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Summary record of the 1545th meeting

Topic:
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been made for reparation. Moreover, the concept of a "prior claim" should be taken to signify that the application procedure had been exhausted, particularly in the case of coercive action. As early as the United Nations Conference on International Organization (San Francisco), the term "action" had been regarded as meaning enforcement or preventive measures. The glossary published at that time,[7] and now sometimes used for the purposes of interpretation of the Charter, differentiated between the acts of the General Assembly and the Security Council and clearly stated that, in conformity with the jurisprudence of the United Nations, the organ competent to take "action" was the Security Council. In that connexion, it might be justifiable to insert in the commentary the Commission's understanding that all other means must be exhausted before action of a punitive character could be undertaken.

32. Lastly, it was only common sense that there should be proportionality between the internationally wrongful act and the corresponding responsive action or sanction.

33. Mr. NJENGA said that nobody could question Mr. Ago's impeccable analysis of doctrine and State practice establishing features of what constituted a legitimate sanction under modern international law. However, he would have preferred a more detailed explanation of the grounds for suggesting that article 30 should omit any reference to the illegitimate use of sanctions. Since the end of the Second World War, States had once again been slipping into illegality in their international relations, and there were all too many instances of States using force for actions which purported to be legitimate sanctions. In Africa alone, there were numerous cases of clearly illegal acts in which States resorted to the use of force against peoples which were fighting for self-determination, and even against neighbouring countries. For example, the newspapers frequently reported incursions of Rhodesian troops into Zambia. The States in question employed the new concept of so-called "legitimate hot pursuit", or reprisals against other countries for harbouring guerillas or "terrorists". Cases of that kind, which were clearly illegal, were likely to increase in number until the struggle for liberation was finally won. Article 30 should therefore take account of contemporary situations, and it failed to deal with the possibility of a State alleging that its act had been lawful when it pursued guerillas beyond its frontiers.

34. Unfortunately, article 30 could be misinterpreted if it were not read in conjunction with the commentary. So in order to rule out any possible misinterpretation, the article might well include the principle set out in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States which had been cited by Mr. Ago in paragraph 89 of his report, namely: "States have a duty to refrain from acts of reprisal involving the use of force". The inclusion of that principle would make the terms of article 30 much more positive.

35. In addition, Mr. Yankov had suggested a very useful formulation. In certain circumstances, an individual State could legitimately apply a sanction; but it was undoubtedly true that the trend in modern international law was to regard a "sanction" as action taken in pursuance of a decision by an international organization. Unquestionably, the sanction must be commensurate with the internationally wrongful act, and the obvious *sine qua non* for the legitimacy of the sanction, as pointed out by Mr. Ago in his oral presentation, was that the sanction must be applied in consequence of an internationally wrongful act committed earlier by the other State. The Drafting Committee might wish to take that into consideration, since a reference to "an internationally wrongful act committed earlier" would clarify the situation covered by article 30.

36. In his opinion, the answer to Mr. Schwebel's question, namely, whether the fact that a sanction applied by an individual State was in conformity with a recommendation of the Security Council or the General Assembly would be an adequate legal defence for the breach by that State of an international obligation towards another State, must be in the affirmative. The Security Council or the General Assembly did not adopt a recommendation to impose sanctions against a particular State unless that State had committed a serious breach of international law. Very recently the General Assembly had adopted resolution 33/182B, strongly urging the imposition of sanctions against South Africa because of the latter's failure to comply with its obligations regarding the plan for the decolonization of Namibia. The resolution was recommendatory and any State acting in conformity with it would clearly be proceeding in a lawful manner. For his part, he would like to pose the question whether, in the case of the binding resolution 33/38B, concerning sanctions against Southern Rhodesia, a State would be acting lawfully if it unilaterally decided to lift the sanctions because, in view of the recent situation, it considered that the Rhodesian government was legitimate. In his opinion, once the United Nations Security Council had imposed mandatory sanctions, no State could legally lift such sanctions unilaterally.

The meeting rose at 12.55 p.m.

1545th MEETING

Tuesday, 5 June 1979, at 3.10 p.m.

Chairman: Mr. Milan ŠAHOVIĆ

Members present: Mr. Evensen, Mr. Francis, Mr. Jagota, Mr. Njenga, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Schwebel, Mr. Tabibi, Mr. Thiam,

[7] L. M. Goodrich and E. Hambro, *Charter of the United Nations —Commentary and documents*, 2nd rev. ed. (Boston, World Peace Foundation, 1949).

Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta, Mr. Yankov.

Also present: Mr. Ago.

Welcome to Mr. Evensen

1. The CHAIRMAN congratulated Mr. Evensen on his election and, on behalf of the Commission, bade him a warm welcome.

2. Mr. EVENSEN thanked the Chairman and the members for the great honour they had bestowed on him by electing him to such an august body of the United Nations as the International Law Commission. He would endeavour to contribute to the best of his ability to the work of the Commission.

State responsibility (*continued*) (A/CN.4/318 and Add.1–3, A/CN.4/L.294, A/CN.4/L.295)

[Item 2 of the agenda]

DRAFT ARTICLES SUBMITTED BY MR. AGO (*continued*)

ARTICLE 30 (Legitimate application of a sanction)[1] (*concluded*)

3. Mr. FRANCIS said that article 30 took account, in positive form, of the eventuality of a sanction imposed by an individual State or by the international community of States on a State which had breached an international obligation and had therefore committed an internationally wrongful act. Indeed, the article seemed to go even further, for it also characterized the reaction of an individual State or of the international community of States by specifying that that reaction, which would itself have been unlawful, lost its wrongful character. It was possible to see a logical connexion between article 30 and article 29, a connexion which lay in the concept of consent. If a State which had an international obligation towards another State or towards the international community as a result of a convention or of the customary rules of international law intentionally repudiated that obligation, it could be deemed to have acted contrary to the law not only because it had performed a wrongful act but also because it could be said to have done two other things: first, it had withdrawn its own consent to be bound by the existing obligation, at least momentarily, for the purpose of committing the wrongful act in question, and, secondly, it had by its wrongful conduct given its consent to any reaction on the part of the other State or of the international community as a whole. Such was the fundamental *raison d'être* of the premise underlying article 30.

4. The substance of the article, as pertaining to sanctions by the international community, was an extension of the classical international right of self-help in the form of retortion or reprisals recognized in customary international law. In that connexion, he mentioned the concept of retortion or reprisals not because of its juridical significance but because it established the historical context in which retortion or reprisals, as a unilateral act of a State, could be regarded as legitimate.

5. His main concern regarding the formulation of the draft article had been whether or not a distinction should be made between cases in which punitive action was taken by a State in response to a wrongful act committed by another State and cases in which sanctions were applied by the international community for a breach of an obligation which had serious implications for the international community as a whole. In view of the very convincing argument advanced by Mr. Yankov at the previous meeting, he considered that the wording of article 30 should indeed draw such a distinction.

6. The question also arose whether, in its present form, the article would not by implication appear to abandon the concept of reprisals, which was frequently discussed in Mr. Ago's report and had a place in modern international law and practice. Admittedly, the concept of reprisals had previously had a pejorative connotation, but as a result of the efforts to restrict the use of force that had started in the days of the League of Nations and had culminated in the provisions of Article 2, paragraph 4, and of Article 51 of the Charter, the concept had ceased to have any odious elements and there were good grounds for retaining it in the present endeavour to codify international law. As Mr. Ago had pointed out in paragraph 89 of his report (A/CN.4/318 and Add.1–3), the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations proclaimed the unlawfulness of reprisals involving the use of force, the implication being that reprisals in other forms were lawful. An important point to remember was that, by virtue of Article 51 of the Charter, self-defence had nothing in common with reprisals. Under the terms of article 30 of the draft, a State would be required to demand reparation before it could take punitive measures, which ruled out any possibility of comparison with the right of self-defence.

7. There were a number of reasons for distinguishing between sanctions applied unilaterally by a State in response to a wrongful act committed by another State and sanctions applied within the institutional framework of, say, the Charter of the United Nations. To begin with, a State could respond to an internationally wrongful act by means of another act that would formerly have been internationally wrongful but would no longer be wrongful under the rule laid down in article 30 Again, a case of international sanctions applied under the terms of Article 41 of the Charter was not comparable in scope or range with a case of punishment meted out unilaterally by one State for an internationally wrongful act committed against it by another State. Yet another reason for making the

[1] For text, see 1544th meeting, para. 8.

necessary distinction was that, as he had already noted, in order to be able to take punitive action under article 30 the injured State would be required to make a prior demand for reparation. On the other hand, it was possible to envisage situations in which the Security Council or the General Assembly, in pursuance of the Charter, might not even demand a return to the *status quo ante* before it took punitive action. Consequently, the application of multilateral sanctions might not necessarily be preceded by a demand for reparation. In addition, it was doubtful whether the principle of proportionality could be applied in a case of sanctions taken against one State by the international community as a whole.

8. Mr. Ago had properly emphasized that a State reacting to a wrongful act committed against it by another State should not, regardless of its rights, exercise those rights in a manner that was prejudicial to the interests of a third State—something that was wholly in keeping with the maxim *sic utere tuo ut alienum non laedes*. In that respect, it was fortunate that Mr. Ago had not yet come to any firm conclusion on the question of necessity as a circumstance that might preclude the wrongfulness of an act. For his own part, he was of the view that the Commission should confine the exceptions to *force majeure* and to other relevant situations, since the concept of necessity was obviously open to abuse. The reaction to an internationally wrongful act might in certain circumstances require the use of force, as in the case of self-defence, but once the concept of armed force came into play one could not fail to recall the despicable interpretation which the Nazis had placed on military necessity during the Second World War.

9. With regard to Mr. Schwebel's question (1544th meeting) whether compliance with a recommendatory resolution of the Security Council or the General Assembly might not in certain instances be regarded as a wrongful act, he fully agreed with the comments made in that connexion by Mr. Njenga (*ibid.*). Naturally, in interpreting the provisions of the Charter, account must be taken of differences of perspective and of the consequent differences of opinion. However, it could be affirmed that on certain issues a recommendation of the General Assembly was of sufficient importance for failure to comply with that recommendation to be regarded as a wrongful act. Article 18 of the Charter listed certain important questions, and the decisions thereon were plainly of a binding nature, notwithstanding the generally recommendatory nature of General Assembly resolutions. For example, the International Convention on the Suppression and Punishment of the Crime of *Apartheid* had been adopted and opened for signature and ratification by means of General Assembly resolution 3068 (XXVIII), and had entered into force in 1976. True, the Convention had been ratified by many States, but he was convinced that, even if the overwhelming majority of States had not ratified it, the resolution in question could be deemed to be obligatory in character. Furthermore, although there was room for disagreement regarding the nature of recommendations by the General Assembly, there was far less leeway for disagreement regarding the resolutions of the Security Council. Other than in the case of recommendations relating to Articles 4, 5 and 6 of the Charter, it would indeed be difficult for the Security Council to make recommendations that did not constitute decisions within the meaning of Article 27, paragraph 3, of the Charter. Consequently, the resolutions of the General Assembly and the Security Council must be examined very carefully before it could be asserted that they did not constitute binding legal obligations on States.

10. Lastly, he considered that, for drafting purposes, it was immaterial whether the article spoke of "sanctions" or "measures", but it was important that it should reflect three core elements: legitimate application of reprisals, self-defence and the application of international sanctions.

11. Mr. TABIBI endorsed the principle underlying article 30. The title, "Legitimate application of a sanction", was particularly pertinent, for the question how a sanction was applied was of the utmost importance. As Mr. Njenga had pointed out at the previous meeting, many nations had in the past suffered greatly from the illegitimate application of sanctions. Consequently it was essential that the title should make it clear that the article related to the legitimate application of sanctions or, as in the case of Mr. Ushakov's proposal (1544th meeting, para. 28) to "a measure provided for as legitimate".

12. Another principle of great significance was that of proportionality between the wrongful act and the corresponding sanction. If the sanction failed to remain commensurate with the wrongful act, the sanction itself became a violation of the obligation of the State applying the sanction. The modern jurist must, as had Mr. Ago in his report, consider sanctions from a completely different angle. In the past, sanctions had been used as a tool by the colonial Powers in order to take punitive measures against the weaker nations. In establishing the present rule, the Commission must not provide any loopholes for the use of sanctions involving armed force. The use of sophisticated modern weaponry was not acceptable in applying sanctions and it should also be remembered that economic, political and other sanctions could be as effective as the use of force, which could be employed only pursuant to a decision by the relevant organs of the United Nations in accordance with positive international law, in other words, in accordance with the Charter of the United Nations. Obviously, such action could be taken solely when it met with the consent of the world community and only to punish the international crimes referred to in article 19 of the draft.[2] In elaborating the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, the States Members had adopted the position that States had a duty to refrain from acts of reprisal involving the use of force. Hence it was more

[2] See 1532nd meeting, foot-note 2.

than evident that sanctions involving the use of force could be applied only when they were in the interests of the international community as a whole and only when they were authorized by the United Nations itself, something that should be reflected in the wording of the article.

13. In his opinion, if a third State was injured as a result of the application of sanctions, that State too was entitled to demand reparation and, where no reparation was made, to apply sanctions. It was plain that no State or States should inflict injury on a third State in the course of applying sanctions to punish one member of the international community.

14. Mr. JAGOTA considered that the proper place for draft article 30 was at the end of chapter V, since it would be more logical to deal first with the circumstances precluding wrongfulness in the initial act, such as consent and *force majeure,* and only then with those precluding wrongfulness in retaliatory action, such as legitimate sanctions.

15. As far as the substance of the draft article was concerned, he considered that the concept of legitimate sanction required amplification with special reference to the source and type of wrongfulness involved. For instance, the initial wrongful act could be a breach of a treaty or a non-treaty obligation; the resultant sanction might involve the use of armed force, which was permissible in contemporary international law only in pursuance of a decision of a competent international organization such as the United Nations, or other measures taken pursuant to such a decision, or again measures taken at the initiative of the State concerned. There was a wealth of literature and State practice on the subject and, in the specific case of a breach of a treaty obligation, some of it might profitably be reflected in part II of the draft. As far as draft article 30 was concerned, however, a legitimate sanction meant a sanction that was in conformity with the Vienna Convention [3] and with State practice developed on the basis of that Convention. There were many cases in point, including that between Pakistan and India concerning the suspension of air flights after 1971, in which he had himself been concerned, when all the elements of legitimacy had been considered in detail. [4]

16. He was not entirely in favour of the word "sanction", since it had acquired a somewhat unfortunate connotation and was now largely associated with the use of force in one form or another. It was of course also used in the sense of "measures", and, where self-defence was concerned, in the sense of measures of self-protection. A sanction, however, was not legitimate if applied by one or more States; it had to be applied by a body such as the United Nations. Like Mr. Schwebel, therefore, he thought that it would be preferable, within the context of draft article 30, to use the word "measure" rather than "sanction". Alternatively, both words could be used, in which case the former could perhaps be understood as action taken by the State concerned on its own initiative and the latter as action taken pursuant to the decision of a competent international organization. Thus action sanctioned by the United Nations but applied by a State would be lawful. He was not suggesting that the Commission should enter into the question of the lawfulness or otherwise of action taken by the United Nations, since that matter did not come within the scope of the draft articles clearly delineated by Mr. Ago. However, if the retaliatory action were out of all proportion to the original wrong (if, for example, it totally crippled the economy of the other State); then such action would be unlawful and would be covered by the concept of the legitimacy of the sanction.

17. A further question to be considered concerned the areas of priority for claims for reparation, since in some cases that would determine whether the sanction was legitimate.

18. In view of those considerations, he proposed that draft article 30 should be slightly amended so as to read (A/CN.4/L.294):

"*Legitimate measure or sanction*

"The international wrongfulness of an act not in conformity with what would otherwise be required of a State by virtue of an international obligation towards another State is precluded if the act was committed as a legitimate measure or sanction, whether on its own initiative or pursuant to a decision of a competent international organization, against that other State, in consequence of an internationally wrongful act committed by that other State."

19. Sir Francis VALLAT said that, broadly speaking, he supported the principle set forth in draft article 30. Two points, however, caused him some difficulty, the first of which concerned the word "sanction". It seemed to him that the sense in which that word was used in the French text of the draft article was nearer to the meaning that should be attributed to it in the English text. Unfortunately, in English usage, the word "sanction" had come to have a much narrower meaning, particularly in international legal circles, and tended to be used for action taken by or on the decision of the Security Council. His concern was that such usage would perhaps unduly limit the scope of the draft article, bearing in mind the need to take account of cases where action was taken not for the purpose of maintaining international peace and security but simply to ensure that a State was not injured by the unlawful act of another State. For example, in the event of a breach of a treaty, it was perfectly legitimate in certain circumstances for one State to take action against another. Consequently, he considered that some additional word was needed to amplify the meaning of "sanction" or, alternatively, that some other phraseology should be found to cover the situation.

[3] See 1533rd meeting, foot-note 2.

[4] See Appeal relating to the jurisdiction of the ICAO Council (India v. Pakistan), Judgment: *I.C.J. Reports 1972,* p. 46.

20. Secondly, he had some doubts about the advisability of limiting the draft article to the consequences "of an internationally wrongful act committed by that other State". In his view, provision should be made at some point, and preferably within the context of the draft article, for the preventive measures that might be taken by or under the authority of the Security Council and that would necessarily precede the illegal act in question. In that connexion, he recalled that the measures required by the Security Council in the case of Rhodesia had been based on the provisions of Articles 39 *et seq.* of the Charter, pertaining to prevention of a breach of the peace, and that resolution 217 (1965) had in fact stated that the situation in Rhodesia involved a threat to peace. Article 40 of the Charter, moreover, provided that, before making the recommendations or deciding upon the measures provided for in Article 39, the Security Council could call upon the parties concerned to comply with provisional measures. Such provisional measures could involve, for example, a breach of a treaty requiring the supply of arms. Article 41 then vested in the Security Council the power to decide what measures not involving the use of armed force were to be employed to give effect to its decisions. In the light of those provisions, it seemed quite clear that it was the Security Council's practice to take decisions before a breach of the peace actually occurred. Possibly Mr. Ago could consider that point and offer some solution.

21. Mr. VEROSTA said that draft article 30 should be retained, but not necessarily in its present place in chapter V. Again, if the word "sanction" was to be retained, it would be preferable to speak in the French version of legitimate "application" rather than "exercise" of a sanction. He thought that Mr. Ushakov's proposal (1544th meeting, para. 28) was very interesting, but he was not in favour of referring to part II of the draft in the actual text of the article.

22. In his opinion, Mr. Jagota's proposal (para. 18 above) had the great merit of covering the two instances in which application of a sanction was legitimate: the case in which the State acted on its own initiative and the case in which it acted pursuant to a decision of a competent international organization.

23. Lastly, he thought that the word "decision", in the text proposed by Mr. Jagota, could be replaced by a more neutral term, for, as Sir Francis Vallat had pointed out, Article 40 of the Charter specified that: "In order to prevent an aggravation of the situation, the Security Council, may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable."

24. Mr. YANKOV, referring to his statement at the previous meeting regarding the distinction to be made between legitimate responsive measures undertaken by the State and sanctions imposed by a decision of an international organization, proposed the following new wording for the title and the text of draft article 30 (A/CN.4/L.295):

"*Legitimate responsive measures or application of a sanction*

"The international wrongfulness of an act not in conformity with what would otherwise be required of a State by virtue of an international obligation towards another State is precluded if the act was committed as a legitimate responsive measure under international law or in application of a sanction imposed by a decision of a competent organ of an international organization against that other State, in consequence of an internationally wrongful act committed by that other State."

25. Noting that there appeared to be general agreement in principle, he proposed that the Drafting Committee should be requested to find a suitable wording in the light of the views expressed within the Commission.

26. Mr. SCHWEBEL welcomed the formulations proposed by Mr. Jagota and Mr. Yankov, which merited careful consideration by the Drafting Committee.

27. As to the question of the decisions of a competent international organization, he wondered whether the formulations were belied to some extent by Article 40 of the Charter, concerning the measures that the Security Council might deem necessary or advisable. Admittedly, that Article referred to both recommendations and decisions by the Security Council, and the Security Council could make recommendations in lieu of taking decisions. It had done so even in cases of the application of a sanction involving the use of armed force, as when it had recommended that Members should assist the Republic of Korea (resolution 83 (1950)). No decision had been taken by the Council requiring them to do so. There were certain areas in which the General Assembly might take decisions relating to sanctions, for example, in application of Articles 5, 6 and 19 of the Charter, but generally speaking it could do no more than issue recommendations. It should be noted that Article 40 provided that the provisional measures which the Security Council might deem necessary or desirable should be "without prejudice to the rights, claims or position of the parties concerned". The situation that the Commission was considering was precisely one where the rights of the parties concerned would in fact be prejudiced, which was why the Commission was seeking to provide that a State might in certain circumstances act in a manner that would otherwise be in violation of the rights of another State, provided that it did so in pursuance of a measure undertaken by an appropriate international organ or on its own appropriate initiative. Accordingly, it might well be that Article 40 of the Charter was precluded by its own terms from the ambit of the Commission's discussion.

28. Mr. AGO noted that the principle underlying article 30 seemed to have met with general approval and that the members of the Commission had commented essentially on drafting matters or points of detail. He emphasized that it was not the task of the

Commission at the present time to determine the instances in which sanctions were legitimate or illegitimate, for it would not be taking up that question until it came to part II of the draft. For the moment, it was sufficient to affirm that an infringement of a subjective right of a State that would normally be an internationally wrongful act was not wrongful if it represented a legitimate reaction to an internationally wrongful act committed by that State.

29. As to the placing of article 30, it was logical to consider the case of legitimate application of a sanction after that of consent by the injured State, for the two cases had a common denominator, namely, the participation of the State in respect of which action was taken. In the first case, the State participated because it gave its consent to an act that would otherwise be wrongful, and, in the second case, because it had itself previously committed an internationally wrongful act. That element of participation did not exist in other cases, such as *force majeure* and fortuitous event, for example.

30. Some members of the Commission had wondered whether an actual decision and not simply a recommendation was required in the case of a sanction applied pursuant to a decision of an international organization. He preferred the word "decision", proposed by Mr. Jagota, since it seemed to be the most neutral term. It did not fall within the purview of the Commission to determine in what instances a decision or a recommendation of the United Nations was binding on the Member States. In his opinion, it sufficed to say that a measure would no longer be internationally wrongful if it was carried out in implementation of a decision of a competent international organization, even if the measure in question was not obligatory for the member States of the organization and it had simply been recommended. Obviously, it could well be asked whether that rule was also applicable in the case of States that were not members of the international organization that had adopted the particular decision or recommendation.

31. As to the term "sanction", which some members of the Commission appeared to interpret in a restrictive manner, he would have no objection if it were replaced by the expression "retaliatory measure", or "countermeasure".

32. It should be noted that, in the two instances of legitimate application of a sanction, namely, where the sanction was applied directly by the injured State against the State that had committed an internationally wrongful act against it, and where the sanction was applied on the basis of a decision taken by a competent international organization (which might entrust application of the sanction to the injured State itself, to another State, to a number of States or even to all of the States members of the organization), the internationally wrongful act had been committed *beforehand*. Sir Francis Vallat considered, however, that it was possible to take preventive measures. But it was difficult to accept that an international organization would go so far as to undertake a measure which infringed an international subjective right of a State for purely preventive reasons. Even if that hypothesis were admissible, it should not be implied that an individual State could take preventive measures. In any case, if the Commission decided to take account of that type of measure, it should do so in a paragraph separate from the paragraph enunciating the general rule.

33. With regard to the wording of article 30, he welcomed the proposal by Mr. Jagota (para. 18 above), but was also ready to consider the proposals by Mr. Ushakov (1544th meeting, para. 28) and Mr. Yankov (para. 24 above). Unlike Mr. Ushakov, however, he thought it preferable not to include a reference to part II of the draft articles.

34. Mr. VEROSTA proposed that the title of article 30 should be replaced by the following: "Legitimate reaction against a wrongful act of the State".

35. The CHAIRMAN said that if there was no objection he would take it that the Commission agreed to refer draft article 30 and the proposals by members of the Commission to the Drafting Committee.

It was so decided. [5]

The meeting rose at 6 p.m.

[5] For consideration of the text proposed by the Drafting Committee, see 1567th meeting, paras. 1, 8, and 50–52.

1546th MEETING

Wednesday, 6 June 1979, at 10.10 a.m.

Chairman: Mr. Milan ŠAHOVIĆ

Members present: Mr. Francis, Mr. Jagota, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Schwebel, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta, Mr. Yankov.

Visit of members of the International Court of Justice

1. The CHAIRMAN welcomed Sir Humphrey Waldock, President of the International Court of Justice, Mr. Elias, Vice-President of the Court, and Mr. Morozov, a judge of the Court. He reminded members that Sir Humphrey Waldock and Mr. Elias had each been chairman of the International Law Commission and, for many years, had made outstanding contributions to its work: Sir Humphrey by his role in the codification of the law of treaties and of succession of States in respect of treaties, both as Special Rapporteur and as