secretary-General to present his special report on the implementation of Article 29, which confirmed that the United Nations had adopted the established practice, including the arbitration mechanism. The United Nations had resorted to restricting the powers of the arbitration body with regard to assessing compensation and determining the amount of interest due to the injured party. The injured parties accepted arbitration instead of pursuing lengthy administrative procedures to obtain their rights, especially since there was no competent court within the United Nations to hear cases involving non-staff members.

Conclusion

Due to the development of the provisions of international law and its interest in organizing international organizations and by virtue of their activities, they have had a prominent and important role in the development of the international community, but these international organizations can issue legitimate or illegal acts,

but they lead to harm to persons of international law, whether in violation of an agreement they have concluded with a State or other international organizations or when they violate the provisions of international law,

Legal responsibility is therefore the essential element of any legal system, as it arises when an international law person commits an act or omission in contravention of obligations established in accordance with the provisions of international law. In this case, the international person bears the responsibility for his actions in contravention of the obligations to be respected,

And after studying and analyzing the system of responsibility of international organizations, we see that the latter has received great importance as one of the contemporary issues in international law, in addition to that it is still under study and analysis by the International Law Commission, and this project represents an important step towards establishing a new legal system and documentation of the responsibility of international organizations that includes all aspects, especially with regard to the resolution of disputes resulting from responsibility, so the following observations were recorded:

- The attribution of the wrongful act to international organizations is the most important challenge, as it is considered a formal endorsement of the current rules governing the ratio of the act to international organizations.

- There is no rule of international responsibility of non-member States of the Organization in the event that they provide aid and assistance to the international organization under article 85 of the draft articles on international responsibility of the international organization, but rather they bear responsibility under the draft articles on responsibility of States for wrongful acts of 2001.

- Article 21 does not specify the extent to which an international organization has the right to collective legitimate defense in the event that a member state of the organization is attacked.

- The common issue between State responsibility and the responsibility of international organizations is the question of the breach of international obligations, especially when examining articles 10 to 13 of the 2001 regime of State responsibility.

- The difference in the functions and objectives of the international organization really affects the application of the law of international responsibility of the international organization.

- The draft law on international liability of an international organization does not regulate disputes in matters of compensation and damage assessment, so the means provided for in the Charter of the United Nations are always resorted to.

Accordingly, we make the following suggestions:

- Include in the draft the establishment of an international court competent to consider claims of international responsibility, whether for States or for international organizations.

-The existence of an international treaty regulating the issues of the international responsibility of the international organization and the relationship between it and its members.

-- Review the legal texts and rules that grant international organizations absolute immunities, especially in cases related to gross violations of human rights or damages resulting from the actions of their employees.

-- define the scope of responsibility more clearly so that criteria should be established to determine the scope of responsibility of international organizations for the acts of their officials, including in cases where such acts are committed outside the scope of official functions or in the context of the wrongful act.

- Establishing clear and announced legal mechanisms to compensate those affected by the actions of its employees, while establishing grievance mechanisms in the event that appropriate compensation is not obtained.

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