Document:-
**A/CN.4/SR.1453**

**Summary record of the 1453rd meeting**

Topic:
**<multiple topics>**

Extract from the Yearbook of the International Law Commission:-
**1977, vol. I**

the precise nature and scope of the privileges and immunities of all or some international organizations.

53. He too was inclined to believe that the Commission should consider the privileges and immunities of all international organizations, and not only those of a universal character, even if it found many discrepancies in the practice of States and international organizations. A study of practice would reveal the existence of some rather strange rules. For example, in the case of EEC, the Community's immovable property could be subject to seizure or even a measure of execution.

*The meeting rose at 6.05 p.m.*

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## 1453rd MEETING

*Tuesday, 5 July 1977, at 10.10 a.m.*

*Chairman:* Sir Francis VALLAT

*Members present:* Mr. Ago, Mr. Calle y Calle, Mr. Dadzie, Mr. El-Erian, Mr. Francis, Mr. Quentin-Baxter, Mr. Reuter, Mr. Šahović, Mr. Schwebel, Mr. Sette Câmara, Mr. Sucharitkul, Mr. Tsuruoka, Mr. Ushakov, Mr. Verosta.

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### Long-term programme of work

[Item 8 of the agenda]

and

### Organization of future work (*continued*)

[Item 9 of the agenda]

PRELIMINARY REPORT ON THE SECOND PART OF THE TOPIC OF RELATIONS BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS (*continued*) [A/CN.4/304]

1. Mr. SUCHARITKUL, continuing his statement, said it was gratifying to note that the Special Rapporteur had raised the question of the place of custom in the law of international immunities. The Commission was entering a new phase in the progressive development of international law for, in considering custom, it would be examining not only the practice of States but also that of international organizations. In the case of EEC, the question of immunity from seizure, attachment and execution had long been controversial in Belgium. That country was also the host country for NATO, but the Special Rapporteur had rightly left aside the problem of the status of NATO forces and Warsaw Pact forces, for the Commission's task would be amply sufficient if it dealt with civil jurisdiction only.

2. The practice of States was most interesting but also extremely complicated. For instance, in a number of recent cases concerning employees of foreign Governments and of international organizations, the courts in Italy had distinguished between appointments and dismissals according to the terms of the employment contracts, so that *atti di gestione* were subject to the jurisdiction of the Italian courts but other acts of appointment or dismissal were considered as part of the official duties of international organizations. The mixed courts in Egypt, mentioned by the Special Rapporteur, could be said to be among the most advanced in their practice regarding immunities.

3. One of the leading countries in developing a theory that immunities could be restricted was France, which had applied the criterion of the *acte de commerce* as a result of cases in which the representative of a particular Soviet commercial agency in France had been held responsible not only for the commercial activities of the agency in question but also for the commercial activities of other Soviet trading organizations in France. He gave that example only by way of analogy, however. He did not believe that the French courts would hold UNESCO responsible for the activities of other specialized agencies of the United Nations.

4. The Government of Japan had granted certain privileges and immunities to the United Nations University, but the University was what might be termed a lesser organ and its head could not be compared with the Secretary-General of the United Nations; the scope of his immunities was restricted by the nature of his functions. Obviously, the practice of States was of great significance. National courts sometimes applied the principles relating to immunities as principles of international law, though the courts in the United Kingdom regarded those principles as being already incorporated into internal law. The difficult practice in the United States, resulting from the recent legislation concerning suits against foreign Governments, would probably have some effect on suits against international organizations.

5. The ASEAN group of States had come to adopt what the Special Rapporteur had aptly termed customary practice. ASEAN meetings at various levels had been granted the traditional or customary privileges and immunities accorded to "similar organizations", though exactly what was meant by that expression was doubtless open to different interpretations. His own country, Thailand, afforded an example of a particularly rich experience in State practice, as was shown by the arrangements made for ESCAP, the Southeast Asian Ministers of Education Secretariat and SEATO (an organization which had recently been dissolved but nonetheless, for the purpose of legal studies, gave a complete picture of the formation of headquarters agreements and bilateral arrangements).

6. At the present time, there were a number of conflicting tendencies. One was to expand the number of beneficiaries of privileges and immunities because of the proliferation of international organizations, while another was to restrict such privileges and immunities to the barest minimum. It should be possible to establish a uniform minimum standard necessary for the performance of the official functions of international organizations. Those organizations did not regard themselves as sovereign and their immunities were not based on sovereignty. However, a close examination of the problem would reveal two analogies: the immunities accorded to an organization and its officials might be compared to State or sovereign immunities, whereas the immunities granted

to permanent representatives were more in the nature of inter-State diplomatic immunities.

7. The test for arriving at such a conclusion was the test of waiver. If the immunities of the international organization or its officials were involved, they clearly belonged to the international organization whereas, if the immunities of the permanent representatives or representatives of member States were involved, they belonged mainly to the individual sending State. In the case of a breach of international obligations, there would be two co-plaintiffs: the international organization and the sending State. Waiver was a very convenient institution which would help to solve a large number of problems. Mr. Tabibi had been right to point out in the previous meeting the difficulties faced by host Governments, particularly those of developing countries. Many practical measures would have to be devised in order to give effect to the minimum requirements for immunities.

8. Mr. REUTER said he associated himself with the congratulations addressed to the Special Rapporteur on his work, which, like its author, was characterized by knowledge, wisdom and modesty. As the Special Rapporteur responsible for another topic, he had more than once benefited from the advice, information and encouragement of Mr. El-Erian, who had always carried out his duties as Special Rapporteur to the best of his ability, even in the most difficult circumstances.

9. As to the substantive matters discussed in the report, he had full confidence in the Special Rapporteur and agreed with him that the subject under study had nothing in common with that of treaties concluded between States and international organizations or between two or more international organizations. The drafting of articles relating to treaties to which international organizations were parties must necessarily remain within the sphere of general public international law. For such treaties did exist, and they were subject to rules which could not be the rules of any international organization; an international organization, by definition, would not agree to conclude a treaty with another international organization if it had to submit to the rules of that other organization. The 1975 Vienna Convention [1] had an entirely different object. In that sphere, special rules of international law existed for each organization, so that it had not been a matter of drafting rules which had originally been rules of general international law but of unifying rules of special international law. For the second time, the Commission was preparing to undertake such work for the unification of public international law, the results of which would correspond to the unification of private international law.

10. In those circumstances, he would be inclined to answer the Chairman's question [2] by saying that the wider the circle of international organizations covered, the greater the number of special laws unified and, consequently, the more complete the Commission's work. From the point of view of the unification of law alone, such should indeed be the Commission's object but, on the other hand, it must show moderation and reason. It could not expect at the outset to unify the law of every individual international organization in existence. It was, of course, desirable that it should succeed in doing so but that seemed unlikely. It might be that conclusions similar to those which the Commission had been obliged to accent in its earlier work and at the United Nations Conference on the Representation of States in their Relations with International Organizations (Vienna, 1975) would again be unavoidable.

11. Moreover, it was not so much between the universal or regional character of international organizations that it was necessary to distinguish as between the major administrative and political organizations, such as the United Nations and its specialized agencies and the ever-increasing number of organizations of a more or less operational character which performed banking or commercial functions. As Special Rapporteur responsible for the study of treaties to which international organizations were parties, he had examined the five UNCTAD volumes on economic co-operation and integration among the developing countries.[3] He had noted that the question of the privileges and immunities of the bodies concerned was discussed there, and that certain analogies could be drawn with the main specialized agencies, though at first sight the position of an organization such as WHO was not at all the same as that of a body such as the African Development Bank. That was why it was important not to set limits to the Special Rapporteur's work. It might, however, be considered advisable, at least to start with, to confine that work to organizations in the United Nations system since the Commission itself was one of them. Admittedly, the United Nations had set up regional organizations which carried out certain operational activities, but it was for the Special Rapporteur to delimit the scope of his subject.

12. Other limitations would probably be necessary, as was clear from the questions reviewed by the Special Rapporteur in his preliminary report. As to the so-called customary rules, he had the most serious reservations. As Mr. Sucharitkul had pointed out, it was not unusual for agreements relating to organizations, particularly those of an economic nature, to be signed in haste and to contain a general reference to the "customary privileges and immunities" which those bodies would enjoy. But it was not unusual for it to be stipulated that that question would be the subject of an additional agreement, so that not much was really gained. An illustration was provided by the privileges of an international official, the granting of which depended upon the functions of the international organization. A customary rule could be considered to exist according to which the privileges and immunities of an international official were based on, and limited by, the requirements of his functions. That was a very general rule, however, and it was necessary to ascertain, for example, whether the organization was obliged to suspend those privileges and immunities when the functions were not being exercised. If so, by what criterion could it be determined that the functions were no longer involved? There was a wealth of jurisprudence on the liability of

[1] See 1452nd meeting, foot-note 7.

[2] *Ibid.*, para. 30.

[3] "Economic co-operation and integration among developing countries: Compilation of the principal legal instruments" (TD/B/609/Add.1).

international officials in case of traffic accidents and the Commission's work would only be useful if it managed to work out rather more specific formulae than those generally used.

13. The question of the privileges and immunities of an international organization was linked with that of the privileges and immunities of an international official, but the latter raised delicate problems, including tax problems, which States were loath to discuss. Indeed, some States refused their own nationals who were officials of international organizations the privileges and immunities they granted to international officials of other nationalities. That situation had led to many compromises in the United Nations. He therefore considered that a few problems should be selected for consideration at the first stage, such as those concerning international organizations, and that the much more delicate problems, such as those relating to international officials, should be left till later. It was true, in regard to the latter, that a work of co-ordination was going on within the United Nations, as Mr. Tabibi had said at the previous meeting, but it did not seem possible or desirable to draw up unified rules on the matter which would be applicable to a very wide circle of international organizations. The topic, like that of State succession, covered a vast area and the Special Rapporteur should be given wide discretion so that he could start with the most tractable problems.

14. Mr. FRANCIS said that the Special Rapporteur's highly instructive report had usefully traced the historical background to the emergence of the status of international organizations and their privileges and immunities. It was difficult to see how the Commission could avoid, or be made to avoid, proceeding further with the present topic, which brought into sharp focus the need to complement other branches of law already codified by it. The growth of the legal status of international organizations and the privileges and immunities granted to them and to their officials resulted from the enlightened interplay of the foreseeable requirements of international organizations and the fundamental requirements of the internal law of States.

15. Over the years, a wide range of customary rules had emerged and no one could deny that, at the present time, a large body of such rules was applicable to international organizations and to their accredited officials. Some years ago, when he had been the legal adviser of the Ministry of Foreign Affairs in his country, a representative of OAS had arrived in Jamaica to establish a regional office. At that time, there had been no question but that, even in the absence of an agreement, the representative of the organization was entitled to certain basic privileges. Customary law unquestionably played an important role in the present topic and it had been dealt with most constructively by the Special Rapporteur.

16. Again, the report mentioned the lack of uniformity in the treatment not only of experts on missions for international organizations but also of persons having official business with international organizations, who were generally granted the right of transit. In that connexion, the important question was whether, in view of the functional needs of international organizations, the right of transit was sufficient. In his opinion, persons in such a position should be afforded a measure of protection that went beyond the right of transit.

17. As to the diversity of practice, the Special Rapporteur had emphasized the need to consolidate the situation and had mentioned that the 1975 Vienna Convention was confined to international organizations of a universal character. In dealing with the present subject, the Commission should use a blend of caution and realistic imagination. Clearly, there was a lack of uniformity among existing international organizations regarding the application of privileges and immunities, and the Commission would try to establish a body of rules applicable to all organizations. But it should at the same time cast a wider net that would take in regional organizations, and determine whether matters of general significance could not also find a place in a draft convention. For example, the role of experts was now very different from that envisaged in 1946 or 1947.

18. The Special Rapporteur had pointed out that it would be useful to obtain more complete and up-to-date information from the specialized agencies. Almost certainly, it would be possible in the end to arrive at conclusions acceptable to all the members of the Commission, which would go to make up a body of rules that were not confined entirely to international organizations of a universal character.

19. Mr. SCHWEBEL said that, coming as he did from a country which was host to a large number of international organizations, he had been particularly interested in the excellent report under discussion. Everybody agreed that international organizations must have the functional privileges and immunities necessary for the performance of their tasks. Yet, as Mr. Sucharitkul and Mr. Reuter had wisely cautioned, a reasonable balance should be struck between the privileges and immunities of international organizations and the jurisdiction of host States

20. It was particularly important to bear in mind the limited character of privileges and immunities because of the popular reaction to what was often considered an undue extension of them. The popular press often drew attention to what were, in fact, trivialities but none the less aroused unjust animosity towards international organizations and, indeed, towards international co-operation in general. The real problem, of course, related to diplomatic privileges and immunities, not to those accorded to the secretariats of international organizations.

21. Reference had rightly been made to road traffic accidents. Few things aroused such interest as traffic accidents involving diplomats or officials of international organizations who pleaded immunity. Clearly, a balance had to be struck, not only for reasons of equity but also in order to improve the popular image of international organizations—a matter which could not be lightly discounted.

22. Consideration must, naturally, also be given to the jurisdiction of the host State, for it would be pointless to prepare a draft treaty which Governments would not ratify. Like all the members of the Commission, he had the greatest confidence in the scholarship of the Special Rapporteur and in his objectivity in carrying out his task.

23. Mr. QUENTIN-BAXTER expressed his gratitude for the information supplied in what was modestly described as a preliminary report and for the much-needed reassurance given to the Commission by the Special Rapporteur when it was taking up such an amorphous subject. Indeed, each of the subjects listed in chapter IV of the report was one that might challenge the collective wisdom of the members of the Commission.

24. At the doctrinal level, the nature of custom in its application to international organizations was clearly a matter of great difficulty and complexity. At the level of common sense, however, it was plain that States had developed some customary rules or common conceptions in their approach to international organizations and officials. Mr. Sucharitkul, drawing upon a prodigious knowledge of the question of privileges and immunities, had revealed the immensity of some of the problems that might arise. It would be wise for the Commission to move tentatively, allowing time for State practice to develop, and to preserve a sense of priorities which would rank sovereign immunities above the equally difficult problems concerning the immunities of officials of international organizations. The Special Rapporteur had emphasized that the Commission preferred to follow an empirical method and to deal with problems which were of immediate practical interest to States and for which there was at least a reasonable possibility of an agreed solution. The present topic was pre-eminently one which called for such a low-key approach and the Special Rapporteur was pre-eminently the man to guide the Commission in its endeavours.

25. The subject had been rightly described as one which fell within the field of diplomatic law and did not raise the enormous theoretical problems that surrounded the question of the personality, capacity and role of international organizations. It was too early to establish the definitive scope of further work on the subject, and he fully shared the view that the Commission should begin by considering organizations in the United Nations system. Nevertheless, he believed that the value of the draft would greatly depend on whether other smaller, regional organizations could relate it to their own circumstances —in other words, on whether it was a draft which would help them to understand the essential laws of their own existence and of their relationship to States.

26. At the same time, it was his impression that the Commission, in reporting to the General Assembly, sometimes failed to stress the organizational implications of its work. Not infrequently, the Sixth Committee decided to embark on major projects that made great demands on the resources of the Codification Division, on which the Commission itself was also heavily dependent. Consequently, if the Sixth Committee was not aware of those organizational implications, it was only too evident that the Fifth Committee would not be able to grasp the relationship between the Commission's projects and the underpinning required to sustain them.

27. He therefore welcomed the prudent manner in which the Special Rapporteur had drawn up his preliminary report. The aim was not to attract a massive flow of information but to work towards drafts that would elicit a response from Governments and international organizations. The best course would be to proceed gradually, and the Commission might well find sufficient reward at the end of its inquiries if it pursued them gently.

28. Mr. TSURUOKA said he wished to be associated with the congratulations addressed to the Special Rapporteur, whose qualities were a guarantee of success.

29. With regard to the report (A/CN.4/304), he assumed that the Commission intended to draw up an international legal instrument designed to promote the activities of international organizations, which were rendering increasingly valuable services to the peace and prosperity of States and to the well-being of peoples in many fields. Personally, he was in favour of compromise for he believed that it was necessary to work out general rules which were simple and well balanced. Detail and inflexibility were enemies of the Commission's work.

30. The rules drawn up by the Commission were not entirely residuary. As Mr. Bartoš, the former Special Rapporteur for special missions, had pointed out when submitting his draft articles,[4] there was a minimum number of imperative rules, even when the subjects of international law concerned were left wide latitude, and, where the status and the privileges and immunities of international organizations were concerned, the Commission was not going to leave the field entirely open to the independent will of those concerned. That was an additional reason for formulating simple rules and seeking compromise solutions. Such solutions were also dictated by the fact that, in that sphere, the rules were evolving so much that it was difficult to foresee where the trend would lead. Moreover, it was necessary to consider the interests both of those who benefited from privileges and immunities and of those who granted them. In that connexion, he pointed out that the question of the privileges and immunities to be granted to the United Nations University at Tokyo and to the members of its staff had been the subject of heated discussion in the Japanese Government. It was necessary to find solutions that offered a compromise between theory and pragmatism. In some cases, the Commission should not hesitate to engage in progressive development of international law.

31. He was in favour of limiting the scope of the study, if only because the Commission would not have time to draw up rules applicable to all international organizations. The rules governing international organizations were very numerous and diverse. To overcome the disadvantages of limiting the subject, the Commission could draft an article similar to article 3 of the Vienna Convention on the Law of Treaties,[5] reserving wider application of the instrument. Finally, it was necessary to decide not only which international organizations should be covered but also to which officials of international organizations the future draft articles should be addressed. One question to which the Special Rapporteur had referred and which

[4] See, for example, *Yearbook ... 1964*, vol. 1, pp. 15 and 19, 725th meeting, paras. 2 and 49.

[5] For the text of the Convention, see *Official Records of the United Nations Conference on the Law of Treaties, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5.), p. 287.

should be clarified some time was the precise status of the members of the International Law Commission.

32. Mr. USHAKOV said that there were nearly 300 international organizations, which included organizations of a universal character, such as the United Nations and the organizations attached to it and regional organizations. Those organizations had their headquarters in the territory of a member State or a non-member State, such as Switzerland, and some of them even had permanent organs in the territory of other States. Consequently, the topic of relations between States and international organizations was extremely important for the whole of the international community, for over half the States in the world were now host States. The headquarters of CMEA was in Moscow and almost all the socialist countries had the headquarters of an international organization in their territory.

33. Besides the problem of relations between States and international organizations, it was also necessary to study the problem of relations between international organizations, for many of them had representatives attached to other international organizations. For instance, CMEA had a permanent observer at the United Nations General Assembly in New York. The question which arose in both cases, and which had not yet been settled, was that of the legal status and privileges and immunities of the representatives of international organizations. There was already a wealth of practice and well-established customary and conventional rules on the subject, deriving from the headquarters agreements concluded between States and international organizations. However, relations between States and international organizations differed widely from one headquarters agreement to another, and the rules governing them should be unified.

34. The existing rules of diplomatic law were not imperative rules but always subsidiary or residuary rules. There was thus no risk of their being too rigid or too flexible because international organizations and States could derogate from them. He did not think that they were always special rules since they were based on the common principle that an international organization, in order to exist, must enjoy a special status in the State, whether a member or a non-member, in whose territory it had its headquarters. For without a headquarters agreement establishing that status, an international organization could neither exist nor operate as such. The privileges and immunities of the officials of an international organization were also indispensible for its existence and operation. That was a general rule on which all relations between States and international organizations were based.

35. He thought that the question of the status of international organizations was ripe for codification and that the Commission could find a general basis for the work in the existing conventional and customary rules. It was too soon to decide whether the study should be confined to international organizations of a universal character. Before taking that decision, the Commission should consult the United Nations, the specialized agencies and States in order to ascertain their views and obtain information.

36. The CHAIRMAN, speaking as a member of the Commission, congratulated the Special Rapporteur on his brilliant report, which contained the many elements of scholarship that were necessary to enable the Commission to adopt a balanced approach to the study it would undertake.

37. In paragraph 59 of his report, the Special Rapporteur had referred to the views expressed in Parliament by the Minister of State during the introduction of the 1944 British Diplomatic Privileges (Extension) Act. Those views had, however, been expressed at a very early stage in the development of thinking on the status, privileges and immunities of international organizations, and since that time there had been many developments in statute law. At present, there was little doubt that the predominant view in United Kingdom Government circles was that the functional approach was the right one and that the source of the privileges and immunities of international organizations lay in the relevant agreements. The wealth of treaties and legislation which had appeared since 1944 had had a definite impact on the basic theory of the status, privileges and immunities of international organizations, and it was now generally agreed that organizations enjoyed privileges and immunities in order to exercise the functions entrusted to them.

38. There was, however, some fear of uniformity because it was thought that, once uniformity had been achieved, international organizations might obtain maximum rather than minimum privileges and immunities. For example, as Mr. Tsuruoka had pointed out, parliaments, ministries of justice and ministries of finance often looked with great suspicion on the privileges and immunities accorded to international organizations and their officials. Mr. Sucharitkul had referred to the possibility that the rules to be formulated by the Commission might constitute a kind of minimum standard. That possibility would also involve a risk, however, because a minimum standard might encourage international organizations established in the future to ask for the minimum and then more. He was therefore of the opinion that the Commission would be right in not trying to codify every aspect of the status, privileges and immunities of international organizations.

39. He shared the view that the Special Rapporteur should be asked to proceed with his study of the second part of the topic of relations between States and international organizations. He noted that the question had been raised whether the study should be confined to relations between States and international organizations of a universal character. That question had not been answered during the discussion and his own view was that it was not a question which the Commission could answer at present; it would require further investigation and the advice and guidance of the Special Rapporteur.

40. As to the question of the materials to be examined by the Special Rapporteur, he fully agreed that the further consultations recommended in paragraph 78 of the report should be carried out. The Special Rapporteur should also be given the fullest freedom to examine any material he thought might be useful, whether it related to organizations of a universal character, members of the United Nations family, regional organizations or other types of organization. The Special Rapporteur should examine a good deal of national legislation in order to arrive at some conclusions concerning the relationship

between international organizations and the exercise of State jurisdiction, for it was through a study of the interplay of international treaties and national legislation that the Commission would be able to decide which rules should be included in a codification instrument.

41. With regard to the subject-matter of the study, he noted that most members of the Commission assumed that it would deal with the effect of the existence and operation of international organizations in the territory of States; in other words, with the effect or lack of effect of internal law on international organizations, not with the international relations of organizations and States or the international relations of organizations *inter se*. He drew attention to that assumption in order to stress the fact that, at present, it would be unwise for the Commission to place undue restrictions on the subject-matter of the study. Moreover, if that assumption was correct, it would mean that the study should deal with three basic questions, namely, the capacity or status of international organizations in internal law, the privileges of international organizations and the immunities of international organizations.

42. He had specially mentioned such capacity because he thought that one of the basic questions to be answered in the study was whether an international organization had legal capacity to contract within the system of internal law and to act as a body corporate by virtue only of its establishment and existence. He was particularly aware of the importance of that question because, in the United Kingdom, it had had to be decided whether a commodity council, to which the relevant agreement had accorded only the capacity of a body corporate with no privileges and immunities, was governed by United Kingdom legislation, which dealt essentially with capacity in the context of privileges and immunities. Although that problem had been solved by the adoption of the necessary Order in Council, it had clearly shown that the question of the capacity or status of an international organization was separate from the question of its privileges and immunities.

43. In that connexion, he thought the study should deal with the scope and content of Articles 104 and 105 of the Charter of the United Nations, which also made a distinction between the legal capacity necessary for the exercise of the Organization's functions and the privileges and immunities necessary for the fulfilment of its purposes. It should also be borne in mind, however, that, if the study dealt with the status, privileges and immunities of an international organization itself, as distinct from those of its officials and experts, it would be moving away from diplomatic law and towards the subject of State immunity, which the Commission had not yet examined but which it might take up as a topic parallel to that being studied by the Special Rapporteur. Although there was, in a sense, a parallel between State immunity and the immunity of an international organization, there was also a very fundamental difference between those two concepts, for State immunity was based on the idea of a State's sovereignty and absolute immunity from foreign jurisdiction, whereas the immunity of an international organization derived from its constitutent instruments and any relevant agreements that conferred on it the privileges and immunities necessary for the exercise of its functions. The parallel between those two concepts could be seen, however, in cases where, for example, local courts dealt with questions of immunity and of waiver in very much the same manner for international organizations as for States.

44. Mr. EL-ERIAN (Special Rapporteur) said that, in referring to the example of the 1944 British Diplomatic Privileges (Extension) Act, Sir Francis Vallat had been quite right in pointing out that many developments had taken place since 1944 and that it was now generally agreed that a functional approach should be adopted in studying the question of the status, privileges and immunities of international organizations. He had given that example in his report mainly in order to show that the origin of the law relating to the status, privileges and immunities of international organizations was not entirely conventional in nature

45 He fully agreed with Sir Francis Vallat that the study should deal with the question of the capacity of international organizations in internal law as distinct from the question of their privileges and immunities. In addition, he thought that a further distinction should be made between the legal capacity of international organizations themselves and the legal capacity of their officials, experts and other persons conducting official business on their behalf. Thus, one of the Commission's main concerns would be the problem of the representation of an international organization in the territory of a State and the status it should enjoy in order to exercise its functions if it sent a representative to another organization in the territory of another State.

*The meeting rose at 1 p.m.*

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## 1454th MEETING

*Wednesday, 6 July 1977, at 10.10 a.m.*

*Chairman:* Sir Francis VALLAT

*Members present:* Mr. Ago, Mr. Calle y Calle, Mr. Dadzie, Mr. El-Erian, Mr. Francis, Mr. Quentin-Baxter, Mr. Reuter, Mr. Šahović, Mr. Schwebel, Mr. Sette Câmara, Mr. Sucharitkul, Mr. Tabibi, Mr. Tsuruoka, Mr. Ushakov.

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**Long-term programme of work**
[Item 8 of the agenda]

**and**

**Organization of future work (*concluded*)**
[Item 9 of the agenda]

PRELIMINARY REPORT ON THE SECOND PART OF THE TOPIC OF RELATIONS BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS (*concluded*) [A/CN.4/304]