

Contents

| | |
|--|---|
| General Introduction <i>Tadeusz Gadkowski</i> | 7 |
|--|---|

CHAPTER I

| | |
|--|----|
| Responsibility of international organizations in the International Law Commission's codification works. A critical analysis <i>Anna Zbaraszewska</i> | 17 |
| 1. Introduction | 17 |
| 2. International responsibility in the ILC's codification works | 23 |
| 3. The significance of Article 57 of the ILC's draft articles on responsibility of states for internationally wrongful acts for the codification of the law of the responsibility of international organizations | 30 |
| 4. The method of work adopted by the ILC | 33 |
| 5. The constituent elements of an internationally wrongful act of an international organization | 35 |
| 6. International responsibility in connection with conduct of another subject | 39 |
| 7. Circumstances precluding wrongfulness | 41 |
| 8. Forms of reparation | 50 |
| 9. Serious breaches of obligations under peremptory norms of general international law | 54 |
| 10. Notice of claim by an injured State or international organization | 64 |
| 11. Loss of the right to invoke responsibility | 65 |
| 12. The concept of "an injured state or an injured international organization" and the concept of "a state or an international organization other than an injured state or international organization" | 67 |
| 13. The issue of invocation of responsibility by a state or an international organization other than an injured state or international organization | 69 |
| 14. The interaction between serious breaches of obligations under peremptory norms of general international law and obligations <i>erga omnes</i> | 72 |
| 15. Limits of countermeasures | 73 |
| 16. Measures taken by states or international organizations other than an injured state or international organization | 78 |
| 17. Conclusions | 82 |

CHAPTER II

| | |
|--|----|
| The law of international responsibility and non-contractual liability on the European Union <i>Lukasz Augustyniak</i> | 89 |
| 1. Introduction | 89 |
| 2. Genesis of international responsibility and the European Union liability | 91 |

| | |
|--|------------|
| 3. Comparative perspective | 98 |
| 3.1. Conditions of liability | 98 |
| 3.2. Attributions of conduct | 101 |
| 3.3. Breach of an obligation | 114 |
| 3.4. Reparation | 121 |
| 3.5. Circumstances precluding wrongfulness | 124 |
| 4. Conclusions | 126 |
| | |
| CHAPTER III | |
| Non- contractual liability of the Caribbean Community | |
| <i>Alina Kaczorowska-Ireland</i> | 131 |
| 1. Introduction | 131 |
| 2. Why should the CCJ be the <i>forum</i> for dealing with private law claims against CARICOM? | 133 |
| 2.1. Immunity of IGOs | 134 |
| 2.2. Challenges to immunity of IGOs | 136 |
| 2.2.1. The distinction between <i>acta jure imperii</i> and <i>acta jure gestionis</i> | 136 |
| 2.2.2. Protection of fundamental human rights | 139 |
| 3. On what grounds can the CCJ justify the establishment by it of rules on non-contractual liability of CARICOM? | 144 |
| 3.1. Teleological and systematic interpretation of the RTC | 145 |
| 3.2. Effectiveness and/or “ <i>effet utile</i> ” | 149 |
| 3.3. The rule of law | 153 |
| 4. Conclusions | 156 |
| | |
| Selected Bibliography | 161 |