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A/CN.4/SR.1523

Summary record of the 1523rd meeting

Topic:
<multiple topics>

Extract from the Yearbook of the International Law Commission:-
1978, vol. I

cations of the traditional principles; consideration must also be given to the arrangments that had been made for more recent bodies, such as INTELSAT, and to those that might be made for the benefit of the sea-bed mining Enterprise envisaged in the proposed convention on the law of the sea. In the absence of any international corporate law by which such institutions might be governed, the rules for their activities were those provided in their constituent instruments. Those instruments, therefore, had to meet the difficult requirement of being models of completeness.

44. He hoped the Special Rapporteur would find it possible to cover organizations with operational competence in the study he now proposed. If that proved impossible, it might be necessary to add a third part to the topic.

45. Mr. ŠAHOVIĆ expressed gratitude to the Special Rapporteur for having taken into consideration the remarks he had made at the preceding session on the importance of practice.[13] In the report under discussion, the Special Rapporteur had analysed the subject substantively and outlined the general framework of his future work. His field of study had distinctly broadened. In the light of his new outlook and the conclusions he had reached, the Special Rapporteur should now indicate his plan of work.

The meeting rose at 1 p.m.

[13] See *Yearbook ... 1977*, vol. I, pp. 205 and 206, 1452nd meeting, paras. 32 and 34.

1523rd MEETING

Friday, 21 July 1978, at 10.10 a.m.

Chairman: Mr. José SETTE CÂMARA

Members present: Mr. Ago, Mr. Calle y Calle, Mr. Dadzie, Mr. Díaz González, Mr. El-Erian, Mr. Francis, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr Ushakov, Mr. Verosta, Mr. Yankov.

The most-favoured-nation clause (*concluded*) (A/CN.4/308 and Add.1 and Add.1/Corr.1 and Add.2, A/CN.4/309 and Add.1 and 2, A/CN.4/L.280)

[Item 1 of the agenda]

ARTICLE 2 (Use of terms)[1] (*concluded*)

1. The CHAIRMAN invited the Chairman of the Drafting Committee to report on the Committee's further discussion of article 2, paragraph 1, subparagraph (*g*), in which the Committee had proposed a definition of the term "persons or things" and which the Commission had referred back to the Committee at its previous meeting.

2. Mr. SCHWEBEL (Chairman of the Drafting Committee) said that the outcome of the further discussions mentioned by the Chairman had been the conclusion that the Drafting Committee would be unlikely to find a definition of the term in question that would be sufficiently comprehensive and clear. The Committee therefore recommended the deletion of subparagraph (*g*). That recommendation was, however, subject to the understanding that the commentary to article 5, which was the article most directly involved, would contain an explanation of what was meant in the draft articles by the term "persons or things", and would in particular make it clear that the expression covered activities and services.

3. Mr. VEROSTA expressed support for the Drafting Committee's recommendation.

4. The CHAIRMAN said that, if there were no objection, he would take it that the Commission approved the deletion of article 2, paragraph 1, subparagraph (*g*).

It was so agreed.

5. The CHAIRMAN suggested that the Commission should adopt, as a whole, the draft articles on most-favoured-nation clauses, as amended at its 1521st and current meetings.

The draft articles, as amended, were adoped.

Relations between States and international organizations (second part of the topic) (A/CN.4/311 and Add.1) (*continued*)

[Item 7 of the agenda]

6. Mr. REUTER wished to know whether the Special Rapporteur thought it possible for the question of the privileges and immunities of international organizations to be dealt with quite separately from that of the responsibility of international organizations, the one being the counterpart of the other. The latter question had still to be examined and he wondered whether it could be approached from the standpoint of codification.

7. He congratulated the Special Rapporteur on the clarity and judgement displayed in his report.

8. Mr. USHAKOV observed that the members of the Commission had no legal status and enjoyed no immunities or privileges. In his view, they could not be assimilated to experts on mission on behalf of the United Nations, as was being suggested. He therefore proposed that the Secretary-General should be officially requested to enter into an arrangement with the Swiss Government, after authorization by the General Assembly, establishing the status of the members of the Commission.

9. Mr REUTER was not opposed to the adoption of a decision on that matter, but pointed out that the

[1] For text, see 1521st meeting, para. 102.

Commission's position was not unique: other United Nations bodies were composed of persons who were not officials of the Organization, experts, or representatives of governments. He did not think it was correct to say that the members of the Commission had no rights, privileges or immunities. In his opinion, the Commission should proceed cautiously, for it could not raise the matter of its members' privileges and immunities without simultaneously raising the whole question of its status, and that was a highly complex issue which might take it further than it wished.

10. The CHAIRMAN suggested that the Planning Group might include the point raised by Mr. Ushakov in the agenda of its next meeting.

11. Mr. CALLE Y CALLE entirely agreed with the conclusions arrived at by the Special Rapporteur in his report on a subject that was of great interest in the modern world and that should be governed by specific rules. In studying the question of the privileges and immunities of international organizations, the Commission should take into account the experience of all such organizations and not merely of those of a universal character. Certain regional organizations that had been founded even earlier than the League of Nations continued to give valuable service, so that there was no reason for dismissing regional organizations as an immature sub-species. The Commission should frame general rules that would unify the relations between States and international organizations which, whatever their nature, were an expression of the growing solidarity of States and of their need for co-operation.

12. With regard to the methods of the Commission's study, much valuable information might be derived from the abundant practice of regional organizations. To mention a case in point, the Commission would doubtless find food for thought in the range of privileges and immunities, including full diplomatic status, accorded to the members of its counterpart organ in OAS. As the Special Rapporteur had acknowledged, the Commission should also look into the wealth of natonal legislation dealing with the immunities of international organizations. Although laws of that kind were sometimes specific to international organizations, they were more often general enactments on diplomatic privileges and immunities in which reference was made to particular international organizations. The Commission should also bear in mind that there was a large body of relevant national case law, for the activities of an international organization in a given country entailed not only visits by experts or special representatives, but also the prolonged residence of various categories of expatriate administrative or service personnel, employment of local staff and the presence in the country of officials' families.

13. With reference to the comments made by representatives in the Sixth Committee, as summarized in chapter III of the Special Rapporteur's report (A/CN.4/311 and Add.1), he noted with satisfaction the general agreement that the subject now before the Commission was ripe for codification. Only a few speakers had said that the question was adequately covered by Article 105 of the Charter of the United Nations and by the 1946 Convention on the Privileges and Immunities of the United Nations;[2] in his own view, that convention was a useful model for subsequent instruments, but it was not exhaustive. Another opinion that he did not share was that work on the second part of the topic of relations between States and international organizations should not be pursued until the 1975 Vienna Convention[3] had gained general acceptance, and that the attempt at codification now contemplated might fail. Codification of the law of immunities of international organizations was necessary in order to complete the work on the codification of diplomatic law, which was already so well advanced. The reason why the 1975 Vienna Convention was not yet in operation was not that it was not a good convention, but rather that the number of ratifications required for its entry into force had been set at nearly half the number of States in the world community, which was unreasonably high. He hoped that less rigorous requirements would be set for the entry into force of the convention based on the articles the Commission was about to begin drafting, since international law must keep up with the trends of contemporary international life, one of which was an increase in both the number and importance of international organizations.

14. Mr. SUCHARITKUL agreed entirely with the conclusions stated by the Special Rapporteur in his report. He would therefore simply draw the Special Rapporteur's attention to one or two points concerning the conduct of his study.

15. The Special Rapporteur had been right to point out, in paragraph 124 of his report, that the rationale for the immunities of international organizations and their officials was their functional needs. That functional criterion was in itself restrictive and implied that the immunities enjoyed by officials of international organizations were essentially immunities *ratione materiae,* whereas the immunities enjoyed by diplomats were both *ratione materiae* and *ratione personae,* inasmuch as they extended to protection of the person of the diplomat by reason of his representative function. It could, of course, be argued that certain officials of international organizations also had a representative function when they attended the meetings of other bodies, but that was only a subsidiary part of their duties. Moreover, although some immunities of international civil servants—such as immunity from arrest and detention and immunity from the seizure of personal luggage—were directly related to the person, the rest, including jurisdictional immunity in respect of words uttered or acts performed in the discharge of their duties, clearly had a functional basis. That being so, there corresponded to the immunities of international officials, as Mr. Reu-

[2] See 1522nd meeting, foot-note 7.

[3] *Ibid.*, foot-note 5.

ter had pointed out, certain responsibilities, particularly the duty of compliance with local laws, and even a virtual obligation to waive immunity if insistence on it might impede the course of local justice. The fact that the only international organizations with which the Commission was concerned were intergovernmental organizations helped to explain why the latter and their officials were generally exempt from income tax; in the absence of such an exemption, the contributions would in effect come from the member States forming the organization, which would understandably be reluctant to tax themselves.

16. But more important than the question of immunity—and the point of which he hoped the Special Rapporteur would begin his study—was the question of the status and legal personality of international organizations. It would seem that, ultimately, every international organization had two types of legal personality: that attributed to it by the national law of its host country and that attributed to it by its constituent instrument or equivalent documents. The first such capacity was of fundamental importance for determining the practical attributes of the organization in relation to private law, for instance, whether it could sue and be sued, and whether it could acquire and dispose of property. It was certainly appropriate that the Special Rapporteur should study national legislation in relation to international organizations, but the study must nevertheless begin with the consideration of the constituent instruments of international organizations, for it was they that showed how far the members of a particular organization had intended to give it international personality or capacity. The study of those instruments would, indeed, reveal that there were nuances in the degree of personality enjoyed by organizations. For example, under the terms of reference of ESCAP, the United Nations had had responsibility for concluding the headquarters agreement with the Government of Thailand. But since that Government had recognized the capacity of ESCAP to own land and property, albeit in the name of the United Nations, it could be seen that, although ESCAP had no separate international personality, it nevertheless had a certain legal capacity.

17. The Special Rapporteur had referred in his report to a finding by the International Court of Justice that 50 States had been able to endow an international organization with objective international personality (A/CN.4/311/Add.1, para. 120). In theory, two or three States that wished to form an international organization could give it that kind of personality although, like ASEAN or the Ministerial Conference for Economic Development of South-East Asia, such an organization would clearly be smaller than the organization the Special Rapporteur had had in mind. In many cases, a small organization of that kind did not have a single constituent instrument but was governed by rules set out in a number of documents, such as declarations. There was ample evidence that such small organizations had been recognized as having international personality both by their members and by other States. There had even been cases in which the offspring of such organizations had been given legal personality; for example, the South East Asia Centre for the Promotion of Trade, Investments and Tourism, in Tokyo, had been recognized by the Japanese Diet as having legal personality under Japanese law.

18. The Special Rapporteur should be completely free to choose whether his future work would deal solely with organizations of a universal character, or also with smaller organizations. What was certain was that the United Nations itself and the bodies attached to it merited special attention, for some of them, such as the International Court of Justice and the Security Council, were so powerful that they displayed many aspects of vested sovereign authority.

19. Mr. THIAM was gratified that the Special Rapporteur had decided to include in his study the question of regional organizations, which had grown in importance with the creation of new organizations on the African continent. He was surprised, however, that OAU was not among the African organizations mentioned in the report.

20. Mr. YANKOV agreed wholeheartedly with the conclusions and suggestions for the general outline of the study set forth in the Special Rapporteur's report.

21. The question of the need for the study of the law with respect to immunities of international organizations and for the codification of such law had already been settled; however, he shared the Special Rapporteur's view that the subject was one that called for prudence and realism. As the Special Rapporteur himself had realized, the principal need was for pragmatism, for the aim of the study must be to produce not a theoretical treatise, but a body of rules relevant to practical dealings between governments and international organizations. In that connexion, the Special Rapporteur might wish to study the proceedings of committees on host country relations, such as the one that functioned in New York. The constant growth in the role of international organizations was a fact of contemporary international life; the Special Rapporteur was therefore right to say that it must be taken into account.

22. He was pleased that the Special Rapporteur intended to study not only the law of organizations in the United Nations system, but also the evolving law of regional organizations, and that he intended to do so without giving undue weight to either. As he understood it, the list of regional organizations in paragraph 121 of the Special Rapporteur's report was in no way to be considered as exhaustive or as indicating the Special Rapporteur's intention to study only the organizations listed. That was a particularly important point, since there existed organizations not mentioned in the list that were *a priori* regional organizations but whose influence and activities spread far beyond regional bounds.

23. He believed that the study should centre on the three categories of privileges and immunities to which the Special Rapporteur had referred in para-

graph 37 of his report. However, other related but more general issues also deserved attention, namely, the legal status and capacity of international organizations in public and private international law and in internal law, the relations of international organizations among themselves and the status of their representatives to other international organizations, and international personality in the context of Articles 104 and 105 of the United Nations Charter. There was also the very delicate, but real, problem of the status of United Nations peace-keeping forces and their officials.

24. Mr. TSURUOKA expressed broad support for the conclusions presented by the Special Rapporteur in his report and in his oral presentation of the report at the previous meeting. In particular, he shared the view that the basis for the privileges and immunities of international organizations and their officials, experts and agents should be their functional requirements.

25. At the previous meeting, Mr. Pinto had raised the important point that international organizations must be distinguished according to the nature of their activities. It was certainly true that the organizational and institutional arrangements of operational organizations, such as IBRD, IFC and various regional development banks, exhibited unique features and that the privileges and immunities of such organizations were also specific to them. For example, although many international organizations—for example the United Nations and ILO—were generally immune from proceedings in national courts, the charters of operational organizations provided that they might be sued in the courts of the member States where they maintained offices. That provision was considered necessary in order to avoid giving those organizations an unfair advantage in the various financial and commercial transactions in which they engaged daily with private persons, such as the sale of bonds and the purchase of goods and services.

26. That example demonstrated that the Commission's draft articles should link the scope and degree of the privileges and immunities of international organizations with their specific functions and assignments. Hence, in following the "functionalist" approach, the Commission should not only consider the functional requirements and the privileges and immunities of international organizations in general, but should also analyse very carefully the relations between the scope and degree of the privileges and immunities of each individual organization and its particular functions and objectives. It should also consider the possibility that the duties of particular organs or officials might be such that they would require different privileges and immunities from other organs or officials of the same international organization.

27. Mr. DADZIE said that the Special Rapporteur, in his second report, had sought to tailor his work to the needs of the international community. He had done so by paying close attention to the views of the members of the Commission and of the members of the Sixth Committee of the General Assembly, by studying the wealth of material at the disposal of international organizations and by examining national laws relating to the topic and to allied topics.

28. He particularly welcomed the Special Rapporteur's recommendation that, in its initial work on the second part of the topic, the Commission should adopt a broad outlook and include regional organizations in the study. However, the final decision to include such organizations in the eventual codification could not be made until the study was completed. That recommendation was all the more important for being made at a time when regional organizations were assuming growing significance in international relations. Their importance was borne out by the impressive list of organs established at the regional level that were referred to in the five-volume compilation published by UNCTAD.[4]

29. The Special Rapporteur could count on the speaker's full support in his future work on the important study in question. He agreed with those members who had said that the Special Rapporteur should be given every latitude to deveop and expand the topic.

30. In conclusion, he associated himself with Mr. Ushakov's request that the question of the Commission's status be officially taken up by the Secretariat with the Swiss authorities. He agreed with Mr. Reuter that such a step would give rise to some difficulties but he nevertheless considered that the matter should be raised as soon as possible.

31. Mr. FRANCIS greatly appreciated the contents of the report and the masterly skill with which the Special Rapporteur had introduced it. He was convinced that members' comments would guide the Special Rapporteur in his future work. There seemed no doubt, for instance, that the Special Rapporteur would pay attention to the point made by Mr. Pinto (1522nd meeting) concerning the difference between the operational activities of international organizations and their regulatory functions, to the comment by Mr. Reuter concerning the responsibility of international organizations, and to the suggestion of Mr. Šahović (1522nd meeting) that the Special Rapporteur should provide a plan of his work. In that connexion, he believed that modesty had prevented the Special Rapporteur from submitting a plan that he was not certain he would be able to carry out himself; the Special Rapporteur might not have wished to commit his successor to a plan in whose formulation the latter had not participated.

32. In conclusion, he wished the Special Rapporteur all success in his future activities.

33. Mr. SCHWEBEL greatly appreciated the Special Rapporteur's excellent report, which dealt with an important and delicate topic. The law on the subject was developing, but not always progressively.

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

34. He shared the Special Rapporteur's view that increased attention should be paid to the position of regional organizations. It was interesting to note in that connexion that the community of international organizations was manifesting interest in the outcome of the appeal against the decision of the District Court, the court of first instance, in the case of Broadbent *v.* OAS. A number of OAS staff members had instituted proceedings against the organization because they had been dismissed as a result of staff reductions. The District Court had ruled that they had no case, on the ground that it had no jurisdiction over employment disputes in an international organization of which the United States was a member. An important question connected with that case was the scope of the Foreign Sovereign Immunities Act passed in the United States in 1976. Was that statute's limitation of State immunities to the sphere of non-commercial activities a principle that extended to international organizations? His own impression was that the Act had not been intended to affect the immunities of international organizations. The case proved how important it was that the Commission should guide the development of the law in the right direction, namely, one of prudence and response to the characteristics and needs of different international organizations.

35. He agreed with those members who had stressed the functional nature of immunities and he shared Mr. Reuter's views concerning the responsibility of international organizations. Another question to be taken into account was that of the responsibility of States. It was important that States should respect their treaty obligations to their nationals, whether members of the secretariat of an international organization or of a national delegation to an international organization. In other words, States should not require their nationals to engage in exclusively national activities or in activities that were unlawful in the host State. Such activities brought discredit on international organizations in the eyes of the general public.

36. Turning to the question of the pace of the Commission's work on the subject, he suggested that all members were agreed that the work should proceed and progress. It was not unreasonable, however, in deciding the priorities of the Commission, to take account of the digestive capacity of the international community. If States appeared unwilling, at that stage, to accept fresh codification, their views should be taken into consideration. He agreed with Mr. Yankov that the work should not be classified as urgent.

37. The Commission would miss Mr. El-Erian should he be unable to complete the work, but would wish him well in his future activities.

38. Mr. DÍAZ GONZÁLEZ said that, although the subject of the report was important and difficult, the skill of the Special Rapporteur was such that he had succeeded in producing an excellent summary of the vast amount of material made available to him.

39. He thought that the question of the status of the Commission's members, raised by a previous speaker, should be dealt with by the Planning Group at a private meeting.

40. The Special Rapporteur had rightly devoted particular attention to the question of national legislation and the practice of the national ministries of foreign affairs. His own country had had considerable experience, particularly as a result of the United Nations Conference on the Law of the Sea, in dealing with the question of the privileges and immunities of international organizations, officials of organizations, experts on mission for organizations, resident representatives and observers sent by international organizations to Venezuela. Each case was dealt with individually and formed the subject of a separate decree.

41. In conclusion, he wished the Special Rapporteur all success in his future functions.

42. Mr. EL-ERIAN (Special Rapporteur), replying to questions raised and comments made during the debate on his report, wished at the outset to acknowledge his debt to Mr. Reuter, who had been his mentor on the subject.

43. Referring to the comments made by Mr. Thiam, he said that he would certainly not overlook OAU. In that connexion, the last three words of the introductory part of paragraph 121 of the English text read "the list includes"; in order words, the list was not exhaustive.

44. Replying to Mr. Šahović's question (1522nd meeting) concerning a plan for future work, he said that a broad approach should be taken to the study, both in terms of organizations to be covered and in terms of subject-matter, which would include the organization, its officials, its experts and its resident representatives. It would appear logical, as far as the subject-matter was concerned, to take the organization first, particularly since, in the case of the organization, the Commission would be dealing with its legal capacity as well as with its privileges and immunities, and it was in the matter of the legal capacity of an international organization that the Commission had a contribution to make.

45. Turning to the question raised concerning the responsibility of international organizations, he said that the Commission had to deal with the status of international organizations in the particular context of diplomatic law. An organization established in the territory of a State had a legal status whose modalities had to be defined. That was another area in which the Commission could fill a gap left in previous instruments.

46. Mr. Pinto had raised a question (1522nd meeting) concerning the types of organizations to be covered in the study. The Commission's aim was to produce a common denominator, i.e. general rules that would play a residuary role when there was no law to govern a particular situation. The Commission should study all instruments, both international and national, that were applicable to the question, in

order to determine whether they contained a common denominator that could be codified and developed; it would not be possible to legislate for each individual case. Every existing type of organization would have to be studied. It was therefore a source of satisfaction to him that members had agreed that account should be taken of regional organizations. In that connexion, he recalled that the list of organizations in paragraph 121 of his report was not exhaustive, and that European organizations would be included in future lists.

47. It was gratifying to note that the Commisson had reaffirmed its opinion that the topiç was ripe for codification. He agreed with Mr. Schwebel and Mr. Yankov that a prudent approach should be adopted to the matter and that other topics had a better claim to priority. Nevertheless, it seemed useful that the Commission should complete its work on topics concerning inter-State relations with a topic concerning relations between States and international organizations.

48. In raising the question of the status of the members of the Commission, Mr. Ushakov had drawn attention to a lacuna in the law governing international organizations. Conventions and headquarters agreements referred to the organization, its officials, its experts and its resident representatives, but made no provision for persons who, like the members of the Commission, fell into none of those categories. It would be necessary, however, to heed the warning given by Mr. Reuter on the subject. The Special Rapporteur would consider the matter when he came to the question of experts.

49. The question of the waiver of immunities, to which Mr. Sucharitkul had referred, would be taken into account when dealing with the question of immunities.

50. In conclusion, he said that the Commission could congratulate itself on having laid the foundations for future work on the second part of the topic.

The meeting rose at 1 p.m.

1524th MEETING

Monday, 24 July 1978, at 3.10 p.m.

Chairman: Mr. José SETTE CÂMARA

Members present: Mr. Ago, Mr. Dadzie, Mr. Díaz González, Mr. El-Erian, Mr. Francis, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Mr. Verosta, Mr. Yankov.

Relations between States and international organizations (second part of the topic) (*concluded*) (A/CN.4/311 and Add.1)

[Item 7 of the agenda]

1. The CHAIRMAN observed that at its previous meeting the Commission had omitted to approve the conclusions submitted by the Special Rapporteur in his second report (A/CN.4/311 and Add.1, chapter V). If there were no objections, he would take it that the Commission approved those conclusions.

It was so agreed.

State responsibility (*concluded*)* (A/CN.4/307 and Add.1 and 2 and Add.2/Corr.1, A/CN.4/L.271/Add.1)

[Item 2 of the agenda]

DRAFT ARTICLES PROPOSED BY THE DRAFTING COMMITTEE (*concluded*)**

ARTICLE 27[1] (Aid or assistance by a State to another State for the commission of an internationally wrongful act)

2. The CHAIRMAN invited the Chairman of the Drafting Committee to introduce the title and text proposed by the Drafting Committee for article 27 (A/CN.4/L.271/Add.1), which read:

Article 27. Aid or assistance by a State to another State for the commission of an internationally wrongful act

Aid or assistance by a State to another State, if it is established that it is rendered for the commission of an internationally wrongful act, carried out by the latter, itself constitutes an internationally wrongful act, even if, taken alone, such aid or assistance would not constitute a breach of an international obligation.

3. Mr. SCHWEBEL (Chairman of the Drafting Commitee) said that the article was based on article 25, entitled "Complicity of a State in the internationally wrongful act of another State", proposed by the Special Rapporteur (A/CN.4/307 and Add.1 and 2, para. 77). Article 27 would be the first article of chapter IV of the draft, entitled "Implication of a State in the internationally wrongful act of another State".

4. The aim of the Drafting Committee in preparing the text had been to retain the essence of the original text in terms as simple and balanced as possible, while removing any source of ambiguity or misinterpretation. That was why it had discarded such words as "complicity", "accessory" and "international offence", which had appeared in the original text. As the Special Rapporteur had suggested in summing up the discussion (1519th meeting, para. 32), the expression "against a third State" had also been discarded.

5. The formulation adopted by the Drafting Committee stressed the cardinal material element of the internationally wrongful act envisaged by the article, but it also took into account the element of the intention of the State rendering aid or assistance to an-

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* Resumed from the 1519th meeting.

** Resumed from the 1518th meeting.

[1] For consideration of the text initially submitted by the Special Rapporteur, see 1516th meeting, paras. 4-22, 1517th meeting, paras. 1-12, 1518th meeting, paras. 3 *et seq.*, and 1519th meeting.