

Document:-
A/CN.4/SR.2669

Summary record of the 2669th meeting

Topic:
Other topics

Extract from the Yearbook of the International Law Commission:-
2001, vol. I

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62. The CHAIRMAN said that the Commission would decide at the beginning of the following week on the Special Rapporteur's proposal on how to proceed.

The meeting rose at 1 p.m.

2669th MEETING

Friday, 27 April 2001, at 10.05 a.m.

Chairman: Mr. Peter KABATSI

Present: Mr. Addo, Mr. Baena Soares, Mr. Brownlie, Mr. Candioti, Mr. Dugard, Mr. Economides, Mr. Elaraby, Mr. Galicki, Mr. Goco, Mr. Hafner, Mr. He, Mr. Herdocia Sacasa, Mr. Kateka, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Melescanu, Mr. Momtaz, Mr. Opertti Badan, Mr. Pambou-Tchivounda, Mr. Pellet, Mr. Rodríguez Cedeño, Mr. Rosenstock, Mr. Sepúlveda, Mr. Tomka, Mr. Yamada.

Organization of work of the session (*continued*)*

[Agenda item 1]

Mr. TOMKA (Chairman of the Drafting Committee) said that, following consultations, the Drafting Committee for the topic of State responsibility would be composed of the following members: Mr. Crawford (Special Rapporteur), Mr. Brownlie, Mr. Candioti, Mr. Dugard, Mr. Economides, Mr. Gaja, Mr. Galicki, Mr. Lukashuk, Mr. Momtaz, Mr. Pambou-Tchivounda, Mr. Pellet, Mr. Rosenstock, Mr. Simma, Mr. Yamada and Mr. He (ex officio).

The meeting rose at 10.10 a.m.

* Resumed from the 2666th meeting.

2670th MEETING

Tuesday, 1 May 2001, at 10.05 a.m.

Chairman: Mr. Peter KABATSI

Present: Mr. Addo, Mr. Baena Soares, Mr. Brownlie, Mr. Candioti, Mr. Crawford, Mr. Dugard, Mr.

Economides, Mr. Elaraby, Mr. Gaja, Mr. Galicki, Mr. Goco, Mr. Hafner, Mr. He, Mr. Herdocia Sacasa, Mr. Idris, Mr. Kateka, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Melescanu, Mr. Momtaz, Mr. Opertti Badan, Mr. Pambou-Tchivounda, Mr. Pellet, Mr. Sreenivasa Rao, Mr. Rodríguez Cedeño, Mr. Rosenstock, Mr. Sepúlveda, Mr. Simma, Mr. Tomka, Mr. Yamada.

State responsibility¹ (*continued*)* (A/CN.4/513, sect. A, A/CN.4/515 and Add.1–3,² A/CN.4/517 and Add.1,³ A/CN.4/L.602 and Corr.1 and Rev.1)

[Agenda item 2]

FOURTH REPORT OF THE SPECIAL RAPPORTEUR (*continued*)*

1. Mr. CRAWFORD (Special Rapporteur), introducing the annex to his fourth report (A/CN.4/517 and Add.1), said that it served as an agenda to assist the Drafting Committee in its work of finalizing the draft articles. It brought together suggestions for changes drawn from the comments received, accompanied, in the column headed "Comment", by his own comments, which for the most part were merely indications. The Drafting Committee was free to deal with the latter as it saw fit.

2. It was encouraging to note that, considering the importance of the articles, their scope and their number, the total number of proposals for changes was not excessive. In certain cases, they constituted positive improvements on the existing text; in others, they might be sufficiently covered in the commentaries; and, lastly, in a few cases, they raised fundamental questions of principle, such as that of "serious breaches" of an obligation owed to the international community, or of countermeasures, which were canvassed in the report itself.

3. Since members of the Commission might have specific points they wished to make in plenary, he drew attention to the proposals made on chapter IV of Part One, concerning which there was some divergence between the views of Governments, some wishing to tighten the scope of the chapter, others to expand it and others again to make deletions which would have the effect of expanding the scope of ancillary responsibility, such as the reference to knowledge of the circumstances of the internationally wrongful act. His own view was that chapter IV, as it stood, was very carefully balanced, although it required some clarification of the language and perhaps the introduction of some threshold in respect of materiality of assistance. It would be unwise to expand the scope of chapter IV significantly. Furthermore, the informal

* Resumed from the 2668th meeting.

¹ For the text of the draft articles provisionally adopted by the Drafting Committee on second reading, see *Yearbook* . . . 2000, vol. II (Part Two), chap. IV, annex.

² Reproduced in *Yearbook* . . . 2001, vol. II (Part One).

³ *Ibid.*