Document:-

A/CN.4/SR.1926

Summary record of the 1926th meeting

Topic:

Status, privileges and immunities of international organizations, their officials, experts, etc.

Extract from the Yearbook of the International Law Commission:-

1985, vol. I

1926th MEETING

Tuesday, 16 July 1985, at 10.05 a.m.

Chairman: Mr. Satya Pal JAGOTA

Present: Chief Akinjide, Mr. Arangio-Ruiz, Mr. Balanda, Mr. Calero Rodrigues, Mr. Díaz González, Mr. El Rasheed Mohamed Ahmed, Mr. Flitan, Mr. Francis, Mr. Jacovides, Mr. Koroma, Mr. Lacleta Muñoz, Mr. Mahiou, Mr. Malek, Mr. McCaffrey, Mr. Ogiso, Mr. Razafindralambo, Mr. Reuter, Mr. Riphagen, Mr. Roukounas, Sir Ian Sinclair, Mr. Sucharitkul, Mr. Thiam, Mr. Tomuschat, Mr. Ushakov, Mr. Yankov.

Relations between States and international organizations (second part of the topic) (*continued*) (A/CN.4/370,[1] A/CN.4/391 and Add.1,[2] A/CN.4/L.383 and Add.1-3[3]

[Agenda item 9]

SECOND REPORT OF THE SPECIAL RAPPORTEUR (*continued*)

TITLE I (Legal personality)[4] (*continued*)

1. Sir Ian SINCLAIR, thanking the Special Rapporteur for an extremely lucid and succinct report (A/CN.4/391 and Add.1), said that he shared Mr. Reuter's doubts (1925th meeting) as to how to proceed on the topic as a whole. He also had serious doubts whether international organizations should be categorized in such a way as to suggest that there were differing scales of privileges and immunities.

2. The difficulty of the topic was heightened by the wide variety of international organizations. Apart from organizations which were universal or quasi-universal in scope and had a broad political function, such as the United Nations, and the specialized agencies, which were also universal or quasi-universal but had responsibility in particular fields, such as WHO, FAO and ITU, there were a number of other organizations which did not have universal membership and whose functions were of interest to particular groups of States, consisting for example of producers or consumers of a given commodity, such as the International Tin Council. In addition, there was a series of regional organizations, some of which might be operational or quasi-operational, as well as various types of development banks in particular regions. Whether or not it would be possible to distil any general rules of international law applicable to that wide range of international organizations would have to remain an open question pending further progress on the topic, and the Special Rapporteur had been wise to concentrate for the time being on the question of international legal personality, where the differences between various types of international organizations were not so great.

3. Commenting on draft article 1 as submitted by the Special Rapporteur in his second report, he said that it was not clear whether the first sentence of the article might not imply that there could be cases in which international organizations would not enjoy legal personality under the internal law of non-member States. In that connection, he noted that the Special Rapporteur gave an example in his second report (A/CN.4/391 and Add.1, para. 52) of a case in which a non-member State, Switzerland, of an international organization, the United Nations, had expressly recognized the legal personality of that Organization. If, however, no such express recognition were given in the case of an international organization with limited membership, such as a bank engaged in raising loans on the private market in non-member States, it would seem that the rules of private international law rather than those of public international law might come into play. In such a case, the international organization in question would have the capacity to contract and to sue and be sued in its own name as a matter not of public international law, but of private international law.

4. The point could perhaps be met if the first sentence of article 1 ended with the words "legal personality" to avoid any implication that an international organization which enjoyed legal personality under the internal law of its member States would not do so under the internal law of non-member States.

5. The supplementary study prepared by the Secretariat (A/CN.4/L.383 and Add.1-3) contained a wealth of useful information, but it might be expanded to cover the question of the status, privileges and immunities of international organizations other than the United Nations, the specialized agencies and IAEA.

6. Mr. ARANGIO-RUIZ commended the Special Rapporteur for his excellent second report (A/CN.4/391 and Add.1) and his clear and concise oral introduction.

7. Other members had already warned the Commission not to adopt too general a position with regard to the legal status of international organizations and, in particular, their privileges and immunities, stating that it might be too ambitious to try to codify the rules which would apply to all organizations without distinction. His own warning was that the Commission had to be careful about the wording of draft article 1, which appeared to be intended as an introduction to the question of privileges and immunities. It established rules which related to legal personality and legal capacity of international organizations and which were based on the wording of existing international instruments and rulings by the ICJ.

8. The first problem to which article 1 gave rise arose out of the use of the words "International organizations shall enjoy legal personality under international law". That rule would certainly apply to the United Nations and the specialized agencies, but he was not sure it would be applicable in the case of other international organizations. The question of

---

[1] Reproduced in *Yearbook ... 1983*, vol. II (Part One).

[2] Reproduced in *Yearbook ... 1985*, vol. II (Part One).

[3] *Ibid.*

[4] For the text, see 1925th meeting, para. 27.

the legal personality of such other organizations would therefore have to be discussed at much greater length. That rule also gave rise to problems because of the implications to which the Special Rapporteur rightly referred in his second report (*ibid.*, para. 69), when he cited the following excerpt from the advisory opinion of the ICJ of 11 April 1949 on *Reparation for Injuries Suffered in the Service of the United Nations*:

> ... the Court's opinion is that fifty States, representing the vast majority of the members of the international community, had the power, in conformity with international law, to bring into being an entity possessing objective international personality, and not merely personality recognized by them alone ...[5]

9. Since he did not have enough time to explain why he could not agree with the reasons the ICJ had given in support of its opinion that the United Nations possessed international personality and had the right to claim reparation, he would simply point out that personality under international law had its origin in custom, or rather in the unwritten law deriving from the practice and deep-seated convictions of States. That was also true in the case of the personality of international organizations, except in the minds of those who established such organizations on the basis of mistaken ideas as to the nature of legal entities in internal law and the origin of their personality, as well as on the basis of a false analogy between international organizations, on the one hand, and legal entities in internal law, on the other. The most important mistaken idea of that kind was that legal entities in internal law were created by acts deriving from the will of private individuals and having the effect that such entities came into being as organizations which were placed at a higher level than their members or their beneficiaries and which acquired legal personality corresponding to the functions which the act of the private individuals concerned attributed to them as legal entities.

10. That idea was mistaken for much the same reason as it would be wrong to say that immovable property or paternal authority over children could be transferred in internal law purely and simply as a result of acts performed by private individuals on the basis of the rule that contracts were binding on the parties. The fact was that property or paternal authority was transferred in accordance with the law. The same was true in the case of the establishment of legal entities or organizations under internal law: an organization did, of course, come into being as a result of an act by one or more private individuals, but such an act was subject to rules of law relating specifically to the establishment of such an entity, to the powers which the organs of the entity would have in respect of its members or its beneficiaries, and to the personality which the entity would enjoy. That was also true in the case of subdivisions of States: a region, department or municipality was set up as a result of the exercise of governmental authority or legislative or constitutional power. What was involved in internal law was thus not simply an autonomous act based on the equivalent of the principle *pacta sunt servanda*, but, rather, a process of organization, for internal law was the law of a group of individuals who were governed by institutions, and if existing institutions were destroyed they would immediately be replaced by other institutions. Organization was thus one of the basic features of any national society.

11. The same was unfortunately not true, however, in the case of international society. An international organization, which was in a sense in a higher position than its member States as an international legal person, could not come into being simply as a result of its constituent instrument, for that agreement, which was concluded by the founding members of the organization, applied only to them. In itself, it could require them to grant the organization personality under their internal law and it could even make it an obligation for them to conduct their relations *inter se* as though the organization enjoyed personality under international law, but it could not, in itself, create *erga omnes* effect, namely the organization's personality under international law.

12. According to Hans Kelsen, it was incorrect to say that a State could come into being *de facto* or on the basis of a treaty. It had, for example, been said that a State could be established by means of a legal instrument, but he did not think that that was really true. A legal instrument simply made it an obligation for the contracting parties to ensure that, in a particular territory, a State would, for instance, be free to establish institutions and adopt a constitution, such as the Libyan Constitution, which had been drafted under United Nations auspices. Libya had, however, gained independence not as a result of an enabling act by the United Nations: it had gained independence because it had in fact been independent. The same was true of international organizations: the United Nations had acquired its personality not merely because 50 States had signed the Charter, but, rather, because the Charter had determined what attitude States should take towards the United Nations and what respect they should show for it, since it was in the interests of the Member States that the Organization should be as independent as possible for the purpose of international relations.

13. He did not think that any analogy was possible between the Holy See, on the one hand, and the United Nations, on the other. The Holy See was not an international organization, but a State like any other and one of the primary subjects of international law. Between 1870 and 1929, the Holy See had, however, enjoyed the hospitality and respect of the Italian State and had been located in Italian territory. Similarly, the United Nations was located in the territory of the United States of America and enjoyed the respect of the host State, as well as legal personality. That, however, was the result of a rule of unwritten law, of the attitude of States, not a result of the Charter of the United Nations. If it was true that a mere legal instrument was enough to establish an international organization, it would be too easy to establish one and have it acquire legal personality for the purpose of international relations.

14. He thus agreed with the conclusion which the ICJ had reached in the above-mentioned advisory opinion, namely that the United Nations was entitled

[5] *I.C.J. Reports 1949*, p. 185.

to claim reparation as a legal person distinct from the national State of the victim of the wrongful act which had given rise to responsibility,[6] but he did not agree with the reasons which had led to that conclusion.

15. With regard to the problem of the responsibility of international organizations, to which Mr. Reuter had referred at the previous meeting, he said that, in such a case, the issue was, rather, responsibility in respect of an international organization and that, like Mr. Reuter, he could not take a position on such a sensitive issue. The problem would be to determine whether responsibility for a wrongful act could be attributed to an international organization composed of a group of States and, if so, whether those States could be made to share that responsibility. Caution was called for in that regard as well. At the current stage, he would only say that international organizations enjoyed personality which was not as functional as that of legal persons under internal law, but was, rather, primary personality of the same type as that enjoyed by States, since it was as a result of the practice of States that organizations acquired their position and their legal capacity.

16. As to the question whether or not there was a general rule of international law which attributed personality to some organizations, he would be inclined to say that custom or an unwritten rule took shape for each organization when it had achieved some degree of independence and, in particular, some degree of universality.

17. For all those reasons, he was of the opinion that the Commission should proceed cautiously and confine its task to what was really essential, namely the privileges and immunities of international organizations, and that it should not take too clear-cut a position on the way in which international organizations acquired personality or on the existence or non-existence of general rules to that effect. The exact opposite was, of course, true in the case of the personality of an international organization under internal law: such personality was not only an essential attribute of the possessor of privileges and immunities, but also gave rise to less complex problems than did the question of personality under international law.

18. The second problem to which article 1 gave rise was that it established a close link between legal personality under international law and legal personality under internal law. The article thus appeared to indicate that the capacity in question was capacity under international law as well as under internal law. That impression was confirmed by the words "to the extent compatible with the instrument establishing them" in the second sentence, which might establish an even closer link than the one established by the fact that the two types of legal personality were referred to together in the first sentence. In any event, it was obvious that the second sentence referred not to capacity under international law, but to capacity under internal law, and that there were two entirely distinct and separate types of personality and capacity: personality and capacity under international law, which derived from customary international law, and personality and capacity under internal law, which could, of course, be the subject-matter of an international obligation of the States which had established an organization, but were primarily an internal law matter giving rise to obligations under internal law or under unwritten international rules and thus came within the sphere of private international law, just as capacity to institute legal proceedings came within the sphere of international civil procedural law.

19. Account also had to be taken of the personality of international organizations within the framework of their own internal legal order—a very important point to which the Special Rapporteur had drawn attention (1925th meeting) in referring to international civil servants and the legal system governing relations between the members of the secretariat of an international organization. He was not sure that he entirely agreed with the Special Rapporteur about the position of representatives of States. Although the members of the Commission, who served in their personal capacity, did to some extent form part of the United Nations and were in a sense subject to its internal legal order, he was not sure what the position of representatives of States would be.

20. The third problem to which title I gave rise related to capacity to conclude treaties, dealt with in alternative A, article 1, paragraph 2, and in alternative B, article 2. In principle, such capacity was, unless otherwise restricted, also *erga omnes*. What then was the significance of the fact that such capacity "is governed by the relevant rules" of the organization? Those rules determined which organ or organs of the organization were competent to conclude treaties on behalf of the organization, and the situation was exactly the same in the case of States. But the relevant rules of the organization had nothing to do with the right to conclude treaties with third States. Leaving aside the question of the freedom of any third State to conclude or not to conclude a treaty with an international organization, unless a rule of *jus cogens* required it to do so, that right depended on the existence of a rule of general international law. It would thus not be enough to refer to the constituent instrument of an international organization, except in so far as capacity to contract was concerned.

21. Mr. MALEK commended the Special Rapporteur for his excellent second report (A/CN.4/391 and Add.1), which was particularly clear and concise and contained valuable information that should enable the Commission to formulate rules governing the legal capacity of international organizations. He also thanked the Secretariat for its supplementary study (A/CN.4/L.383 and Add.1-3), which would help the Commission in its work on the legal status, privileges and immunities of international organizations.

22. The Special Rapporteur had stressed that the Commission's discussions should relate to the legal status, privileges and immunities of international organizations, their officials, experts and other persons engaged in their activities not being representatives of States. In his report (A/CN.4/391 and Add.1, para. 14), he noted that, according to one view expressed in the Commission "a few problems should be selected for consideration at the first stage, such as

[6] *Ibid.*, p. 187.

those concerning international organizations, and ... the much more delicate problems, such as those relating to international officials, should be left till later"; but he had not really indicated what the exact scope of the topic should be. In view of the complexity of the issues at stake, the Special Rapporteur appeared, moreover, to be determined to proceed as cautiously as possible. That might explain why he recommended (*ibid.*, para. 27) that no decision on the question whether the Commission should also deal with international organizations of a regional character should be taken until the study had been completed.

23. The report under consideration dealt essentially with the legal capacity of international organizations. The Special Rapporteur referred (*ibid.*, para. 54) to five categories of instruments which granted or recognized the legal personality and capacity of international organizations and reviewed (*ibid.*, para. 55) the replies to the questionnaire on the topic sent to various international organizations, concluding (*ibid.*, para. 56) that "international organizations are recognized, although in some instances with certain limitations, as having legal personality and capacity and that, in practice, both internationally and internally, no major difficulties have been encountered in using such powers". Title I on the legal personality of international organizations, as submitted by the Special Rapporteur, should accordingly not give rise to any problems and the two alternatives could be referred to the Drafting Committee. The information contained in the second report on the legal personality of international organizations, as well as the information which the Special Rapporteur had provided in his oral introduction (1925th meeting), might, moreover, serve as a basis for the drafting of the commentary to those provisions.

24. Mr. CALERO RODRIGUES thanked the Special Rapporteur for his clear and concise second report (A/CN.4/391 and Add.1), which contained a complete survey of international practice, doctrine and jurisprudence.

25. Title I as submitted by the Special Rapporteur would serve as a useful introduction to the draft articles by laying the foundations for the granting and recognition of the privileges and immunities of international organizations. International organizations and their officials had to be granted privileges and immunities because they enjoyed legal personality and had the capacity to perform certain acts.

26. The question whether title I could be applied to all international organizations would, however, require further consideration. It would, for example, have to be determined whether organizations which had been established by a small number of States, whose constituent instruments were not entirely clear and which were not recognized by all States, also enjoyed legal personality and were entitled to privileges and immunites. He was sure that the Special Rapporteur would, in due course, let the Commission know whether the privileges and immunities with which he intented to deal would apply in the same way to all international organizations.

27. In his view, the words "International organizations shall enjoy legal personality" in the first sentence of article 1 went somewhat too far and should be replaced by the words "International organizations may enjoy legal personality". It would thus be clear that some international organizations might not enjoy legal personality.

28. The answer to the question whether a separate article should be devoted to the capacity of an international organization to conclude treaties would depend on how many articles the Special Rapporteur intended to include in the draft. In that connection, he said that he could not agree with Mr. Arangio-Ruiz that the words "The capacity of an international organization to conclude treaties is governed by the relevant rules of that organization" meant that those rules would determine whether or not an organization could conclude treaties. Such a determination would, rather, be made by the States which negotiated a treaty, and the treaty would, moreover, contain provisions stating whether or not an organization was allowed to become a party to it. The wording proposed by the Special Rapporteur simply meant that an international organization could conclude treaties only if it was authorized to do so by its internal rules. Since the Commission had already spent enough time on theoretical considerations, it should adopt a pragmatic approach to its work and accept article 1, paragraph 2, in alternative A or article 2 in alternative B.

29. Mr. YANKOV thanked the Special Rapporteur for his concise second report (A/CN.4/391 and Add.1) and for his efforts to bring a somewhat theoretical topic into the realm of law-making.

30. The topic had a prominent place in modern international law and had gone through two major historical stages. The first had covered the period prior to the First World War. The second had begun in 1945 with the establishment of the United Nations and had been very rich both in practice and in doctrinal studies. He nevertheless had the impression that those studies had not brought the topic to the level of rules and regulations to govern the functions of international organizations, their relations with States and their relations with one another.

31. In dealing with international organizations, the Commission had to proceed cautiously, since there was a wide variety of organizations and each one had its own particular features as far as legal capacity, international status and legal personality were concerned. The Special Rapporteur himself had adopted a cautious approach in defining the scope of the topic and determining which organizations should be covered.

32. Like Mr. Calero Rodrigues, he believed that, although the Commission would inevitably have to deal with general and theoretical issues, its main task would be to discuss the practical problems involved in the legal personality and legal capacity of international organizations, their privileges and immunities and their rights and obligations under international law and under the legal systems with which they might come into contact.

33. With regard to the legal capacity of international organizations, he agreed with the general approach taken by the Special Rapporteur. Attention

should, however, be given to such features of international organizations as the right of representation. Some international organizations had only a very limited right of legation, but others, like the United Nations, enjoyed it to the full. For example, United Nations Headquarters had the largest diplomatic corps in the world.

34. Another question to be taken into account was that of responsibility *vis-à-vis* international organizations and the responsibility of those organizations in respect of damage caused to others. There were already a number of judicial precedents and treaties relating to that question, including the 1972 Convention on International Liability for Damage Caused by Space Objects.[7] The 1982 United Nations Convention on the Law of the Sea[8] also contained provisions (article 139) on liability for damage caused by activities in ocean space, including marine research activities carried out by an international organization. There would obviously be a gap in the present draft if it did not deal with the question of the responsibility of international organizations.

35. With regard to draft article 1 as submitted by the Special Rapporteur, he noted that the Commission still had to discuss the question of legal capacity under internal law, which had to be examined not only from the point of view of the internal law of the member States of an organization, but also from that of the internal law of non-member States. He therefore suggested that the terms of article 1 should be broadened, since subparagraphs (*a*), (*b*) and (*c*) probably did not cover enough ground.

36. As to the next stage of work on the topic, he thought that the Special Rapporteur should submit an outline of the entire set of draft articles. Experience had shown that it was always useful to have an idea of the form the entire draft would take.

37. Mr. McCAFFREY, congratulating the Special Rapporteur on his concise and lucid second report (A/CN.4/391 and Add.1), said that the topic was a very difficult one, especially if an attempt was to be made to harmonize the rules applicable to all international organizations. Since there was a wide variety of organizations and each one was, in a sense, unique, a cautious and functional approach had to be adopted, as indeed the Special Rapporteur had realized. Sir Ian Sinclair (1925th meeting) had, moreover, pointed out that it might not be possible to distil general rules that would be applicable to all international organizations. The legal capacity of an international organization should therefore be such as to give effect to the purposes for which its member States had established it.

38. As to the question of international legal personality, he agreed with Mr. Arangio-Ruiz that, while the United Nations and possibly its specialized agencies certainly enjoyed such personality to the fullest extent, that was not necessarily true of other international organizations.

39. Referring to article 1, paragraph 1, in alternative A, he supported the suggestion by Mr. Calero Rodrigues that the words "International organizations shall enjoy legal personality ..." should be replaced by the less categorical formula "International organizations may enjoy legal personality ...". That wording would cover the case of organizations that were not endowed with international personality by their constituent instruments.

40. He also suggested that paragraph 2 of article 1 should be amended to read: "An international organization my conclude treaties only if it is allowed to do so by its constituent instrument." The present text, which stated that the capacity of an international organization to conclude treaties "is governed by the relevant rules of that organization", could be taken to mean that the participation of an international organization in a treaty was not a matter to be decided by the parties to that treaty, whereas it was in fact the parties to a treaty that decided whether they wished to allow participation by an international organization.

41. Mr. BALANDA, congratulating the Special Rapporteur on his second report (A/CN.4/391 and Add.1) and thanking the Secretariat for its useful supplementary study (A/CN.4/L.383 and Add.1-3), said it was unfortunate that, because time was so short, the Commission would probably be unable to discuss all the important issues at stake and to give the Special Rapporteur the instructions he might need for the preparation of his next report.

42. Even though the trend now was to invite special rapporteurs to be cautious and pragmatic in order to avoid protracted discussions of a doctrinaire, theoretical nature, his own view was that the Commission should define the notion of an international organization at the outset and not leave that task until later, as the Special Rapporteur had suggested. The second report did, of course, indicate (A/CN.4/391 and Add.1, paras. 20-21) how some writers had defined that notion, but the Special Rapporteur himself might try to work out a clear and precise definition.

43. The Special Rapporteur had been right to focus primarily on practice. In that connection, account had to be taken of the important question of relations between an international organization and its member States, since the question of the legal personality of the organization could arise in that context. As to the organizations to which the draft would apply, the Special Rapporteur noted (*ibid.*, para. 27) that the Commission had provisionally decided to take account of all international organizations, whether of a universal or of a regional character. He also proposed to deal only with intergovernmental organizations (*ibid.*, para. 26). That approach might, however, not take account of the fact that some treaties did not establish genuine international organizations. That was, for example, the case of the intergovernmental agreement establishing the Council of the Entente States, an African organization which was intended only as a forum where heads of State and Government could meet and discuss, and which

[7] United Nations, *Treaty Series*, vol. 961, p. 187.

[8] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), p. 151, document A/CONF.62/122.

was not an international organization, since it had no organs which could express a will distinct from that of the member States.

44. In his second report (*ibid.*, para. 6), the Special Rapporteur mentioned the difficulty of applying the general rules of international immunities to international organizations set up for the purpose of engaging in commercial activities. In that connection, he pointed out that, whenever States established an international organization in order to engage in an activity at the international level, they did so in the general interest, which might of course be of a commercial nature. The fact that an international organization engaged in commercial activities did not, however, mean that it was not performing an international public service, and it was precisely because it performed such a service that it required protection.

45. The Special Rapporteur also referred (*ibid.*) to the "responsibility of States to ensure respect by their nationals for their obligations as international officials". Such wording could not, however, be interpreted to mean that States had an obligation to ensure that the conduct of their nationals met the standards of the international organizations by which they were employed. It should, rather, be interpreted in the light of Article 100, paragraph 2, of the Charter of the United Nations, according to which each Member of the United Nations undertook not to seek to influence international officials in the discharge of their responsibilities.

46. Several members of the Commission had said that it was questionable whether general rules on the legal status of international organizations could be codified, since there was such a wide variety of organizations. Some had called for caution, while others had even expressed doubts about the chances of success of such an undertaking. Since writers such as Flory had, as a result of extensive research, succeeded in identifying some of the common features of international organizations, however, it should be possible to codify the general rules that applied to international organizations, regardless of the purpose for which they had been established.

47. Legal personality was one common feature of every international organization. In his view, it would be going too far to say that any international organization whose constituent instrument did not expressly recognize that essential attribute lacked legal personality. When States established an international organization, they did so for the purpose of jointly carrying out a particular activity at the international level; without legal personality and capacity, an organization would be unable to carry out the activities for which it had been set up. If it was denied legal personality, it would be stillborn. The two alternatives for title I as submitted by the Special Rapporteur would provide a satisfactory solution to the problem.

48. In several parts of his second report, the Special Rapporteur referred to the "regulatory functions" of international organizations, but that term might not be generally acceptable because it had different meanings. In the law of the European Communities, for example, "regulatory functions" were not the same as "directives" and, according to some writers, "regulatory functions" were the general administrative functions performed by the organs of international organizations in carrying out their activities.

49. His own preference was for alternative B, according to which article 1 would deal with the legal personality of international organizations and article 2 would relate to their capacity to conclude treaties. It might, however, have to be specified that capacity to contract, acquire and dispose of movable an immovable property and institute legal proceedings was exercised "in accordance with internal law", since it could be exercised only in the territory of a State and States could not be required to amend their legislation to take account of the existence of international organizations. In Zaire, for example, the rule that land could belong only to the State would have to apply to international organizations as well.

50. Moreover, in order to afford international organizations greater protection, the draft should include a specific provision on the question of the types of donations which an organization would be allowed to receive. The sensitive and thorny problem of the international responsibility of organizations would also have to be discussed, and the Commission would have to choose between the régime of responsibility which applied to States, the régime provided for by the internal law of the State in whose territory an international organization engaged in its activities, or some other régime *sui generis*.

The meeting rose at 1.10 p.m.

1927th MEETING

Wednesday, 17 July 1985, at 10.05 a.m.

Chairman: Mr. Satya Pal JAGOTA

Present: Chief Akinjide, Mr. Arangio-Ruiz, Mr. Balanda, Mr. Calero Rodrigues, Mr. Díaz González, Mr. El Rasheed Mohamed Ahmed, Mr. Flitan, Mr. Francis, Mr. Illueca, Mr. Jacovides, Mr. Koroma, Mr. Lacleta Muñoz, Mr. Mahiou, Mr. Malek, Mr. McCaffrey, Mr. Ogiso, Mr. Razafindralambo, Mr. Reuter, Mr. Riphagen, Mr. Roukounas, Sir Ian Sinclair, Mr. Sucharitkul, Mr. Thiam, Mr. Tomuschat, Mr. Ushakov, Mr. Yankov.

Relations between States and international organizations (second part of the topic) (*continued*) (A/CN.4/370,[1] A/CN.4/391 and Add.1,[2] A/CN.4/L.383 and Add.1-3[3]

[Agenda item 9]

[1] Reproduced in *Yearbook ... 1983*, vol. II (Part One).
[2] Reproduced in *Yearbook ... 1985*, vol. II (Part One).
[3] *Ibid.*