Document:-
A/CN.4/SR.1953

Summary record of the 1953rd meeting

Topic:
State responsibility

Extract from the Yearbook of the International Law Commission:-
1986, vol. I

Downloaded from the web site of the International Law Commission (http://www.un.org/law/ilc/index.htm)

Copyright © United Nations

38. As to Mr. Yankov's question, the parties to a dispute were always free to submit the dispute to arbitration if they wished. In that connection, he drew attention to paragraph 1 of draft article 3 of part 3, which provided that, in the event of a dispute concerning the application of countermeasures, "the States concerned shall seek a solution through the means indicated in Article 33 of the Charter of the United Nations". Again, draft article 4 provided for further procedures if, "under paragraph 1 of article 3, no solution has been reached within a period of 12 months following the date on which the objection was raised ...". A variety of possible procedures for the settlement of disputes, including negotiation, conciliation and arbitration, was therefore available to States.

The meeting rose at 11.40 a.m.

1953rd MEETING

Tuesday, 27 May 1986, at 10 a.m.

Chairman: Mr. Doudou THIAM

Present: Chief Akinjide, M. Arangio-Ruiz, Mr. Barboza, Mr. Calero Rodrigues, Mr. Castañeda, Mr. Díaz González, Mr. Flitan, Mr. Francis, Mr. Huang, Mr. Illueca, Mr. Jacovides, Mr. Jagota, Mr. Koroma, Mr. Lacleta Muñoz, Mr. Malek, Mr. McCaffrey, Mr. Ogiso, Mr. Razafindralambo, Mr. Reuter, Mr. Riphagen, Mr. Roukounas, Sir Ian Sinclair, Mr. Sucharitkul, Mr. Tomuschat, Mr. Yankov.

State responsibility (*continued*) (A/CN.4/389,[1] A/CN.4/397 and Add.1,[2] A/CN.4/L.398, sect. C, ILC(XXXVIII)/Conf.Room Doc.2)

[Agenda item 2]

"*Implementation*" (mise en œuvre) *of international responsibility and the settlement of disputes (part 3 of the draft article)*[3] (continued)

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

SEVENTH REPORT OF THE SPECIAL RAPPORTEUR *and* ARTICLES 1 TO 5 AND ANNEX[4] (*continued*)

1. Mr. McCAFFREY said that, although the draft articles in part 3 were inspired by the corresponding provisions of the 1969 Vienna Convention on the Law of Treaties, the 1982 United Nations Convention on the Law of the Sea and the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, they were intended to serve a different purpose. That purpose was to prevent or retard the escalation of disputes in international relations.

2. The provisions of part 3 seemed satisfactory; they were a necessary component of the draft articles on State responsibility and formed a logical and integral part thereof. They dealt with methods of breaking the vicious circle of action and reaction, a very vivid account of which was given by the Special Rapporteur in paragraph (4) of his general commentary (A/CN.4/397 and Add.1, sect. I.B). It remained to be seen whether States would, in practice, accept the restrictions on their freedom of action that would result from the provisions of part 3, and he understood the concern expressed by Mr. Flitan (1952nd meeting), particularly with regard to the compulsory jurisdiction of the ICJ.

3. It should be remembered, however, that the draft articles provided for recourse to the ICJ in respect of two specific issues only: rules of *jus cogens* and international crimes, which were dealt with in draft articles 12 and 14 of part 2, respectively. The provision on compulsory jurisdiction of the ICJ in respect of rules of *jus cogens* (draft article 4 (*a*)) had, of course, been modelled on the corresponding provision of the 1969 Vienna Convention (art. 66 (*a*)). As to international crimes, he remained doubtful about the concept itself, but if a reference to it were to be retained in the draft articles, it must clearly be accompanied by a provision on the settlement of disputes.

4. The ICJ was undoubtedly a proper forum for deciding matters relating to international crimes, but they could equally well be dealt with under Chapter VII of the Charter of the United Nations. Article 36, paragraph 3, of the Charter had been mentioned during the discussion, but that provision was intended to safeguard the possibility of "legal disputes" being referred by the parties to the ICJ. Of course, it was difficult to draw a clear line of demarcation between legal and political disputes, and some disputes were of a mixed legal and political character.

5. Consideration should be given to defining more clearly the questions to be decided by the ICJ; perhaps its jurisdiction should be limited to determining whether a rule of *jus cogens* or an international crime was involved in a dispute. In any case, he was not entirely clear about the relationship between subparagraphs (*a*) and (*b*) of draft article 4 of part 3 and paragraph 3 of draft article 14 of part 2. He would appreciate an explanation from the Special Rapporteur on that point.

6. It was to be hoped that the articles in part 3 could be formulated in a way that would prove acceptable to States. The difficulty of achieving that result was illustrated by GATT. Under that Agreement, panels could be constituted to settle certain types of trade disputes; but even in that area, where extremely flexible

---

[1] Reproduced in *Yearbook ... 1985*, vol. II (Part One).

[2] Reproduced in *Yearbook ... 1986*, vol. II (Part One).

[3] Part 1 of the draft articles (Origin of international responsibility), articles 1 to 35 of which were adopted in first reading, appears in *Yearbook ... 1980*, vol. II (Part Two), pp. 30 *et seq.*

Articles 1 to 5 of part 2 of the draft (Content, forms and degrees of international responsibility), which were provisionally adopted by the Commission at its thirty-fifth and thirty-seventh sessions, appear in *Yearbook ... 1985*, vol. II (Part Two), pp. 24-25. For the texts of the remaining draft articles of part 2, articles 6 to 16, referred to the Drafting Committee by the Commission at its thirty-sixth and thirty-seventh sessions, *ibid.*, pp. 20-21, footnote 66.

[4] For the texts, see 1952nd meeting, para. 1.

standards were applied, comparatively little success had been achieved with the dispute-settlement machinery. The contracting parties to GATT did not always resort to that machinery, although the disputes which arose related to matters such as subsidies, which did not affect the vital interests of States.

7. None the less, there was an undeniable interrelationship between substantive rules—both primary and secondary—and procedural rules. In regard to ordinary internationally wrongful acts, therefore, some sort of implementation machinery was necessary, and the Special Rapporteur's approach was broadly acceptable. He was, however, concerned that the time-limits specified could make the procedures very lengthy; but that objection could easily be met by shortening the time-limits.

8. It had been mentioned that the provisions of part 3 appeared to relate to disputes concerning part 2. Any dispute, however, would manifest itself in terms of a State claiming to be an "injured State", so that the procedures set out in part 3 would cover not only questions relating to part 2, but also questions relating to part 1 and even to primary rules going beyond the draft articles altogether.

9. The fundamental question was at what stage the settlement procedure should be engaged: whether at the initial stage of the diplomatic exchanges or later, but before actual measures, including suspension of obligations, were taken in response to the alleged internationally wrongful act. The Special Rapporteur had opted for the latter formula, in order to prevent the escalation of the dispute.

10. He did not favour referring the articles in part 3 to the Drafting Committee at the current stage, because of its backlog of work on the topic of State responsibility, not to mention other topics, and because the present session was the last of the quinquennium of the current membership of the Commission. If the majority of members favoured referral to the Drafting Committee, however, he would not oppose it.

11. Mr. REUTER said that the text of the draft articles on State responsibility, on which the Commission had been working for 23 years, was somewhat abstract, but very sober. It consisted of only 56 articles—whereas the 1982 United Nations Convention on the Law of the Sea, for example, contained hundreds—and it passed over in silence or dealt only very briefly with diplomatic protection, injury, causal links and the multiplicity of acts and offenders—all of which were duly discussed in every textbook or other work on State responsibility.

12. The spare and austere style of the draft articles—like Cistercian architecture—which quite rightly only stated general principles without going into detail, was explained by a number of choices that had been made at the outset. For when the Commission had begun to study the topic of State responsibility it had decided, first, to distinguish between primary rules and secondary rules and to deal only with the latter and, secondly, to leave aside the question of injury, or at least to refer to it only in part 2 of the draft—in which it was only briefly mentioned—because a wrongful act necessarily caused injury, if only moral injury. Behind that affirmation, however, loomed the problem of the consequences of breaches of multilateral conventions—a very difficult problem which made it necessary to deal with such sensitive concepts as "rights" as opposed to "interests".

13. But although the draft articles passed over a certain number of questions, they took account of two new concepts, namely *jus cogens* and the international crime, which were undeniably of great moral significance, though their legal content was difficult to define. The Special Rapporteur had taken infinite precautions in dealing with the concept of *jus cogens*. He had been even more careful than the authors of the 1969 Vienna Convention on the Law of Treaties, for he had indirectly recognized that there was no rule of *jus cogens* defining what *jus cogens* was and that any concrete rule—any "primary" rule of *jus cogens*—could itself define its effects and conditions of application. The concept of an international crime was also treated with great reserve and the Special Rapporteur had refrained from specifying what an international crime was.

14. No other approach was possible, moreover, for as the Special Rapporteur himself had pointed out (1952nd meeting) the distinction made between primary rules and secondary rules was entirely theoretical. Since those two elements were closely linked, it was impossible to make the content of the rules dealing specifically with responsibility very dense. The Commission could, of course, go more deeply into such questions as injury and the implementation of responsibility, but that would take it too far.

15. The lessons of the past could not be ignored and it should not be forgotten that all legal systems, including Roman law, had begun with rules applicable to particular cases, without establishing any general régime of responsibility. Moreover, there was still no general régime of responsibility in the various common-law systems now in force. The Special Rapporteur had therefore been right to confine himself to stating very general principles and not to try to deal with specific problems relating to the intermediate classifications.

16. In connection with the 35 articles of part 1 of the draft adopted on first reading, the Special Rapporteur had expressed doubts about the need for detailed consideration of problems relating to the time factor. As everyone knew, in trying to deal with the problem of retroactivity or, more generally, with the application of rules in time, terms inevitably had to be used that were real pitfalls and were untranslatable because they had no equivalent in other languages. It must not be forgotten that the texts which the Commission prepared were intended to be applied and, above all, understood. If the Commission decided to deal in depth with all aspects of the topic of State responsibility, it would end up with a draft of more than 250 articles, which an intergovernmental conference would probably find it very difficult to handle.

17. For all those reasons, the draft articles on State responsibility could only take the form of abstract pro-

visions drafted in a spare style that was, surprisingly enough, perfectly suited to the topic.

18. Commenting on draft articles 1 to 5 of part 3, he observed that the use of the word "wishes" in the first sentence of article 1 seemed inappropriate: the State had to take a definite position and decide whether or not it would invoke article 6 of part 2. It would therefore be preferable to say "A State which decides to invoke article 6 ...".

19. Draft article 1 did not specify any time-limit for notification, so that a State could notify its intention to invoke article 6 of part 2 at any time. There was no prescription. In general, moreover, no attempt appeared to have been made to deal with the question of prescription, in regard either to international crimes or to delicts. That approach was not in itself open to criticism, but the concept of an international crime could have been consolidated by providing that, although delicts were subject to prescription, international crimes were not.

20. In draft articles 1 and 2, the Special Rapporteur appeared to have established a two-stage notification system. Thus a State which had invoked article 6 of part 2 would have to wait at least three months before it could notify its decision to invoke article 8 or article 9 of part 2. Although it was well to set a time-limit for application of the measures by way of reciprocity or reprisal provided for in articles 8 and 9, it was hard to see why States should be prevented from notifying at once their intention to invoke those two articles.

21. In draft article 2, paragraph 1, it would be more accurate to say that the claimant State must notify its intention "to suspend the performance of some of its obligations ...". In paragraph 3, the word "another" was not really necessary.

22. Article 8 of part 2 was not referred to in draft article 4, subparagraph (*c*), and he would like to know the reason for that omission. Could it be explained by the fact that the State against which measures by way of reciprocity were taken under article 8 either agreed to those measures, in which case there was no dispute, or did not agree to them, in which case it would maintain that such measures were disproportionate to the internationally wrongful act of which it was accused, or that they were really measures of reprisal? The Special Rapporteur should provide further explanations on that point.

23. Draft article 5 was acceptable, although it might be asked whether a general provision on reservations should not be included. The Commission should specify whether, in accordance with tradition, it intended to leave it to a future diplomatic conference to decide whether or not reservations to the draft articles would be allowed, or whether it intended to take a position on that question itself.

24. With regard to the annex, he noted that the machinery proposed by the Special Rapporteur differed in some respects from that provided for in the annex to the Vienna Convention on the Law of Treaties. Since questions relating to responsibility and questions relating to the law of treaties were often linked, it might be better to follow that Convention very closely, so that problems involving the law of treaties and problems involving State responsibility could be submitted to one and the same conciliation commission.

25. Although he understood Mr. McCaffrey's reluctance, he thought the time had come to refer the draft articles to the Drafting Committee. That action would show not so much that the Commission had completed its work on the topic, as that the Special Rapporteur had prepared an excellent text which was far enough advanced to be considered by the Drafting Committee.

26. Mr. CALERO RODRIGUES commended the Special Rapporteur for the draft articles of part 3. The general commentary which introduced those articles (A/CN.4/397 and Add.1, sect. I.B) was very useful and should meet with no objection. Clearly, articles on implementation and the settlement of disputes were necessary, in order to provide some form of organization for the application of the measures specified in part 2 of the draft. The articles in part 3 would show how the consequences of an internationally wrongful act would be brought about.

27. He had some doubts, however, as to whether the time was ripe for taking up the articles of part 3. It would be preferable to wait until the Commission's work on part 2 was more advanced; only 16 articles had so far been presented by the Special Rapporteur for part 2, which, in his own view, should be as extensive as part 1. In particular, the provisions dealing with international crimes would need to be developed much further.

28. It would therefore not be advisable to begin an in-depth examination of the articles in part 3 before the Commission had a clear idea of the content of part 2. He accordingly shared Mr. McCaffrey's view that the articles in part 3 should not be referred to the Drafting Committee at the present stage. He thought the Commission had a general tendency to refer articles to the Drafting Committee too soon, and in the present instance there was more reason than usual to refrain from doing so. Nevertheless, if the majority of the Commission wished to refer the articles to the Drafting Committee, he would not oppose it.

29. Draft articles 1 and 2 of part 3 made provision for a notification procedure which took account of the present state of international law. Since that law was incomplete, it was necessary to make provision for some organization in the matter. If a State considered that it had been injured by what it alleged to be an internationally wrongful act, it would have to make a notification to invoke the provisions of article 6 of part 2. A second notification would be necessary under article 2 of part 3 if the injured State wished to suspend the performance of its obligations towards the author State pursuant to the provisions of article 8 or article 9 of part 2.

30. It might be objected that the proposed procedure would create bureaucratic obstacles to the injured State's reaction. It should be remembered, however, that the position was very different from that obtaining under a system of private law, where the injured party

could sue the author of the wrongful act directly in the ordinary courts. Where a State claimed to be injured by an internationally wrongful act committed by another State, it was necessary to enter into negotiations. The reaction of the injured State had to be graduated; it could not take all the measures immediately. Of course, in a case of special urgency the two notifications could follow each other very closely.

31. On the question of limitations and time-limits, provision should be made for the case of an injured State which was unaware that an internationally wrongful act had been committed. His own suggestion would be that time-limits and periods of limitation should run from the time when the injured State became aware of the facts.

32. Draft article 3 of part 3 dealt with the settlement of disputes. Paragraph 1 provided that Article 33 of the Charter of the United Nations could be invoked in the event of objection being raised against measures taken under articles 8 or 9 of part 2. In fact, the obligation under the Charter to have recourse to Article 33 applied before the second notification relating to the measures provided for in articles 8 or 9 of part 2 was made. The provisions of Article 33 of the Charter were, of course, somewhat vague, reflecting as they did the state of international relations. States were reluctant to agree to be bound by third-party procedures for the settlement of disputes; hence the provisions of draft article 3, which introduced a settlement system into the draft, were necessary.

33. Draft article 4 dealt with more concrete matters and provided for compulsory jurisdiction of the ICJ to determine whether a rule of *jus cogens* or an international crime was involved in a dispute. It was possible that States might not be prepared to accept that formula, but he agreed with Mr. Arangio-Ruiz (1952nd meeting) that the Commission should propose it. Moreover, since compulsory jurisdiction of the ICJ was specified for only two very specific cases, States might be prepared to consider it.

34. He was not convinced of the usefulness of draft article 5, on reservations.

35. Sir Ian SINCLAIR said that, in formulating part 3 of the draft articles, the Commission should take account of both part 1 and part 2, in order to ascertain the extent to which the provisions on settlement of disputes could be applied to the draft as a whole. As a result of the way in which the draft articles of part 1 had been formulated, it might well be that any instance before which a dispute covered by part 3 was brought would be bound to refer back to the original question whether there had been a breach of an international obligation of the State. In other words, it would have to consider not only the secondary rules in part 1, but also whether there had been a breach of a primary obligation. That was part of the problem with which the Commission was faced; for in its work on State responsibility it had sought, perhaps not always with success, to construct secondary rules applicable to the whole field of State responsibility, without touching upon the primary rules that might result in an initial breach of an international obligation.

36. Article 2 of part 2 of the draft contained a general saving clause which, as the Special Rapporteur had explained in his sixth report (A/CN.4/389, commentary to article 2),[5] was intended to save subsystems that might already be written into an existing treaty or convention concluded between a small group of States. In such cases, the subsystems generally contained special provisions governing the legal consequences of an internationally wrongful act and procedures for the peaceful settlement of any disputes arising therefrom. He took it that, in the context of part 3, any peaceful settlement procedures provided for under existing subsystems were excluded. Part 3, when read in conjunction with article 2 of part 2, did not make that absolutely clear, however. If his understanding was correct, the provisions of part 3 were residual, in that such subsystems would operate with their own in-built mechanisms for the peaceful settlement of disputes.

37. With regard to draft articles 1 and 2 of part 3, he shared the doubts voiced concerning the need for a double notification system. As the former legal adviser to a Ministry of Foreign Affairs, he recollected that when a Government was confronted with a situation in which it believed that it was an injured State and that another State had committed an internationally wrongful act, the first step was to deliver a note of protest together with a reservation of all rights. If negotiation and settlement did not ensue, the next stage, under draft article 2, was for the alleged injured State to consider whether it wished to take countermeasures. That did not seem to fit in very easily with what actually happened in practice, for it was by no means clear that the note of protest and reservation of rights would constitute a notification under draft article 1. Nor did the subsequent notification relating to articles 8 or 9 of part 2 seem to fit very easily into the pattern of what happened in practice. Draft articles 1 and 2 of part 3 would therefore require careful consideration. He was not opposed to the principle of notification: the question was what should be the nature of the notification, and how rigid should be the strait-jacket imposed by articles 1 and 2.

38. He had no objection in principle to paragraph 1 of draft article 3. Paragraph 2, however, if what was at issue was residual rules, might lead to a situation in which the two States concerned—the alleged author State and the alleged injured State—were bound by modalities for the peaceful settlement of disputes between them, perhaps by way of optional clause declarations. What troubled him slightly was the placement of paragraph 2, for such declarations could apply as much to the procedure set out in draft article 4 as to the generalized statement in paragraph 2 of draft article 3. For instance, the United Kingdom Government had made an optional clause declaration under Article 36, paragraph 2, of the Statute of the ICJ, from which disputes that the parties had agreed to settle by some other peaceful means were excluded. It might be thought that conciliation, as provided for in draft article 4, subparagraph (*c*), could be a peaceful means of settlement within the meaning of the reservation to the

[5] See also *Yearbook ... 1985*, vol. I, p. 86, 1890th meeting, para. 5.

United Kingdom's acceptance of the optional clause, but nobody would wish to prevent States that were mutually bound by optional clause declarations from invoking such declarations in order to bring a dispute before the ICJ. The placement of paragraph 2 of draft article 3 would therefore require careful consideration.

39. His initial feeling was that paragraph 2 of draft article 3 should perhaps also qualify draft article 4, since there might be circumstances in which the injured State wished to short-circuit the more complicated procedures by immediately invoking the jurisdiction of the ICJ on the basis of a mutually binding optional clause declaration. The Court would then be able to consider whether there had been a breach of a primary obligation. That, in fact, was what was at the root of such disputes, rather than the interpretation or application of the secondary rules. The ultimate aim was to arrive at a system that would provide a means of peaceful settlement of the underlying dispute, which was concerned with whether there had been an initial breach of an international obligation and, if so, what the remedy should be. That, too, would require close examination in relation to the content of both part 2 and part 1 of the draft.

40. He would not oppose referral of the draft articles to the Drafting Committee, but he rather doubted that it would be able to work on them effectively until it had made much more progress on part 2 and had perhaps also taken a further look at part 1 by way of second reading.

41. Mr. KOROMA said that, with regard to the question of dual notification, Mr. Reuter and Sir Ian Sinclair might wish to consider the *Minquiers and Ecrehos* case.[6] In that case, between France and the United Kingdom, the United Kingdom had submitted a primary notification to the French authorities, which had had the desired effect.

The meeting rose at 11.35 a.m.

[6] Judgment of 17 November 1953, *I.C.J. Reports 1953*, p. 47.

1954th MEETING

Wednesday, 28 May 1986, at 10 a.m.

Chairman: Mr. Doudou THIAM

Present: Chief Akinjide, Mr. Arangio-Ruiz, Mr. Balanda, Mr. Barboza, Mr. Calero Rodrigues, Mr. Castañeda, Mr. Díaz González, Mr. Flitan, Mr. Francis, Mr. Huang, Mr. Illueca, Mr. Jacovides, Mr. Jagota, Mr. Koroma, Mr. Lacleta Muñoz, Mr. Malek, Mr. McCaffrey, Mr. Ogiso, Mr. Razafindralambo, Mr. Reuter, Mr. Riphagen, Mr. Roukounas, Sir Ian Sinclair, Mr. Sucharitkul, Mr. Tomuschat, Mr. Yankov.

State responsibility (*continued*) (A/CN.4/389,[1] A/CN.4/397 and Add.1,[2] A/CN.4/L.398, sect. C, ILC(XXXVIII)/Conf.Room Doc.2)

[Agenda item 2]

"Implementation" (mise en œuvre) *of international responsibility and the settlement of disputes (part 3 of the draft articles)*[3] (continued)

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

SEVENTH REPORT OF THE SPECIAL RAPPORTEUR *and*

ARTICLES 1 TO 5 AND ANNEX[4] (*continued*)

1. Mr. SUCHARITKUL congratulated the Special Rapporteur on his sixth and seventh reports (A/CN.4/389 and A/CN.4/397 and Add.1), which would enable the Commission not only to complete the first reading of practically the whole set of draft articles, but also to make some preparations for the second reading of the articles of part 1 of the draft. The drafting of part 1 had been likened by Mr. Reuter to the construction of a cathedral and the articles in that part were indeed an impressive structure, one that none the less needed particularly solid foundations. The Special Rapporteur's earlier reports had helped to prepare the way in that regard.

2. The Commission had been working on the topic of State responsibility for many years and it was worth recalling that the first Special Rapporteur, Mr. García Amador, in his first report submitted in 1956, had referred to such matters as diplomatic protection and the treatment of aliens.[5] Those were the days of writers such as Eagleton and Borchard, when the traditional law of State responsibility as then taught in schools of law dealt with such practical questions as the minimum standard of treatment for aliens and the methods of obtaining compensation for property confiscated or expropriated in a foreign country. But it should be remembered what in fact constituted diplomatic protection of aliens. A State, in order to ensure the protection of its nationals in another State, might send in its troops, sometimes even without the knowledge of its ambassador who had been assigned precisely that task of protection. The case was not so much one of countermeasures as one of self-help. War in those days had still been legitimate and countries and resorted to blockades to claim payment of debts. Unfortunately, the countries that now formed the third world had experienced the

[1] Reproduced in *Yearbook ... 1985*, vol. II (Part One).

[2] Reproduced in *Yearbook ... 1986*, vol. II (Part One).

[3] Part 1 of the draft articles (Origin of international responsibility), articles 1 to 35 of which were adopted in first reading, appears in *Yearbook ... 1980*, vol. II (Part Two), pp. 30 *et seq.*

Articles 1 to 5 of part 2 of the draft (Content, forms and degrees of international responsibility), which were provisionally adopted by the Commission at its thirty-fifth and thirty-seventh sessions, appear in *Yearbook ... 1985*, vol. II (Part Two), pp. 24-25. For the texts of the remaining draft articles of part 2, articles 6 to 16, referred to the Drafting Committee by the Commission at its thirty-sixth and thirty-seventh sessions, *ibid.*, pp. 20-21, footnote 66.

[4] For the texts, see 1952nd meeting, para. 1.

[5] *Yearbook ... 1956*, vol. II, p. 199, document A/CN.4/96, chap. VI.