



## **Reparations for Injuries Gutachten**

*Reparation for injuries suffered in the service of the United Nations, Advisory Opinion: I.C.J. Reports 1949, p. 174*

Bei der Anfrage der VN ging es zentral um das Problem, inwieweit den Vereinten Nationen die Kompetenz Rechtspersönlichkeit zukomme, um eigene Schäden gegenüber Mitgliedstaaten geltend zu machen. Hintergrund war die Ermordung des UN-Gesandten Graf Bernadotte in Palästina.

### **Auszüge aus dem Gutachten**

Seite 180 "In the opinion of the Court, the Organization was intended to exercise and enjoy, and it is in fact exercising and enjoying, functions and rights which can only be explained on the basis of the possession of a larger measure of international personality and the capacity to operate upon an international plane. It is at present the supreme type of international organization, and it could not carry out the intentions of its founders if it was devoid of international personality. It must be acknowledged that its Members, by entrusting certain functions to it, with the attendant duties and responsibilities, have clothed it with the competence required to enable those functions to be effectively discharged.

Accordingly, the Court has come to the conclusion that the Organization is an international person. That is not the same thing as saying that it is a State, which certainly it is not, or that its legal personality and rights and duties are the same as those of the State [...]. It does not even imply that all its rights and duties must be upon the international plane. What it does mean is that it is a subject of international law and capable of possessing international rights and duties, and that it has capacity to maintain its rights by bringing international claims."