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Summary record of the 2702nd meeting

Topic:
State responsibility

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whom reparation due shall be allocated”. The confusion was compounded by the phrase “obligation owed to the international community as a whole”, appearing in article 33 (Scope of international obligations set out in this Part) and elsewhere, which could be construed as including the responsibility of States to individuals and non-governmental organizations, not only to other States. Yet the work of the Commission dealt only with the relationship between States. The phrase “international community of States as a whole”, as proposed by the Governments of France, Mexico, the United Kingdom and others, was therefore preferable, in order to avoid confusion. Accordingly, he could not endorse the last phrase of article 48, paragraph 2 (b).

82. The provisions on countermeasures had been improved greatly, although he still had some doubts about the narrow definition of the object of countermeasures in article 49 (Object and limits of countermeasures) and about the fact that proportionality, as defined in article 51 (Proportionality), did not seem to rally with the object of countermeasures. He was, however, at one with the Commission in recommending the draft articles as a whole to the General Assembly.

The meeting rose at 1 p.m.

2702nd MEETING

Monday, 6 August 2001, at 10 a.m.

Chairman: Mr. Peter KABATSI

Present: Mr. Addo, Mr. Al-Baharna, Mr. Candioti, Mr. Crawford, Mr. Dugard, Mr. Economides, Mr. Gaja, Mr. Galicki, Mr. Goco, Mr. Hafner, Mr. He, Mr. Kamto, Mr. Kateka, Mr. Kusuma-Atmadja, Mr. Lukashuk, Mr. Melescanu, Mr. Pambou-Tchivounda, Mr. Pellet, Mr. Sreenivasa Rao, Mr. Rodríguez Cedeño, Mr. Rosenstock, Mr. Tomka, Mr. Yamada.

Draft report of the Commission on the work of its fifty-third session (*continued*)

CHAPTER V. *State responsibility* (A/CN.4/L.608 and Corr.1 and Add.1 and Corr.1 and Add.2–10)

A. Introduction (A/CN.4/L.608)

Paragraph 1

1. Mr. GALICKI proposed that, in the footnote, something should be added to refer to the reports of the first Special Rapporteur on State responsibility, F. V. García Amador, in order to re-establish the balance with the references to the reports of the other special rapporteurs.

Paragraph 1, as amended, was adopted.

Paragraphs 2 to 11

Paragraphs 2 to 11 were adopted.

Section A, as amended, was adopted.

B. Consideration of the topic at the present session (A/CN.4/L.608 and Corr.1)

Paragraphs 12 to 16

Paragraphs 12 to 16 were adopted.

Paragraph 17

2. Mr. PELLET proposed that the words “to discard the concept of ‘international crimes of State’” in the second sentence should be replaced by the words “not to make reference to the concept of ‘international crimes of State’”, which were more neutral.

Paragraph 17, as amended, was adopted.

Paragraph 18

3. Mr. GAJA proposed that in the last phrase of the paragraph the word “consequences” should be added before the words “were neither”.

4. Mr. ECONOMIDES proposed that, at the end of the fourth phrase of the second sentence, the word “general” should be added before the words “international law” because very specific traces of punitive damages were to be found in regional international law.

5. Mr. CRAWFORD (Special Rapporteur) said that he accepted the two proposed amendments and noted that, at the end of the fourth phrase of the second sentence, the text should read: “which were not available under general international law at present”.

Paragraph 18, as amended, was adopted.

Paragraphs 19 to 32

Paragraphs 19 to 32 were adopted.

Paragraph 33

6. Mr. GAJA proposed that part of the last sentence should be deleted. The sentence would then read: “Furthermore, codification conferences tended to make very few changes to consensus texts prepared by the Commission.”

7. Mr. CRAWFORD (Special Rapporteur) said that he accepted that amendment, but noted that the word “had” should be added before the word “tended”.

Paragraph 33, as amended, was adopted.

Paragraph 34

Paragraph 34 was adopted.

Paragraph 35

8. Mr. TOMKA (Chairman of the Drafting Committee) proposed that, in the last sentence, the words “the practice of” should be replaced by the words “the jurisprudence of”.

Paragraph 35, as amended, was adopted.

Paragraph 36

9. Mr. ECONOMIDES proposed that, at the end of the first sentence of the French text, the word *validité* should be replaced by the word *importance*.

10. Mr. CRAWFORD (Special Rapporteur), accepting the proposal, said that, in English, the word “validity” should be replaced by the word “value”.

Paragraph 36, as amended, was adopted.

Paragraph 37

11. Mr. ECONOMIDES proposed that the following sentence should be added between the penultimate and last sentences: “The 1969 Vienna Convention introduced the fundamental concept of preemptory norms” because that had been stated during the discussion, but not reported in the commentary.

12. Mr. CRAWFORD (Special Rapporteur) said that he could agree to the addition of that sentence, but at the end of the paragraph. Since what was involved was no longer the link between codification and progressive development, that last sentence should be introduced by a transitional sentence, which might read: “In addition, substantial elements of international law had been articulated in conventions. For example, . . .”.

Paragraph 37, as amended, was adopted.

Paragraph 38

13. Mr. GAJA proposed that, in the penultimate sentence, the words “in the second phase” should be deleted because they duplicated the words “at a later stage”. He also proposed that the word “conclusion” should be replaced by the word “adoption”.

14. Mr. ECONOMIDES said that there was an imbalance in the way the two parts of the understanding the Commission had reached were reported. He therefore proposed that the wording of the penultimate sentence should be strengthened and amended to read: “The Commission also agreed that, considering the importance of

the topic, in the second phase, it should recommend to the General Assembly, the conclusion of a convention on this topic”.

15. Mr. PAMBOU-TCHIVOUNDA, supporting that proposal, said that the same result could be achieved simply by deleting the word *souhaiter* in the French text.

16. Mr. CRAWFORD (Special Rapporteur) said that he agreed with that proposal, which would achieve the desired result without requiring the full rewording of the sentence. He also accepted the amendments proposed by Mr. Gaja and suggested that the word “indicate” should be replaced by the word “propose”.

17. Mr. ECONOMIDES said that the words “may consider” were weak and should be replaced by the words “should consider”.

18. Mr. CRAWFORD (Special Rapporteur) said that, in order to harmonize the different language versions, the word “should” should be added before the word “consider”, although such an addition was not entirely necessary.

19. Mr. KATEKA said that he did not see why the words “in the second phase” would be deleted when the words “in the first instance” were used at the beginning of the paragraph.

20. Mr. PELLET said that he agreed with Mr. Kateka, but pointed out that it would be more logical to use the words “in the second instance”.

21. Mr. CRAWFORD (Special Rapporteur) said that, in English at least, the words “in a second and later stage” would solve the problem. In that case, the words “at a later stage” at the end of the sentence should be deleted.

22. Mr. ROSENSTOCK said that, in the first sentence, the words “in the first instance” were confusing because they implied that the Commission might act in two stages.

23. Mr. PELLET said that he agreed with Mr. Rosenstock. The Commission would only—and could only—make a recommendation that would be broken down into two parts. He therefore proposed that, in the first sentence, the words “in the first instance” should be placed after the words “General Assembly”.

24. Mr. CRAWFORD (Special Rapporteur) said that he accepted that proposal. The words “in the first instance” should even be placed after the word “should”. That amendment would be in addition to those proposed for the penultimate sentence.

25. Mr. TOMKA (Chairman of the Drafting Committee) said that the content of paragraph 38 depended on the decision that the Commission would formally adopt. He therefore proposed that paragraph 38 should be adopted provisionally, with the amendments proposed. After having taken its decision, the Commission could reconsider the paragraph and make the necessary changes.

Paragraph 38 was adopted, as provisionally amended.

Paragraphs 39 to 42

Paragraphs 39 to 42 were adopted.

E. Text of the draft articles on responsibility of States for internationally wrongful acts (A/CN.4/L.608/Add.1 and Corr.1 and Add.2–10)

2. TEXT OF THE DRAFT ARTICLES WITH COMMENTARIES THERETO

26. Mr. PELLET paid tribute to the Special Rapporteur for the great achievement of having prepared the commentaries. He nevertheless wished to know why the Special Rapporteur had not kept to the excellent intentions he had expressed at the outset, namely, that he would not refer to doctrine in second-reading commentaries. Even if he had tried not to refer only to English-speaking doctrine, the result was still questionable.

27. Mr. CRAWFORD (Special Rapporteur) said that he would have preferred not to make any reference to modern-day legal writings on State responsibility, but several experts had convinced him that it was advisable to illustrate the commentaries by means of some references. The Commission would have to decide whether to keep those references or delete them.

28. In reply to a question by Mr. Sreenivasa Rao, he said that he had tried to avoid any specific or general reference to unresolved disputes relating to State responsibility. He also thanked the Working Group chaired by Mr. Melescanu for the work it had done.

29. Mr. PELLET said that he would like all references to modern doctrine to be deleted.

30. Mr. KATEKA said that the references to modern doctrine were very useful and that, in order to meet Mr. Pellet's concern for balance, other references might be added to the commentaries.

31. Mr. PAMBOU-TCHIVOUNDA said that he was also in favour of such an approach, which he found well balanced, and that he did not see why the Commission should not refer to modern doctrine.

32. Mr. CRAWFORD (Special Rapporteur) proposed that the references should be retained and considered on a case-by-case basis.

33. The CHAIRMAN said he thought that the large majority of members of the Commission were in favour of retaining those references.

It was so agreed.

General Commentary (A/CN.4/L.608/Add.2)

Paragraph (1)

34. Mr. LUKASHUK said that the wording of the first sentence should be strengthened by adding the phrase “; by way of codification and progressive development,” after the words “These articles seek to formulate”.

35. Mr. TOMKA (Chairman of the Drafting Committee) proposed that, for the sake of clarity, the words “which flow from this responsibility” at the end of the second sentence should be replaced by the words “which flow from such internationally wrongful acts”.

36. Mr. CRAWFORD (Special Rapporteur) said that he would prefer the words “and the legal consequences which flow therefrom”.

Paragraph (1), as amended, was adopted.

Paragraph (2)

Paragraph (2) was adopted.

Paragraph (3)

37. Mr. PELLET, supported by Mr. KAMTO, proposed that in subparagraph (e) the words “e.g. in cases of *force majeure* or distress” should be deleted because there was no point in mentioning those factors and not others.

38. Mr. TOMKA (Chairman of the Drafting Committee) proposed that at the beginning of subparagraph (f) the word “consequences” should be replaced by the word “content”, which was used in the title of Part Two (Content of the international responsibility of a State).

39. Mr. CRAWFORD (Special Rapporteur), replying to a request by Mr. Lukashuk, proposed that at the end of subparagraph (h) the words “cessation or restitution” should be replaced by “the fulfilment of the obligations of the responsible State under these articles”. He also proposed that the last phrase in the last sentence of paragraph (3) should be deleted because it had become superfluous as a result of the amendment to the first sentence of paragraph (1) proposed by Mr. Lukashuk.

Paragraph (3), as amended, was adopted.

Paragraphs (4) to (6)

Paragraphs (4) to (6) were adopted.

The general commentary, as amended, was adopted.

PART ONE. THE INTERNATIONALLY WRONGFUL ACT OF A STATE

CHAPTER I. GENERAL PRINCIPLES

Commentary to article 1 (Responsibility of a State for its internationally wrongful acts)

Paragraph (1)

40. Mr. LUKASHUK proposed that the word “all” in the penultimate sentence should be deleted.

Paragraph (1), as amended, was adopted.

Paragraph (2)

Paragraph (2) was adopted.

Paragraph (3)

41. Mr. PELLET proposed that three footnotes should be added to explain the three points of view referred to, namely, those of Anzilotti, Kelsen and the third, which seemed to be that of Ago.

42. Mr. LUKASHUK said that he would also like Kelsen's position, especially with regard to sanctions, to be explained in greater detail in a footnote.

43. Mr. CRAWFORD (Special Rapporteur) said that he accepted those proposals, but would like the third view, which had come to prevail, to be presented in the body of the text as that of the Commission, even though it had originated with Ago. It should accordingly be referred to in the footnote.

It was so agreed.

Paragraph (3), as amended, was adopted.

Paragraph (4)

44. Mr. KAMTO said that the sentence following the quotation relating to the *Barcelona Traction* case should be amended to read: "the protection of certain basic human rights and the fulfilment of certain essential obligations of States".

45. Mr. PAMBOU-TCHIVOUNDA said he also regretted that it was not clear who was entitled to the basic rights in question.

46. Mr. MELESCANU said that the Working Group had purposely decided not to restrict such basic rights to human rights.

47. Mr. CRAWFORD (Special Rapporteur) said that he supported Mr. Melescanu's comment.

Paragraph (4) was adopted.

Paragraphs (5) to (7)

Paragraphs (5) to (7) were adopted.

Paragraph (8)

48. Mr. GAJA proposed that, after the third sentence the following sentence should be inserted to read: "Moreover, the latter term appears to imply that the legal consequences are intended by its author." Accordingly, the beginning of the next sentence should read: "For the same reasons".

Paragraph (8), as amended, was adopted.

The commentary to article 1, as amended, was adopted.

Commentary to article 2 (Elements of an internationally wrongful act of a State)

Paragraphs (1) and (2)

Paragraphs (1) and (2) were adopted.

Paragraph (3)

49. Mr. LUKASHUK said that, however brilliant it might be, the analysis of the terms "subjective" and "objective" was not necessary.

50. Mr. CRAWFORD (Special Rapporteur) said that those terms were used so often in the articles that he thought their meaning should be explained.

Paragraph (3) was adopted.

Paragraphs (4) and (5)

Paragraphs (4) and (5) were adopted.

Paragraph (6)

51. Mr. HAFNER proposed that the beginning of the second sentence should be amended to read: "Under many national legal systems, the State consists of different legal persons".

52. Mr. CRAWFORD (Special Rapporteur) proposed that the word "national" in that sentence should be deleted.

Paragraph (6), as amended, was adopted.

Paragraph (7)

53. Mr. PELLET said that he did not see why reference was made to the English version of the articles in the last sentence of the French text. He therefore proposed that the French text should be amended to read: *l'expression retenue est "violation d'une obligation internationale"*. That comment also applied to the other languages.

54. Mr. CRAWFORD (Special Rapporteur) said that he agreed with that proposal.

Paragraph (7), as amended, was adopted.

Paragraph (8)

55. Mr. LUKASHUK said he was surprised that the words "infringement of the rights of others" were used in the first sentence, whereas the words "contrary to the treaty right[s]" were used in the second sentence.

56. Mr. CRAWFORD (Special Rapporteur) proposed that in the first sentence the words "infringement of the rights of others" should be amended to read: "conduct contrary to the rights of others".

Paragraph (8), as amended, was adopted.

Paragraph (9)

57. Mr. PELLET said it was clear that the existence of "damage" was not a necessary condition for an internationally wrongful act, but the Commission must not appear to be overlooking the extent of the damage in the case of the implementation of responsibility. He there-

fore proposed that the following two sentences should be added to paragraph (9): “However, the existence of damage is, in most cases, a necessary condition for the implementation of responsibility in accordance with the provisions of Part Three of the present articles. This is true except in the cases dealt with in article 48.”

58. Mr. CRAWFORD (Special Rapporteur) said that the sentences that Mr. Pellet proposed to add were not necessary.

Paragraph (9) was adopted.

Paragraph (10)

Paragraph (10) was adopted.

59. Mr. PELLET said that a new paragraph on fault should be added after paragraph (10).

60. Mr. CRAWFORD (Special Rapporteur) said that the question of fault was already dealt with in paragraph (3) of the commentary to article 2. He was, however, not opposed to the idea of adding a new paragraph on that question, provided that its wording was compatible with paragraph (3) and it came after paragraph (9), not after paragraph (10).

61. Mr. TOMKA (Chairman of the Drafting Committee) proposed that Mr. Pellet should work with the Special Rapporteur on a written text to be distributed to the members of the Commission, who could then take a decision on it.

62. The CHAIRMAN said that, if he heard no objection, he would take it that the members of the Commission agreed to that proposal.

It was so agreed.

Paragraph (11)

Paragraph (11) was adopted.

Paragraph (12)

63. Mr. LUKASHUK said that the third and fourth sentences were unnecessary because the origin of the obligation breached was not relevant in that particular case. He therefore proposed that they should be deleted.

64. Mr. CRAWFORD (Special Rapporteur) said that he supported Mr. Lukashuk’s proposal, subject to replacing the word “these” in the penultimate sentence by “the”.

Paragraph (12), as amended, was adopted.

Commentary to article 3 (Characterization of an act of a State as internationally wrongful)

Paragraphs (1) to (5)

Paragraphs (1) to (5) were adopted.

Paragraph (6)

65. Mr. GAJA said that, in the footnote, the word “capacity” should be replaced by the word “competence”.

Paragraph (6), as amended, was adopted.

Paragraphs (7) to (9)

Paragraphs (7) to (9) were adopted.

The commentary to article 3, as amended, was adopted.

CHAPTER III. BREACH OF AN INTERNATIONAL OBLIGATION

Commentary to chapter III (A/CN.4/L.608/Add.7)

Paragraphs (1) and (2)

Paragraphs (1) and (2) were adopted.

Paragraph (3)

66. Mr. PELLET said that, in the last sentence, the word “systematic” should be deleted because article 15 did not refer to a “systematic breach”.

67. Mr. CRAWFORD (Special Rapporteur) proposed that the same wording as in the text of article 15 should be used in order to take account of Mr. Pellet’s comment. The end of the last sentence would then read: “the breach lies in a series of acts defined in aggregate as wrongful (art. 15)”.

Paragraph (3), as amended, was adopted.

Paragraph (4)

Paragraph (4) was adopted.

The commentary to chapter III, as amended, was adopted.

Commentary to article 12 (Existence of a breach of an international obligation)

Paragraphs (1) and (2)

Paragraphs (1) and (2) were adopted.

Paragraph (3)

68. Mr. ECONOMIDES said that the word “procedures” in the sixth sentence should be replaced by the word “provisions”.

69. Mr. PELLET proposed that, in the last sentence, the word “however” should be deleted because its use was not logical.

Paragraph (3), as amended, was adopted.

Paragraph (4)

70. Mr. PELLET said that, if the same obligations were being referred to in the first and second sentences, and not obligations likely to be breached, on the one hand, and those relating to responsibility, on the other, that should be more clearly indicated by starting the second sentence with the words “Obligations may arise”.

Paragraph (4), as amended, was adopted.

Paragraph (5)

Paragraph (5) was adopted.

Paragraph (6)

71. Mr. GALICKI said that the first sentence was awkward and that, bearing in mind the discussions the Commission has held on that question, reference should not be made to the “criminal” responsibility of States.

72. Mr. KAMTO said that the words *certain*s and *plusieurs* duplicated one another and that the words *ou plusieurs* should be deleted. As to the penultimate sentence, the word “thus” did not belong in a sentence beginning with the word “But”.

73. Mr. LUKASHUK said that he agreed with Mr. Galicki’s comment and stressed that, somewhere in the commentary, emphasis should be placed on the basic idea that State responsibility was neither civil nor criminal, but *sui generis*.

74. Mr. PELLET said that he shared Mr. Lukashuk’s view, but pointed out that that was precisely what was stated in the first sentence.

75. Mr. CRAWFORD (Special Rapporteur) said that the words *ou plusieurs* could be deleted, as Mr. Kamto had proposed, even though the problem did not arise in English, which used the words “some or many”. With regard to Mr. Galicki’s comment, the first sentence stated an indisputable truth.

76. Mr. ROSENSTOCK said that the reference to Part One of the articles had no place in paragraph (6) because it suggested that the statement contained in the first sentence related particularly to that Part, whereas it applied to the articles as a whole. A possible solution to Mr. Galicki’s objection would be to delete the first sentence of paragraph (6) and amend the end of paragraph (5) to read: “As far as the origin of the obligation breached is concerned, there is a single general regime of State responsibility. Nor does any distinction exist between the ‘civil’ and ‘criminal’ responsibility as is the case in internal legal systems”.

Paragraph (6), as amended, was adopted.

Paragraph (7)

77. Mr. PELLET, supported by Mr. HAFNER, proposed that the present text of the first sentence should be replaced by the following: “Even what may be called the

fundamental principles of the international legal order do not derive from any special source of law.”

78. Mr. ECONOMIDES, supported by Mr. KAMTO, said that, even as newly worded, the sentence was not clear. He therefore proposed that it should be deleted.

79. Mr. CRAWFORD (Special Rapporteur) said that he accepted Mr. Pellet’s proposal. He was not in favour of the deletion of the sentence because the structure of the text required a connecting sentence.

80. Mr. PELLET proposed that, in the third sentence, at least in the French text, the words “as the holders of legislative authority in respect of the international community” should be replaced by the words “as the normative authority on behalf of the international community”. In the fourth sentence, he proposed that the words “by definition” should be added before the word “affect”.

81. Mr. CRAWFORD (Special Rapporteur) said that he accepted Mr. Pellet’s two proposals.

82. Mr. HAFNER said that he was not sure whether States were really the only holders of normative authority and proposed that the word “first” should be added before the word “holders”.

83. Mr. CRAWFORD (Special Rapporteur) said that he would prefer to keep the sentence as it stood.

84. Mr. ECONOMIDES proposed that, in order to take account of Mr. Hafner’s comment, the words “par excellence” should be added between the word “States” and the word “have”. In the following sentence, the words “may entail” should be replaced by the word “entail”.

85. Mr. CRAWFORD (Special Rapporteur) said that he had no objection to the use of the term “par excellence”, but he did think it was important to keep the words “may entail” because the breach had to be “serious” in order to entail a stricter regime of responsibility.

Paragraph (8)

86. Mr. LUKASHUK said that, since there was no need to establish a hierarchy among the different sources of law, the beginning of the last sentence should be amended to read: “The special importance of the Charter, as reflected in its Article 103, derives from its express provisions”.

87. Mr. KAMTO said that he supported Mr. Lukashuk’s proposal and suggested that the sentence might be further simplified by deleting the phrase between dashes.

88. Mr. HAFNER said that he supported the proposals by Mr. Lukashuk and Mr. Kamto.

Paragraph (8), as amended, was adopted.

Paragraphs (9) and (10)

Paragraphs (9) and (10) were adopted.

Paragraph (11)

89. Mr. PELLET said that at the beginning of the fifth sentence the words “But it is neither exhaustive nor exclusive” should be amended to read: “But it is not exclusive” because it made no sense to say that a distinction was exhaustive.

90. Mr. CRAWFORD (Special Rapporteur) said that he agreed with Mr. Pellet’s comment.

Paragraph (11), as amended, was adopted.

Paragraph (12)

Paragraph (12) was adopted.

Commentary to article 13 (International obligation in force for a State)

Paragraph (1)

91. Mr. GAJA said that in the first sentence the words “the obligation is in force for the State” should be amended to read “the State is bound by the obligation”.

92. Mr. ECONOMIDES said that the wording of article 13 was entirely suitable for treaty obligations, but, for other obligations (customary and deriving from peremptory norms of international law), the important element was the existence of the rule.

93. Mr. TOMKA (Chairman of the Drafting Committee) said that the two elements were important. There had to be an obligation and the State had to be bound by that obligation.

94. Mr. CRAWFORD (Special Rapporteur) said that there were rules of international law by which States were not bound. The fact that a State was bound was therefore an important element.

95. Mr. KUSUMA-ATMADJA said that he agreed with the Special Rapporteur. The provision, as it stood, was simple and clear.

96. Mr. PAMBOU-TCHIVOUNDA said that, throughout the draft articles on State responsibility, reference should be made to “an act of the State” and not “an act of a State”.

Paragraph (1), as amended, was adopted.

Paragraph (2)

Paragraph (2) was adopted.

Paragraph (3)

97. Mr. KAMTO said that it should be made clear at the beginning of paragraph (3) to which case reference was being made.

98. Mr. CRAWFORD (Special Rapporteur), taking note of Mr. Kamto’s comment, said that he would add the necessary reference.

Paragraph (3) was adopted on that understanding.

Paragraphs (4) to (9)

Paragraphs (4) to (9) were adopted.

The commentary to article 13, as amended, was adopted.

Commentary to article 14 (Extension in time of the breach of an international obligation)

Paragraphs (1) to (3)

Paragraphs (1) to (3) were adopted.

Paragraph (4)

99. Mr. PELLET said that he did not understand what was meant by a “complete” act. He did not know whether that was a matter of substance or of form, but, in any event, “complete” was not the right term.

100. Mr. CRAWFORD (Special Rapporteur) said that a distinction was being made between an act that was “completed” and one that was continuing.

101. Mr. KAMTO proposed that the word *achevé* should be used in French.

102. Mr. PELLET said that he could accept the term *achevé*. In that case, however, it was the term “continuing” which seemed to be a problem, since all acts, whether continuing or not, were bound to be *achevé*” at some time or another.

103. Mr. RODRÍGUEZ CEDEÑO said that the Spanish term *consumado* and *continuo* were satisfactory.

104. Mr. PAMBOU-TCHIVOUNDA asked whether the continuing or complete nature of an act depended on the act itself or on its effects.

The meeting rose at 1.10 p.m.

2703rd MEETING

Monday, 6 August 2001, at 3.05 p.m.

Chairman: Mr. Peter KABATSI

Present: Mr. Addo, Mr. Candiotti, Mr. Crawford, Mr. Dugard, Mr. Economides, Mr. Gaja, Mr. Galicki,