

My delegation would like to first take note of the change made to the title of the topic; from “Settlement of international disputes to which international organizations are parties” to “Settlement of disputes to which international organizations are parties”. This change in the title is essentially a change in the scope of disputes to be covered by the draft guidelines from “international disputes” to “disputes.”

my delegation notes the 2016

Syllabus on this topic prepared by Sir Michael Wood, concerning certain disputes of a private law character, “such as those arising under a contract or out of a tortious act by or against international organizations”, he suggested that the Commission’s work be restricted to those that “arise from a relationship governed by international law”. Given that not all disputes of a private law character to which international organizations are parties are disputes arising from a relationship governed by international law, the Commission may need to further clarify the scope of disputes covered by this topic.

In light of the fact that the outcome of the ILC’s work on this topic will take the form of guidelines, it would not be necessary for the Commission to address all the disputes to which international organizations may appear as parties. It would be more appropriate for the Commission to include certain categories of “disputes of a private law character” that carry substantial international law implications, that is, disputes arising from a relationship governed by international law. Such an approach would be instrumental in carrying out the Commission’s mandate on this topic.

We hope that the Commission will continue to make important contribution is to advancing the discussion on this important topic.

