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Summary record of the 1518th meeting

Topic:
State responsibility

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

publication issued at the end of each course. In addition, a centre was being established for the exchange of information on the teaching of subjects connected with international relations in the Americas.

22. He thanked members for their attention, and expressed the hope that the Commission would be represented at the forthcoming session of the Committee.

23. The CHAIRMAN thanked the observer for the Inter-American Juridical Committee, on behalf of the Commission, for his interesting account of the Committee's numerous activities, of which the Latin American members of the Commission, in particular, had reason to be proud. Unfortunately, it would be difficult for the Commission to be represented at the Committee's next session, which was to be held very shortly, but the Commission would certainly send an observer to the following session.

24. He had noted the many important subjects on which the Committee was working, including the question of the jurisdictional immunities of States. The Commission had set up a working group on that question, which it would probably consider at one of its future sessions. The Committee's work on the law of the sea would be of particular interest to those members of the Commission who were taking part in the session of the United Nations Conference on the Law of the Sea. As for the preparation of a draft inter-American convention on extradition, that was a particularly fitting project, in view of the tradition of asylum established on the Latin American continent.

25. He had been most interested to learn of the work in progress on a number of draft conventions dealing with private international law, and of the measures being taken to combat terrorism. Although the efforts of the United Nations to conclude a general convention on terrorism had not met with success, the General Assembly had established an *Ad Hoc* Committee on the Drafting of an International Convention against the Taking of Hostages,[10] and had adopted the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.[11]

26. With regard to the proposed convention defining torture as an international crime, he pointed out that, under the terms of article 19 of the draft articles on State responsibility[12] prepared by Mr. Ago, "a serious breach on a widespread scale of an international obligation of essential importance for safeguarding the human being" was an international crime.

27. In conclusion, he expressed his appreciation of the high level of the co-operation established between the Commission and the Inter-American Juridical Committee.

The meeting rose at 11.55 a.m.

[10] General Assembly resolution 31/103.

[11] General Assembly resolution 3166 (XXVIII), annex.

[12] See foot-note 2 above.

1518th MEETING

Monday, 17 July 1978, at 3.05 p.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. Uskahov, Mr. Verosta, Mr. Yankov.

State responsibility (*continued*) (A/CN.4/307 and Add.1 and 2 and Add.2/ Corr.1)

[Item 2 of the agenda]

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

ARTICLE 24 (Breach of an international obligation by an act of the State not extending in time)[1] (*concluded*) *and*

ARTICLE 25 (Breach of an international obligation by an act of the State extending in time)[2] (*concluded*)

1. Mr. AGO (Special Rapporteur) recalled that the Commission had decided, at its 1513th meeting, in the title of article 26, that the word "time", should be replaced by the words "moment and duration". In order to indicate clearly that articles 24 and 25 also related to the *tempus commissi delicti,* those two provisions should be entitled respectively "Moment and duration of the breach of an international obligation by an act of the State not extending in time" and "Moment and duration of the breach of an international obligation by an act of the State extending in time".

2. In the French text of article 25, paragraph 3, the words "une succession de comportements" should be replaced by the words "une succession d'actions ou omissions", in view of the English version of that provision and the fact that the words "actions or omissions" had already been used by the Commission in other provisions of the draft.

DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR (*continued*)

ARTICLE 25 (Complicity of a State in the internationally wrongful act of another State)[3] (*continued*)

3. Mr. USHAKOV approved the substance of article 25, but had some comments to make on its draft-

* Resumed from the 1513th meeting.

[1] For text, see 1513th meeting, para. 1.

[2] *Ibid.*.

[3] For text, see 1516th meeting, para. 4.

ing. He did not think that the term "complicity" should be used because it was very difficult to see how a State could be an accessory. The concept of complicity gave rise to difficulties even in internal law. In particular, it was not easy to determine the moment when a person became another's accessory. The word "complicity" should be avoided not only in the article under consideration, but also in the commentary. It would be better to speak of "participation" in an internationally wrongful act, although that word should be used with caution and placed in quotation marks. Several States might, for example, commit an act of aggression jointly, in which case reference could certainly be made to "participation" in the broad sense of the term. Moreover, in the definition of aggression, the term "State" covered the notion of a "group of States". Perhaps the Commission should even consider the possibility of including an equally broad definition of a State in the draft under preparation.

4. It did not really seem necessary to emphasize the element of intent, as did the words "in order to enable or help that State to commit an international offence against a third State". The Commission had never so far taken intent into consideration. By definition, a State took its decisions knowingly and there could be no question of responsibility for negligence, as in internal law. It was enough to establish that aid or assistance had been provided by one State to another for the former to incur responsibility. In addition, the words "international offence" had not been used in any other provision of the draft. In article 19,[4] the Commission had divided internationally wrongful acts into international crimes and international delicts, but so far it had never referred to international offences. The words "third State" were also inappropriate because the internationally wrongful act in question could be directed against a subject of international law other than a State, such as an international organization or even a national liberation movement. Finally, the word "otherwise", at the end of article 25, also required explanation. It seemed to indicate that there was an internationally wrongful act even if the conduct in question, taken alone, would not be internationally wrongful.

5. The Drafting Committee might recast article 25 along the following lines:

> "If it is established that a State, by its act, has rendered assistance to another State in the commission by the latter State of an internationally wrongful act, the act of the first State constitutes an internationally wrongful act, even if that act, taken alone, would not constitute an internationally wrongful act."

6. That definition referred neither to complicity nor to intent and did not introduce any new notions into the draft. The essential condition was that the fact of aid or assistance rendered by the State should have been established.

7. Mr. RIPHAGEN, referring to the foot-note to paragraph 74 of the Special Rapporteur's seventh report (A/CN.4/307 and Add.1 and 2 and Add.2/Corr.1), said that the international law of the past had recognized the existence of sovereign States only, having exclusively bilateral relations with other sovereign States, and there had been no place in it for the idea that the conduct of State A, not in itself wrongful, towards State C might become wrongful by reason of its connexion with a wrongful act committed by State B against State C. The international law of that time had recognized that State A might perform a wrongful act directly against State C, and that the conduct of State A might be considered directly wrongful to State C if the latter were injured by a State B that was in fact no more than a puppet State of State A. The proposed article 25, however, dealt with neither of those situations, but rather with what might be termed "intermediate" situations. He had no doubt that such "intermediate" situations did occur in contemporary international life, but he wondered whether the old concept, according to which such situations did not exist, was already completely obsolete. He asked that question because the proposed article seemed to cover all the internationally wrongful acts of a State B, irrespective of the source, content or importance of the obligation they breached.

8. Under the proposed article, State A might incur responsibility towards State C for having rendered "assistance", which might not in itself be wrongful, to State B in the commission of a wrongful act. It was therefore important to know what conduct constituted "assistance". In principle, the relationships between States B and C were of no concern to State A, and State A could therefore ignore them for the purposes of its own relations with State B. Would the situation be any different if State A were aware that State B had certain obligations towards State C, but hoped that its assistance to State B would enable the latter to evade those obligations or did not mind if its assistance had that effect? In his opinion, the answer to that question would be in the negative unless one of two conditions were met. The first of those conditions was that the assistance given by State A to State B must be of an "abnormal", although not an illegal, character. That was because bilateral relations between States, including assistance from one to another, normally concerned only the two States involved. In such cases, the possible side-effects of the relations between States A and B on the conduct of State B towards State C would not entail the responsibility of State A unless the second of the conditions he had in mind were fulfilled. That condition was that the relationship between States B and C must be such that it involved not only the individual and mutual interests of those two States themselves but also, as in matters affecting international peace and security, the interests of the international comunity in general. That was the only case in which State A could not ignore the relationship between States B and C and was obliged to take ac-

[4] See 1516th meeting, foot-note 6.

count of the effect its assistance to State B would have on the latter's conduct towards State C.

9. In his view, the reference by the Special Rapporteur, in the foot-note to paragraph 64 of his report, to the *Dispute between the Postal Administrations of Portugal and Yugoslavia,* was misplaced; as the award had shown, the question at issue had been one not of responsibility for an international offence in the normal sense of the expression, but rather of succession to debts of Croatia towards Portugal within the system of the Universal Postal Union.

10. Mr. ŠAHOVIĆ found the article under consideration generally acceptable. The article was the first provision of chapter IV which was to be devoted to a question that the Commission had on more than one occasion agreed to study: that of the implication of a State in the internationally wrongful act of another State. In connexion with that question, the Commission had at previous sessions discussed the concepts of incitement, assistance, complicity and indirect responsibility. In embarking on chapter IV, it should perhaps have explained the relationship between those different concepts. The Special Rapporteur had of course referred to them, but in a negative manner, by proceeding to eliminate the cases that were not covered by the article under consideration. It would be preferable, however, to draft the commentary to article 25 from another point of view, by stating and discussing the elements of the rule itself. The method followed by the Special Rapporteur did not in fact seem suitable for a commentary; the content and wording of the article under consideration would carry more conviction had they been the product of a positive analysis.

11. The Special Rapporteur's conclusions, as stated in paragraph 76 of his seventh report, did not seem to have been fully taken into consideration in the wording of article 25, which should perhaps be made fuller. Moreover, the Special Rapporteur sometimes seemed to use the term "complicity" in a way that made certain references to internal criminal law inevitable. That was probably why several members of the Commission had expressed doubts about the advisability of using that term. He himself would not object to it, however, if only in order to see whether governments considered it acceptable. The Commission might nevertheless be criticized for using a term borrowed from internal criminal law.

12. Mr. PINTO agreed with all the basic ideas in the article. With regard to its wording, however, he shared the objection raised by Mr. Šahović to the use of the terms "complicity" an "accessory". Perhaps the idea behind those terms could be rendered by a phrase such as "wrongful collaboration" or "wrongful association", in line with the reference throughout the draft articles to "internationally wrongful" acts. Unless the Special Rapporteur had some special reason for retaining the term "international offence", to which Mr. Ushakov had drawn attention, that term itself might be replaced by the words "internationally wrongful act".

13. The existing wording was inadequate to show the importance of the intention of the assisting State for establishing its responsibility in the commission by another State of an internationally wrongful act. It should be made clear, as stated in paragraph 76 of the Special Rapporteur's report, that, for the conduct of the assisting State to be wrongful, it "must be adopted knowingly and with intent to facilitate the commission of the offence". That point was important, even though it might not always be easy to prove such intent in circumstances different from those mentioned by the Special Rapporteur in paragraph 71 of his report, for example, where the aid was given in the form of funds and the State that received those funds committed no direct act of aggression. In view of the examples of offences given by the Special Rapporteur in that paragraph, it seemed unduly restrictive, as Mr. Ushakov had already pointed out, to refer in the article only to the commission of international offences "against a third State".

14. Mr. VEROSTA said that, for the reasons he had already given at the Commission's previous session, he had some difficulty in accepting the article under consideration. Referring to the words "assistance to another State", he was not sure, in particular what the circumstances of that other State must be. It appeared from the various possibilities eliminated by the Special Rapporteur that article 25 related only to the case in which that other State was a sovereign State. It might nevertheless be asked whether that State must enjoy full freedom of action. That was not, in any event, the case of "puppet States", of which history provided several examples. In 1938, the Members of the League of Nations had accepted the absorption of Austria by Germany and the annexation by the Third Reich of part of Czechoslovakia, the remainder of the territory of that country receiving the title of a protectorate—a protectorate that had not been in conformity with international law. It might be asked whether, in that historical context, Hungary, Romania and Yugoslavia had really been sovereign States enjoying full freedom of action. In order to take account of cases of that kind, it should perhaps be made clear that the assistance referred to in article 25 was that rendered "to another State enjoying freedom of international action".

15. With regard to the wording proposed by Mr. Ushakov, it did not seem necessary to provide expressly that the fact of assistance by the State must be established. Many other rules of the draft were applicable only if certain facts were established, but the Commission had not so far considered it necessary to spell that out. He found the term "complicity" entirely acceptable, but not indispensable, since the idea of complicity was fairly clearly expressed by the words "in order to enable or help that State to commit an international offence".

16. Mr. TABIBI said that the article under discussion was vital to the draft as a whole. The question of "complicity" was as important in the context of the Commission's work as it was in the context of

criminal law. "Complicity" of the kind dealt with in article 25 occurred frequently in international life.

17. The Special Rapporteur had been right to exclude from the notion of "complicity", in international law, the fact of one State inciting another to commit an internationally wrongful act, for, as he had pointed out in his report, all States were equal and sovereign. Also, to cover situations of dependence, the Special Rapporteur intended to deal in a separate section of chapter IV with the question of indirect responsibility or responsibility for the act of another. Article 25 concerned cases in which one State, by its conduct, and with deliberate intent, helped another to commit a breach of an international obligation. The importance of the element of intent should be brought out more clearly, perhaps by the adoption of wording such as that proposed by Mr. Ushakov. Otherwise the Commission would fail to take account of the possibility that aid given by one State to another for the legitimate purpose of protecting the latter's territory might later be characterized, in a different political context, as having been given for the purpose of promoting the commission of a wrongful act against a third State.

18. As in previous years, he disagreed with the distinction drawn by the Special Rapporteur between the threat or use of armed force and the threat or use of economic coercion (A/CN.4/307 and Add.1 and 2 and Add.2/Corr.1, para. 66). In his own view, an economic blockade or economic pressure could cripple a State as effectively as an atomic bomb. He hoped, therefore, that threat of economic action would be treated on a par with threat of military action in the section of the report to be devoted to indirect participation in the commission of internationally wrongful acts.

19. Mr. DÍAZ GONZÁLEZ could accept the use of the word "complicity" in article 25, for the Special Rapporteur had clearly explained that "complicity" existed when one State, acting in the exercise of its free will as a sovereign entity, chose to give aid to another State in order to enable the latter to commit an internationally wrongful act. Nor did he have any quarrel with the article as a whole, although some drafting changes were required in the Spanish version.

20. Mr. EL-ERIAN said that, in chapter IV of his report, the Special Rapporteur had most skilfully led the Commission through a subject beset with difficulties, including the most delicate question of deciding whether the three main forms of complicity recognized in internal law, namely, instigation, concurrence and assistance, could be catered for in international law. He agreed with the Special Rapporteur that the Commission should concentrate its attention on assistance in making possible or facilitating the perpetration of a wrongful act. He also agreed with the Special Rapporteur's view on a second basic point, namely, that, as stated in paragraph 76, "the internationally wrongful act of the State which becomes an accessory to the internatonal offence of another State must not be confused with this 'principal' offence".

21. None the less, the article raised a number of problems. It was possible, for example in certain cases, that even instigation or incitement might be regarded as "assistance". Similarly, the mere fact that one State concluded an agreement with another for the purpose of helping the latter to commit an internationally wrongful act might be considered "assistance", even if no material aid were given. In addition, there was the question of deciding what was "assistance" and what was a "principal" offence: in some cases, the "assistance" might play such a role in the commission of the offence that the wrongful act was, in effect, committed by the aiding State. Finally, the question whether the responsibility of the aiding State should be the same as that of the principal offender depended on the circumstances of the case. Perhaps many of the questions he had mentioned would be resolved when the Commission came to the section of the draft dealing with indirect responsibility. Meanwhile, he hoped that the Drafting Committee would be able to recast the article to take account of the points he had raised.

22. Mr. REUTER was not sure whether the Commission wanted the draft to embody a very narrow or, on the contrary, a very broad definition of complicity. The question was whether complicity should be reduced to its material element or whether account should also be taken of the element of intent involved.

23. Unlike Mr. Ushakov, he did not think it was impossible to take account of intent, provided intent had been established. Indeed, in matters of responsibility for injury resulting from an internationally wrongful act, international jurisprudence assessed the injury differently according to whether or not there had actually been intent to cause injury. However, it would be quite conceivable for article 25 not to refer to the element of intent in responsibility, but the material element would then have to be very clearly specified; it would be unnecessary to speak of intent if it were made clear that there was a material link between complicity and the wrongful act. If, for example, it were stated that assistance must have been rendered *in* the commission of the wrongful act, that would mean that the way in which the conduct was materially related to the wrongful act implied intent to participate in the offence.

24. If that narrow definition were accepted, complicity would exist only in the case of acts directly related to the commission of the wrongful act. In those circumstances, it would not be necessary to refer to intent. If, however, a broader definition were adopted and the fact of a State giving another State assistance not directly related to the commission of the wrongful act were considered to be a case of complicity, there would have to be a link other than the material link, and that link would be intent.

25. Consequently, if account were taken in article 25 both of the material element and of the ele-

ment of intent, complicity would be defined more broadly, whereas, if the element of intent were ruled out and only the material element retained, that material element would have to form part of the actual commission of the wrongful act—which was tantamount to adopting a narrower definition. The Commission must choose between those two definitions if it wanted the rule enunciated in article 25 to be sufficiently clear, for it was a general rule that would apply to all international crimes and delicts. He was prepared to accept either of those two interpretations. Unlike Mr. Ushakov, however, he did not think that there could be full participation in the offence, for the two States would then be co-perpetrators of one and the same offence. In his opinion, the Commission must first decide whether it wished to state the condition of intent. If it did so, it could adopt a less strict position with regard to the material condition of assistance in the commission of the wrongful act.

26. Mr. NJENGA said that the article under consideration followed logically on the previous articles, particularly articles 9 and 19; without it the draft would be incomplete.

27. Some members had questioned the appropriateness of the term "complicity". He had no difficulty in accepting that term. If a more neutral word were required, consideration might be given to the word "participation", but the meaning of the word "complicity", as explained in the commentary to the article, was clear. It was evident from the articles already approved and from the manner in which international law had developed since the establishment of the United Nations that the question of State responsibility went beyond that of the relationship between States A and B. For instance, by adopting the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,[6] the General Assembly had placed a duty on States not to help other States to deny peoples the right to self-determination and independence. In that context, it should be noted that, were it not for the complicity of certain States in the colonialist activities of other States, colonialism would not exist. Similarly, the practice of *apartheid* was possible only because of the complicity, direct or indirect, of certain important States in the activities of another State. It was therefore proper for the Commission to draw attention to the question of complicity.

28. Turning to the question of the definition of the concept of intent, he said that too narrow a definition would nullify the scope of the article. No State would admit that it was helping another State to commit a wrongful act. For example, a State supplying arms to another State always argued that the arms were intended for self-defence; it never admitted that its intent was to help the other State to commit acts of colonialism or aggression.

29. The scope of the article had been limited by the Special Rapporteur to the case of a State rendering assistance to another State to enable or help the latter to commit an international offence against a third State. It seemed to him, however, that the scope of the article should be expanded to take account of the concept of peoples, which was now accepted in the context of self-determination, and of the concept of liberation movements, which had been recognized in recent conventions on humanitarian law. The rule should cover offences against peoples and liberation movements as well as offences against States.

30. Nevertheless, the article was fully acceptable. He thought, however, that it would be simpler and clearer if it read:

> "The fact that a State renders assistance to another State to commit an international offence constitutes an internationally wrongful act of the State even if the conduct in question would not otherwise be internationally wrongful. Such a State becomes an accessory to the commission of the offence and incurs international responsibility."

31. Mr. QUENTIN-BAXTER shared the doubts that had been expressed about the use of the word "complicity". For a lawyer in the common law system that word had very broad and imprecise connotations. It covered at least three notions: that of accessory before the fact, that of the aiding and abetting of an offence and that of accessory after the fact. The third notion was outside the scope of the draft article. To any lawyer in the common law system, however, the word "complicity" would cover both the notion of an accessory before the fact—who was really a principal—and the notion of someone who, although not a principal, was rendering material help in the commisson of an offence. The Special Rapporteur's report, and the article he proposed, dealt only with the second case of complicity, namely, where a State made it possible for another State to commit an internationally wrongful act by giving it active support.

32. The article as it stood, more than any article the Commission had adopted, seemed to leap the barrier between secondary and primary rules. Nowhere else in the draft had the Commission said that a particular kind of action constituted an internationally wrongful act of a State. Superficially at least, that statement looked like the identification of a primary rule. The word "constitutes" had been used in article 19, but essentially in the context of defining an internationally wrongful act, delict or crime. It was true that the boundary between secondary and primary rules was somewhat vague, but in its secondary rules the Commission had always implied a certain view of the nature of the primary rules that were to be related to its drafts. In article 19 it was not unimportant, from the standpoint of primary rules, that the Commission had identified two kinds of internationally wrongful acts, namely, crimes and delicts. It had not, however, attempted to deal with the content of those acts beyond indicating their nature. He wondered whether the real purpose of the article

[6] General Assembly resolution 2625 (XXV), annex.

under discussion was not to say that, even if a State could not itself be said to have committed a given internationally wrongful act, it might have committed a separate internationally wrongful act by facilitating the commission of the first. That was clearly within the essential ambit of the secondary rules formulated by the Commission.

33. He did not agree with Mr. Njenga that the word "participation" could be substituted for the word "complicity", because a State that participated fully in the internationally wrongful act of another State was a co-perpetrator of that act. There were circumstances in which States might be responsible as principals for wrongful actions in which other States had been equally or more prominently involved. There were also, however, actions that could not easily be described as being part of the principal wrongful act, yet that were essential to the commission of that act and were therefore in themselves a separate internationally wrongful act, even though they would not have been wrongful had they not been related to the principal act. Most members of the Commission seemed to be agreed on the broad purpose of the article and on the need for it; its wording, however, gave rise to some difficulty.

34. In conclusion, he asked what was the legal value of the phrase "which thus becomes an accessory to the commission of the offence and incurs international responsibility thereby". The implications were complete, as far as the secondary rules were concerned, when it was said, in the first half of the article, that the mere act of helping a State to commit an internationally wrongful act might itself constitute an internationally wrongful act. He believed, however, that it might be necessary to emphasize the concept set forth in the final clause of the draft article.

35. Mr. SCHWEBEL regarded the proposed article as basically sound. He shared the doubts expressed about the words "complicity" and "accessory", but the substance of the matter left little room for debate.

36. Referring to the statements made by Mr. Reuter and Mr. Njenga, he said that the article should take account of the element of intent. For example, if State A in all innocence supplied arms to State B and those arms were later used by State B to commit an act of aggression, could State A fairly be charged with a breach of international law? He very much doubted, on the basis of State practice, that it could. The need to take account of the elements of knowledge and intent was to be found in E. Lauterpacht's comment on the United Kindgom Government's reply to a parliamentary question concerning the supply of arms and military equipment by certain countries to Yemen, which had subsequently used them in an attack against Aden (A/CN.4/307 and Add.1 and 2 and Add.2/Corr.1, para. 73).

37. It was not true, as Mr. Njenga contended, that States would never admit illegal intent. The worst aggressors of the age had flagrantly broadcast their intent. Hitler's plans of aggression had been published in explicit detail. In the draft article, however, the Commission was dealing with acts by the assisting State which by definition were not of themselves unlawful. To suggest that such acts would become unlawful because of the action of the State receiving the assistance, even though the assisting State had no knowledge of the unlawful intent of the assisted State and had no unlawful intent itself, seemed to be going too far.

38. Mr. USHAKOV thought that Mr. Reuter had clearly understood his position, which was that the State had to render assistance *in* the commission of the internationally wrongful act, for otherwise there would be no link other than that of intent. It was very difficult to establish intent, however, particularly for minor offences, and it should not be forgotten that the rule enunciated in article 25 was a general rule that applied not only to crimes such as aggression, but also to any other offence. In his opinion, intent was an aggravating circumstance, but it did not have to be established for responsibility to exist. The Commission should therefore mention only assistance in the commission of the internationally wrongful act, and refrain from introducing the notion of wrongful intent into a rule having general scope.

39. Mr. FRANCIS said that, in view of the prominence given to the notion of "participation" in the commentary to the article, and having regard to the text of the article itself, a reader might easily be trapped into assimilating participation in the act with the act itself. Perhaps the Special Rapporteur would consider the possibility of expanding the commentary to make it clear that the term "participation" embraced active or passive involvement, but fell short of actual participation in the wrongful act itself.

The meeting rose at 6 p.m.

1519th MEETING

Tuesday, 18 July 1978, at 11.20 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. Yankov.

State responsibility (*continued*)
(A/CN.4/307 and Add.1 and 2 and Add.2/Corr.1)
[Item 2 of the agenda]