State Responsibility

A. Mandate

- Topic selected in 1949 by the Commission as being suitable for codification.
- G.A. Res. 790 (VIII) of 7 December 1953 (E, F, S, R, D)

B. Studies undertaken by the Secretariat and Reports of the Secretary-General

1. 19th session of the International Law Commission (1954)
   - Summary of the discussions in various United Nations organs and the
     resulting decisions: working paper prepared by the Secretariat
   - Digest of the decisions of International Tribunals relating to State
     responsibility, prepared by the Secretariat

2. 21st session of the International Law Commission (1960)
   - Supplement, prepared by the Secretariat, to the "Digest of the decisions of
     international tribunals relating to State responsibility"
   - Proposals submitted to, and decisions of, various United Nations organs
     relating to the question of State Responsibility: supplement prepared by the
     Secretariat to document A/CON.4/156

3. 50th session of the International Law Commission (1970)
   - "Force majeure" and "illicit event" as circumstances precluding
     wrongfulness: survey of State practice, international judicial decisions and
     doctrine - Study prepared by the Secretariat

4. 32nd session of the International Law Commission (1969)
   - State responsibility for internationally wrongful acts (art 1). Principal works
     cited in the reports of Mr. Ago. Document prepared by the Secretariat

C. Reports of the Working Group or Sub-Committee

1. 15th session of the International Law Commission (1983)
   - Report by Mr. Roberto Ago, Chairman of the Sub-Committee on State
     Responsibility

2. 49th session of the International Law Commission (1997)
   - Report of the Working Group

D. Reports of the Special Rapporteur

1. Discussion on the topic of international responsibility including consideration of,
   the traditional view and development of International law; past efforts to codify
   the topic; legal content and function of international responsibility; the active subjects of
   - ILC Report, A/59210, 1997, chp. VI, paras. 156-161


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responsibility and the problem of imputability; the passive subjects of responsibility and the capacity to bring an international claim; diplomatic protection and the international recognition of the essential rights of man; exoneration from responsibility and attenuating and aggravating circumstances; character, function and measure of reparation; international claims and modes of settlement; as well bases of discussion. The report included a review of codification attempts under the League of Nations, by the inter-American bodies, as well as private bodies.
- Report of the Special Rapporteur, Mr. F.V. García-Amador (8th session of the ILC (1956))

2. Consideration of the question of the responsibility of the State for injuries caused in its territory to the person or property of aliens, focusing on Part I (acts and omissions). The report dealt with the following topics under this rubric: the nature and scope of responsibility; acts and omissions of organs and officers of the State; violation of fundamental human rights; non-performance of contractual obligations and acts of expropriation, as well as acts of individuals and internal disturbances.
- Second report of the Special Rapporteur, Mr. F.V. García-Amador (9th session of the ILC (1957))

3. Discussion of the proposed Part II dealing with the international claim. The report considered the following questions in this context: acts and omissions which give rise to responsibility; the exoneration from responsibility; extenuating and aggravating circumstances; the exhaustion of local remedies; submission of the international claim, and the character and measure of reparation. A draft on international responsibility of the State for injuries caused in its territory to the person or property of aliens, was annexed to the report.
- Third report of the Special Rapporteur, Mr. F.V. García-Amador (10th session of the ILC (1958))

4. Further report considering the question of measures affecting acquired rights. The following issues were referred to: the international protection of acquired rights, expropriation in general, and contractual rights.
- Fourth report of the Special Rapporteur, Mr. F.V. García-Amador (11th session of the ILC (1959))

5. Continued consideration of the question of measures affecting acquired rights, as well as a discussion of the constituent elements of international responsibility. The following issues were considered in the context of measures affecting acquired rights: extraterritorial effects of measures affecting acquired rights; and systems for settlement of disputes. The following topics were considered under the rubric of constituent elements of international responsibility: how international responsibility arises; and the basis of international responsibility. Finally, the report considered further amendments and additions to the draft articles.
- Fifth report of the Special Rapporteur, Mr. F.V. García-Amador (12th session of the ILC (1960))

6. Focused on the question of the reparation of the injury, and considered the following issues: the duty to make reparation; the injury and the forms and functions of reparation in general; and the reparation of injury caused to the alien.
- Sixth report of the Special Rapporteur, Mr. F.V. García-Amador (13th session of the ILC (1961))

7. Review of previous work on codification of the topic of the international responsibility of States.
- First report of the Special Rapporteur, Mr. Roberto Ago (21st session of the ILC (1969))

8. The origin of international responsibility: general fundamental rules governing the topic as a whole, including: the internationally wrongful act as a source of responsibility; conditions for the existence of an internationally wrongful act; and the capacity to commit internationally wrongful acts.
- Second report of the Special Rapporteur, Mr. Roberto Ago (22nd session of the ILC (1970))

9. The internationally wrongful act of the State, source of international responsibility: an introduction; chapter 1, general principles, including draft articles 1-4 on general principles; and a part of chapter 2, the "act of the State" according to international law, followed by draft articles 5-9.
- Third report of the Special Rapporteur, Mr. Roberto Ago (23rd session of the ILC (1971))

10. The internationally wrongful act of the State, source of international responsibility. Remaining sections of chapter 2 - the "Act of State" according to international law.
11. Chapter III (Breaches of an international obligation), including proposed articles on the source of the international obligation breached, the force of an international obligation, and the content of the international obligation breached.
   - Fifth report of the Special Rapporteur, Mr. Roberto Ago (28th session of the ILC (1976))

12. Proposed draft articles on: breach of an international obligation calling for the State to adopt a specific course of conduct; breach requiring the State to achieve a particular result; and exhaustion of local remedies (Sections 5 to 7 of Chapter III).
   - Sixth report of the Special Rapporteur, Mr. Roberto Ago (29th session of the ILC (1977))

13. The internationally wrongful act of the State, source of international responsibility: breach of an international obligation to prevent a given act (art. 23), time of the breach of an international obligation (art. 24), participation by a State in the internationally wrongful act of another State (art. 25).
   - Seventh Report of the Special Rapporteur, Mr. Roberto Ago (30th session of the ILC (1978))

   - Eighth Report of the Special Rapporteur, Mr. Roberto Ago (31st session of the ILC (1979))

   - Eighth Report (Addendum) of the Special Rapporteur, Mr. Roberto Ago (32nd session of the ILC (1980))

16. Preliminary report on the content, forms and degrees of international responsibility (Part 2 of the draft articles on States responsibility). General analysis of the various forms of new legal relationships that may be established under international law by an internationally wrongful act of a State.
   - Preliminary Report of the Special Rapporteur, Mr. Willem Riphagen (33rd session of the ILC (1983))

17. Second report on the content, forms and degrees of international responsibility (Part 2 of the draft articles on States responsibility). The report dealt primarily with new obligations of the State which is held to have committed an internationally wrongful act entitling its international responsibility. Proposed draft articles 1 to 3 of chapter I (general principles), as well as articles 4 and 5 - Chapter II (obligations of the State which has committed an internationally wrongful act).
   - Second Report of the Special Rapporteur, Mr. Willem Riphagen (34th session of the ILC (1984))

18. Third report on the content, forms and degrees of international responsibility (Part II of the draft articles on States responsibility). The report contained a revised version of the draft articles of the previous report. The notion of the injured State was analyzed, as well as the link between a breach of an international obligation and the legal consequences thereof.
   - Third Report of the Special Rapporteur, Mr. Willem Riphagen (35th session of the ILC (1985))

19. After a brief review of the status of the work on the topic, the fourth report concentrated on an "outline" of the possible contents of Part II and Part III of the draft articles.
   - Fourth report of the Special Rapporteur, Mr. Willem Riphagen (36th session of the ILC (1986))

20. Consisted mainly of 12 new draft articles (arts. 5-16) to follow the four articles provisionally adopted by the Commission at its thirty-fifth session. By way of provisional commentary, reference was made to the parts of earlier reports dealing with the various matters addressed in the new draft articles. The new draft articles submitted were meant to replace all earlier draft articles proposed by the Special

- ILC Report, A/47/10/Rev.1 (F) (A/27/10), 1972, chp. IV(B), paras. 72-73
- ILC Report, A/31/10, (F), 1976, chp. III(A), paras. 74-78
- ILC Report, A/35/10, (F), 1979, chp. III(A)(3), par. 80
- U.N. Doc. A/CN.4/19 and Add.1-4 (F), Add.5-7 (F) and Add.8 (F) (in Ybk. 1979, vii(1) (F))
- ILC Report, A/33/18, (F), 1979, chp. III(A)(4), par. 69
- U.N. Doc. A/CN.4/318/Add.5-7 (F) (in Ybk. 1980, vii(1) (F)) (see Add.8 prepared by Secretary of the ILC)
- ILC Report, A/35/18, (F), 1980, chp. III(C)(2), paras. 35-48
- ILC Report, A/37/10, (F), 1981, chp. IV(C), paras. 145-160
- ILC Report, A/37/10, (F), 1982, chp. III(B), paras. 79-102
- ILC Report, A/39/10, (F), 1983, chp. IV(B), paras. 106-133
- ILC Report, A/40/10, (F), 1984, chp. VII(B), paras. 349-380
Rapporteur

- Fifth Report of the Special Rapporteur, Mr. Willem Riphagen (36th session of the ILC (1994))

21. Four draft articles with commentaries already provisionally adopted by the Commission, and remaining 12 draft articles with commentaries already submitted - all of which constitute part 2. Proposals on possible content of part 3 on the "implementation" (mise en œuvre) of international responsibility and the settlement of disputes.

- Sixth Report of the Special Rapporteur, Mr. Willem Riphagen (37th session of the ILC (1995))

22. Report consisted of two sections: section I contained draft articles and commentaries of part 3 of the draft, and section II concerned first stage of the preparation of the second reading of part I of the draft articles.

- Seventh Report of the Special Rapporteur, Mr. Willem Riphagen (38th session of the ILC (1996))

23. Suggestions concerning the outline of parts 2 (content, forms and degrees of international responsibility) and 3 (peaceful settlement of disputes arising from an alleged internationally wrongful act) of the draft articles. Cessation of an internationally wrongful act and restitution in kind: proposed draft articles 6 and 7.

- Preliminary Report of the Special Rapporteur, Mr. Gaetano Arango-Ruiz (40th session of the ILC (1988))

24. Report divided into six chapters: (I) moral injury to the State and the distribution between satisfaction and compensation; (II) reparation by equivalent, (III) satisfaction and punitive damages; (IV) guarantees of non-repetition of the wrongful act; and (V) basis for the act and degree of reparation and the impact of fault; to draft articles on reparation by equivalent, satisfaction, and guarantees of non-repetition.

- Second Report of the Special Rapporteur, Mr. Gaetano Arango-Ruiz (41st session of the ILC (1990))

25. Discussed the following topics: kinds of measures to be considered (including, self-defence, sanctions, reservations, reprisals, countermesures, reciprocal measures, inadmissibil et non est adimpleendum); an internationally wrongful act as a precondition; functions and purposes of measures; the issue of a prior claim for reparation; the impact of dispute settlement obligations; the problem of proportionality; the regime of suspension and termination of treaties as countermesures; the issue of so-called self-contained regimes; the problem of differently injured States; and substantive limitations issues.

- Third Report of the Special Rapporteur, Mr. Gaetano Arango-Ruiz (43rd session of the ILC (1991))

26. Discussion of the "instrumental" consequences of an internationally wrongful act or "countermesures" with a view to submitting solutions and draft articles on the various aspects of their legal regime as identified in the previous (third) report. State practice prior to the First World War, State practice between the wars, principles and rules emerging after the Second World War. State practice since the Second World War, conclusions, proportionality of countermesures; prohibited countermesures; countermesures and the prohibition of the use of force, the problem of economic and political measures as forms of coercion, countermesures and respect for human rights, the question of the inviolability of diplomats and other specially protected persons, the relevance of jus cogens and erga omnes obligations; the so-called self-contained regimes; the problem of a plurality of equally or unequally injured States; the origin of the concept of non-directly injured States, impropriety of the concept of non-directly injured States, conceivable and possible solutions in the case of a plurality of injured States; Proposed draft articles: countermesures by an injured State (art.11), conditions of resort to countermesures (art.12), proportionality (art.13), prohibited countermesures (art.14) and art.5 bis.

- Fourth Report of the Special Rapporteur, Mr. Gaetano Arango-Ruiz (44th session of the ILC (1993))

27. Part Three of the draft articles on State responsibility: dispute settlement procedure, contained 6 proposed draft articles: conciliation (art.1), task of the Conciliation Commission (art.2), arbitration (art.3), terms of reference of the Arbitral Tribunal (art.4), judicial settlement (art.5), exode du pouvoir ou violation of fundamental principles of arbitral procedure (art.6), accompanied by an annex: composition of the Conciliation Commission (art.1), task of the Conciliation Commission (art.2), composition of the Arbitral Tribunal (art.3); The consequences of international "crimes" of States (article 19 of Part One of the draft).

- Fifth Report of the Special Rapporteur, Mr. Gaetano Arango-Ruiz (45th session of the ILC (1993))
28. Pre-countermeasures dispute settlement provisions so far envisaged for the draft on State responsibility - a reappraisal: the formulation adopted by the 1993 Drafting Committee for article 10 of part two of the draft articles, the crucial issue of the requirement of prior recourse to dispute settlement procedures, other important matters relating to the pre-countermeasures dispute settlement issues to be dealt with in article 12 of part two, proposals of the Special Rapporteur concerning articles 11 and 12 of part two of the draft articles. Main issues to be considered in the forthcoming debate on the consequences of internationally wrongful acts characterized as crimes under article 10 of Part One of the draft articles on State responsibility: Can the crimes be defined? Assuming an agreed definition can be reached, who determines that a "crime" has been committed? What are the possible consequences of a finding of crime?

- Sixth Report of the Special Rapporteur, Mr. Gaetano Arangio-Ruiz (45th session of the ILC (1994))

29. The legal consequences of internationally wrongful acts characterized as crimes under article 19 of part one of the draft articles and the settlement of disputes relating to the legal consequences of crimes.

- Seventh Report of the Special Rapporteur, Mr. Gaetano Arangio-Ruiz (45th session of the ILC (1993))

30. Problems relating to the regime of internationally wrongful acts singled out as "crimes" based on article 19 of part one the fate of art 19 of Part One: the special and additional substantive consequences of crimes; the institutional aspects of the legal regime of "Crimes"; conclusions: art.4 as adopted and draft art.20 as proposed in the Seventh report as well as some other issues to which the Special Rapporteur deemed it necessary to call the attention of the Commission (the role of fault in general and in connection with satisfaction; the dispute settlement provisions of Part Two and Three of the Project; proportionality).

- Eighth Report of the Special Rapporteur, Mr. Gaetano Arangio-Ruiz (45th session of the ILC (1996))

31. General issues relating to the draft articles, the distinctions between "crimes" and "deleterious responsibility," and articles 1 to 15 of Part One of the draft.

- First report of the Special Rapporteur, Mr. James Crawford (51st session of the ILC (1998))

32. Continuation of the consideration of draft articles in light of comments of Governments and developments in State Practice. Review of the draft articles in Part One, Chapter III (Breach of an International Obligation), Chapter IV (Implication of a State in the internationally wrongful act of another State), Chapter V (Circumstances precluding wrongfulness), the treatment of countermeasures in the Draft articles, together with a brief review of the comparative law experience relating to interference with contractual rights.

- Second report of the Special Rapporteur, Mr. James Crawford (51st session of the ILC (1999))

33. Recommended a programme for completion of the second reading of the draft articles on State responsibility. Identified the outstanding issues relating to Part One as well as made proposals for Part Two (legal consequences of an internationally wrongful act of a State) as well as for a new Part Two bis (the implementation of State responsibility) and Part Four (general provisions), of the draft articles.

- Third report of the Special Rapporteur, Mr. James Crawford (52nd session of the ILC (2000))

34. Consideration of remaining general issues: the invocation of responsibility: "damage", "injury" and the "injured State"; "serious breaches of obligations to the international community as a whole"; Part Two, Chapter III; and Countermeasures: Part Two bis, Chapter II.

- Fourth report of the Special Rapporteur, Mr. James Crawford (53rd session of the ILC (2001))
E. Reports of the Drafting Committee

1. 29th session of the International Law Commission (1973)
   - Titles of the draft and of chapters I and II, titles and texts of articles 1-6
     adopted by the Drafting Committee

2. 20th session of the International Law Commission (1974)
   - Texts adopted by the Committee: title of chap. II and arts.7-9

3. 27th session of the International Law Commission (1975)
   - Texts adopted by the Committee: arts.10-12, 12 bis, 12 ter, and 13.

4. 29th session of the International Law Commission (1976)
   - Texts adopted by the Committee: title of chapter III and articles 15 bis and
     16-18

5. 29th session of the International Law Commission (1977)
   - Text of article 20 adopted by the Drafting Committee
     - Texts adopted by the Committee: revised text of article 20 and article 21-22

6. 30th session of the International Law Commission (1978)
   - Texts adopted by the Drafting Committee: articles 23-27 and title of chapter
     IV of the draft

7. 31st session of the International Law Commission (1979)
   - Texts adopted by the Drafting Committee: articles 28-32 and title of chapter
     V of the draft

8. 32nd session of the International Law Commission (1980)
   - Texts of articles 33-35 adopted by the Drafting Committee

   - Texts adopted by the Drafting Committee: arts 1, 2, 3 and 5

10. 37th session of the International Law Commission (1985)
    - Text adopted by the Drafting Committee: article 5

11. 44th session of the International Law Commission (1992)
    - Titles and texts adopted by the Drafting Committee: Part II, [art. 6 to 10 bis
      and a new paragraph 2 for art.1]

12. 45th session of the International Law Commission (1993)
    - Titles and texts adopted by the Drafting Committee on first reading: Part 2

    - Titles and texts as adopted by the Drafting Committee at the forty-fifth and
      forty-sixth sessions of the Commission: arts. 11 to 14

    - Titles and texts adopted by the Drafting Committee: Part Three and annex

15. 48th session of the International Law Commission (1996)
    - Titles and texts adopted by the Drafting Committee: Part I of the draft
      articles adopted by the Committee on first reading at its thirty-second
      session, in 1990, and titles and texts of parts 2 and 3 of the draft articles as
      provisionally adopted by the Drafting Committee on first reading at the forty-
      eighth session, in 1996

    - Draft articles provisionally adopted by the Drafting Committee (Part One,
      chapters I and II)
17. 51st session of the International Law Commission (1999)  
- Titles and texts of draft articles adopted by the Drafting Committee (Part One, chapters III-V)  
- U.N. Doc. A/CN.4/L.574 and Corr.1, 2 (French only) and 3 (F)

18. 52nd session of the International Law Commission (2000)  
- Texts of draft articles on State responsibility were provisionally adopted by the Drafting Committee on second reading.  

19. 53rd session of the International Law Commission (2001)  
- Titles and texts of the draft articles on Responsibility of States for internationally wrongful acts adopted by the Drafting Committee on second reading.  
- Statement of the Chairman of the Drafting Committee (English only):  
  - First statement made at the 2681st to 2683rd meetings, held from 29 to 31 May 2001.  
  - Second statement made by Mr. Giorgio Gaja on behalf of the Chairman of the Drafting Committee, at the 2701st meeting, held on 3 August 2001.  

F. Comments by Governments

1. 32nd session of the International Law Commission (1980)  
- Observations and comments of Governments on chapters I, II and III of Part I of the draft articles on State responsibility for internationally wrongful acts  

2. 33rd session of the International Law Commission (1981)  
- Comments of Governments on Part I of the draft articles on State responsibility for internationally wrongful acts  

3. 34th session of the International Law Commission (1982)  
- Comments and observations of Governments on Part I of the draft articles on State responsibility for internationally wrongful acts  

4. 35th session of the International Law Commission (1983)  
- Comments and observations of Governments on Part I of the draft articles on State responsibility for internationally wrongful acts  

5. 40th session of the International Law Commission (1988)  
- Comments and observations of Governments on Part I of the draft articles on State responsibility for internationally wrongful acts  

- Comments and observations received from Governments  

7. 51st session of the International Law Commission (1999)  
- Comments and observations received from Governments  

8. 53rd session of the International Law Commission (2001)  
- Comments and observations received from Governments  
- U.N. Doc. A/CN.4/4515 (E, S, R, C, A) and Corr.1 (Arabic only) and Add.1 (E, S, R, C, A) and Add.2 (E, S, R, C, A) and Add.3 (E, S, R, C, A)

G. Other

1. 6th session of the International Law Commission (1954)  
- Memorandum on the question of State Responsibility, submitted by Mr. F.V. Garcia-Amandor  

2. 15th session of the International Law Commission (1963)  
- Working paper prepared by Mr. André Gros  
- Working document submitted by Mr. Senjin Tsuruoka  


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2. 15th session of the International Law Commission, (1967)
   - State responsibility: note by Mr. Roberto Ago, Special Rapporteur

   - Text for article 9, proposed by Mr. Ushakov
   - Proposals by Mr. Kearney concerning articles 7, 8 and 11

4. 31st session of the International Law Commission (1979)
   - text of article 28 proposed by Mr. Tsurukawa
   - text of article 28 proposed by Mr. Jagota
   - text of article 29 proposed by Mr. Tsurukawa
   - text of article 29 proposed by Mr. Jagota
   - text of article 29 proposed by Mr. Ushakov
   - text of article 30 proposed by Mr. Jagota
   - text of article 30 proposed by Mr. Yanikov

   - Draft articles, with commentaries, adopted by the Commission for inclusion in Part Three and the Annex thereto
   - Draft commentaries to articles 13 and 14 of Part Two of the draft articles
   - Draft commentary to articles 11 of Part Two of the draft article

   - Draft One of the draft articles as adopted by the Commission on first reading at its thirty-second session in 1980 (arts.1 to 35) and texts and titles of Parts Two (arts.36 to 53) and Three (arts.54 to 60) of the draft articles as provisionally adopted by the Drafting Committee on first reading at the fortieth session in 1996 and annexes I and II
   - Chapter III - Introduction
   - Recommendation of the ILC and tribute to Special Rapporteur - Mr. Gaetano Arangio-Ruiz
   - Draft articles adopted on first reading - Text of articles
   - Draft articles adopted on first reading - Text of articles with commentaries
H. Reports of the International Law Commission

1. Report of the International Law Commission on the work of its sixth session, 3 June to 28 July 1954
   - The Commission took note of General Assembly resolution 796 (VII) of 7 December 1953 requesting it to undertake, as soon as it considered it advisable, the codification of the principles of international law governing State responsibility. The Commission decided not to begin work on the subject for the time being, due to its heavy workload.

2. Report of the International Law Commission on the work of its seventh session, 2 May to 8 July 1955
   - The Commission decided to begin the study of the topic, and appointed Mr. F.V. García-Armand as Special Rapporteur for the topic.
   - Discussion in plenary: 315th mtg (20 June 1955)

3. Report of the International Law Commission on the work of its eighth session, 23 April to 4 July 1956
   - The Commission considered the bases of discussion submitted by the Special Rapporteur in chapter X of his report. Without taking any decisions on the particular points the Commission requested the Special Rapporteur to continue his work in the light of the views expressed by the members.
   - Discussion in plenary: 373rd (F), 374th (F), 375th (F) and 376th (F) mtgs (19 to 22 June 1956)

   - The Commission held a general discussion on the basis of the second report of the Special Rapporteur, and requested that he continue his work.
   - Discussion in plenary: 413th (F), 414th (F), 415th (F), 416th (F) and 417th (F) mtgs (7 to 17 June 1957)

5. Report of the International Law Commission on the work of its tenth session, 28 April to 4 July 1958
   - The Commission was unable to consider the Special Rapporteur's third report due to a lack of time.

6. Report of the International Law Commission on the work of its eleventh session, 20 April to 26 June 1959
   - The Commission held a brief discussion on the subject of State responsibility. It heard a report for the representatives of the Harvard Law School of the work being undertaken by the School on this subject.
   - Discussion in plenary: 512th (F) and 513th (F) mtgs (10 and 11 June 1959)

7. Report of the International Law Commission on the work of its twelfth session, 25 April to 1 July 1960
   - The Commission held a brief discussion on the subject of State Responsibility, in the course of which it heard a statement by Mr. Antonio Gómez Robredo, observer of the Inter-American Juridical Committee, and also a statement by Professor Louis S. Sohn on the work currently being undertaken in this field as part of the programme of International Legal Studies of the Harvard Law School.
   - Discussion in plenary: 569th (F) mtg (20 June 1960) and 570th (F) mtg (21 June 1960)

8. Report of the International Law Commission on the work of its thirteenth session, 1 May to 7 July 1961
   - The Commission was unable to consider the topic during the session.

   - In pursuance of G.A. Res. 1866 (XVI) of 18 December 1961, the Commission held a debate on its programme of future work in the field of State responsibility. The idea that the topic of State responsibility should be one of those which should receive priority met with the general approval of the Commission. There were divergent views, however, concerning the best approach to the study of the question and the issues the study should cover. As a result, the Commission decided to set up a Subcommission whose task was to submit to the Commission at its next session a preliminary report containing suggestions concerning the scope and approach of the future

- ILC Report, A/2853 (A/969), 1954, chp. VII, par.74
- Ybk. 1954, vii

- ILC Report, A/2934 (A/1069), 1955, chp. IV/III and (IV), paras.31 and 33
- Ybk. 1955, vii

- Ybk. 1956, vii (F)

- Ybk. 1957, vii (F)

- ILC Report, A/3859 (A/1389), 1958, chp. IV/VI, par.54
- Ybk. 1958, vii (F)

- Ybk. 1959, vii (F)

- Ybk. 1960, vii (F)

- Ybk. 1961, vii (F)

- Ybk. 1962, vii (F)
study. The Subcommittee met and agreed on several preliminary decisions.

- Discussion in Plenary: 629th (F), 630th (F), 651st (E), 632nd (E), 653rd (F),
  634th (F), 635th (F), 636th (F), and 637th (F) mgs (25 April to 7 May 1963)
  and 654th (F) mgt (26 June 1963)

10. Report of the International Law Commission on the work of its fifteenth session, 6
   May to 12 July 1963
- Considered and adopted the report of the Sub-Committee on State
  Responsibility containing the following general conclusions: (1) that, in an
  attempt to codify the topic of State Responsibility, priority should be given to
  the definitions of the general rules governing the international responsibility
  of the State, and (2) that in defining these general rules the experience and
  material gathered in certain special sectors, especially that of international
  responsibility for injuries to the persons or property of aliens, should not be
  overlooked and that careful attention should be paid to the possible repercussions
  which developments in international law may have had on responsibility.
  Appointed Mr. Roberto Ago as Special Rapporteur for the topic of State responsibility.

- Discussion in Plenary: 656th (F) mgt (34 May 1963)

11. Report of the International Law Commission on the work of its sixteenth session,
   8 May to 14 July 1967
- The Commission discussed a note submitted to it by the Special
  Rapporteur, and confirmed its instructions given to him at the fifteenth
  session in 1963.

- Discussion in Plenary: 934th (F) and 935th (F) mgs (6 July 1967)

12. Report of the International Law Commission on the work of its twenty-first session,
   2 June to 8 August 1969
- Discussed Special Rapporteur’s first report. Agreed that the codification of
  the topic should not start with a definition of the contents of those rules of
  international law which laid obligations upon States in one or the other sector
  of inter-State relations. The starting point should be the imputability to a
  State of the violation of one of the obligations arising from these rules,
  irrespective of their origin, nature and object. The Commission laid down the
  following criteria as a guide for its future work on the topic: a) the
  Commission intended to confine its study of international responsibility, for
  the time being, to the responsibility of States; b) it would examine the
  question of the responsibility of States for internationally wrongful acts.
  The question of responsibility arising from certain lawful acts, such as space
  and nuclear activities, would be examined as soon as the Commission’s
  programme of work permitted; c) it agreed to concentrate its study on the
  determination of the principles which govern the responsibility of States for
  internationally wrongful acts, maintaining a strict distinction between this task
  and that of defining the rules that place obligations on States, the violation of
  which may generate responsibility, and d) the study would comprise two
  broad phases, the first covering the origin of international
  responsibility and the second the content of that responsibility.

- Discussion in Plenary: 1011th (F), 1012th (E) and 1013th (E) mgs (30 June
  and 1 to 2 July 1969), and 1035th (F) mgt (5 August 1969)

    session, 4 May to 10 July 1970
- Discussed the second report of the Special Rapporteur. Mr. Roberto Ago. It
  was agreed that his report would include in a third, more extensive report the part
  which had been examined during the session, revised in the light of the
discussion.

- Discussion in Plenary: 1074th (F), 1075th (E) and 1076th (F) mgs (22 to 24
  June 1970), and 1078th (F), 1080th (F) and 1081st (F) mgs (29 June to 2
  July 1970)

    session, 26 April to 30 June 1971
- The Special Rapporteur submitted his third report.

15. Report of the International Law Commission on the work of its twenty-fourth
    session, 2 May to 7 July 1972
- The Commission was unable to discuss the fourth report of the Special
  Rapporteur.

16. Report of the International Law Commission on the work of its twenty-fifth session,
    7 May to 13 July 1973
- Considered chapter 1 and sections 1 to 3 of chapter 2 of the Special
Rapporteur's third report. Adopted on first reading articles 1 to 4 (chapter 1: General principles) and articles 5 and 6, with commentaries.

- Discussion in Plenary: 1202nd (F), 1203rd (F), 1204th (F), 1265th (F), 1266th (F), 1267th (F), 1268th (F), 1269th (F), 1270th (F), 1271th (F), 1272th (F), 1273th (F), 1274th (F), 1275th (F), 1276th (F), 1277th (F), 1278th (F), 1279th (F), 1280th (F), 1281st (F), 1282nd (F) and 1283rd (F) mtgs (6 to 28 May 1973); 1284th (F) mtg (9 to 24 May 1973); 1285th (F) mtg (28 May 1973); and 1286th (F) and 1287th (F) mtgs (12 to 19 June 1973)

17. Report of the International Law Commission on the work of its twenty-sixth session, 6 May to 26 July 1974

- Continued its consideration of draft chapter II. On the basis of the Special Rapporteur’s third report as well as the report of the Drafting Committee, the Commission adopted draft articles 7-6 (completing chapter 2: The “act of the State” according to international law).
- Discussion in Plenary: 1251st (F), 1252nd (F) and 1253rd (F) mtgs (7 to 9 May 1974), 1254th (F), 1255th (F), 1256th (F), 1257th (F), 1258th (F), 1259th (F), 1260th (F), 1261st (F), 1262nd (F) and 1263rd (F) mtgs (10 to 23 May 1974), and 1264th (F) and 1265th (F) mtgs (11 June 1974)


- Completed its study of chapter II (“The act of State according to international law”) and completed its consideration of the Special Rapporteur’s fourth report. Adopted draft articles 10-15, with commentaries.
- Discussion in Plenary: 1303rd (F), 1304th (F), 1305th (F), 1306th (F), 1307th (F), 1308th (F), 1309th (F), 1310th (F), 1311th (F), 1312th (F), 1313th (F), 1314th (F), 1315th (F), 1316th (F), 1317th (F) and 1318th (F) mtgs (6 to 27 May 1975), and 1319th (F) mtg (7 July 1975)


- On the basis of the Special Rapporteur’s fifth report, the Commission was able to take up the various questions raised by chapter III of the draft. Following the report of the Drafting Committee, the Commission adopted draft articles 16 to 19 on first reading with commentaries thereto.
- Discussion in Plenary: 1361st (F), 1362nd (F), 1363rd (F), 1364th (F), 1365th (F), 1366th (F), 1367th (F), 1368th (F), 1369th (F), 1370th (F), 1371st (F), 1372nd (F), 1373rd (F), 1374th (F), 1375th (F) and 1376th (F) mtgs (4 to 25 May 1976), and 1401st (F), 1402nd (F) and 1403rd (F) mtgs (1 to 5 July 1976)


- The Commission had before it the sixth report of the Special Rapporteur. It referred the outstanding parts of Chapter III to the Drafting Committee, and subsequently adopted on first reading the texts of articles 20 to 22 proposed by the Drafting Committee, with commentaries.
- Discussion in Plenary: 1454th (F), 1455th (F), 1456th (F) and 1457th (F) mtgs (6 to 11 July 1977), 1458th (F), 1459th (F), 1460th (F), 1461st (F), 1462nd (F) and 1463rd (F) mtgs (14 to 10 July 1977), and 1464th (F), 1465th (F), 1466th (F), 1467th (F), 1468th (F) and 1469th (F) mtgs (20 to 26 July 1977)


- Took into consideration outstanding questions involved in chapter III of the draft, the subject-matter of chapter IV of the draft, the questions dealt with in the Special Rapporteur’s seventh report and the related articles referred to the Drafting Committee. Adopted articles 23 to 27 on first reading, with commentaries, and considered the questions dealt with in chapter IV.
- Discussion in Plenary: 1478th (F), 1479th (F), 1480th (F), 1481st (F), 1482nd (F) and 1483rd (F) mtgs (6 to 19 July 1978), 1512th (F) mtg (12 to 18 July 1978), and 1524th (F) mtg (24 July 1978)

22. Report of the International Law Commission on the work of its thirty-first session, 14 May to 3 August 1979

- Considered the eighth report of the Special Rapporteur and adopted on first reading the texts of articles 29 to 32, with commentaries. Appointed Mr. William Richagen as Special Rapporteur.
- Discussion in Plenary: 1532rd (F), 1533rd (F), 1534th (F), 1535th (F), 1536th (F), 1537th (F) and 1538th (F) mtgs (16 to 24 May 1979), 1544th (F) mtg (29 May 1979), 1545th (F), 1546th (F) and 1547th (F) mtgs (30 May to 5 June 1979), 1587th (F) mtg (10 July 1979), 1588th (F), 1570th


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- The Commission provisionally adopted the draft articles 33 to 35 on the origin of international responsibility, thus completing its first reading of Part I of the draft, with commentaries. It also began consideration of Part II on the basis of the preliminary report of the Special Rapporteur.
- Discussion in Plenary: 1571st (F), 1572nd (F). 1573rd (F) mtgs (16 to 20 July 1979), and 1576th (F) mtg (30 July 1979). - ILC Report, A/35/15, (F), 1980, chp. III, paras. 17-48
- Ybk. 1980, vii(2) (F)

- The Commission held a discussion on the basis of the second report of the Special Rapporteur, and decided to submit articles 1, 2, 3, 4 and 5 to the Drafting Committee.
- Discussion in Plenary: 1686th (F), 1687th (F), 1688th (F), 1689th (F) and 1690th (F) mtgs (4 to 11 June 1981), and 1692nd (F), 1693rd (F) and 1694th (F) mtgs (1 to 3 July 1981). - ILC Report, A/36/10, (F), 1981, chp. IV, paras. 130-161
- Ybk. 1981, vii(2) (F)

- Following a discussion on the basis of the third report of the Special Rapporteur, the Commission decided to refer articles 1-6, as proposed in the third report, and to confirm the referral of articles 1-3, as proposed in the second report, to the Drafting Committee.
- Discussion in Plenary: 1731st (F), 1732nd (F), 1733rd (F) and 1734th (F) mtgs (21 to 24 June 1982), and 1736th (F), 1737th (F) and 1738th (F) mtgs (29 June to 1 July 1982). - Ybk. 1982, vi (F)

- Following a discussion of the fourth report of the Special Rapporteur, the Commission generally agreed that, for the time being, the Commission should work from the perspective of drafting articles which would ultimately be embodied in a general convention on State responsibility, covering every aspect of the topic. The Commission provisionally adopted draft articles 1, 2, 3, and 5 (subsequently renumbered 4) of Part II, with commentaries.
- Discussion in Plenary: 1817th (F), 1722nd (F) and 1773rd (F) mtgs (31 May to 2 June 1983), 1778th (F), 1779th (F), 1780th (F), 1779th (F), 1780th (F) and 1781st (F) mtgs (6 to 13 June 1983), and 1805th (F) and 1806th (F) mtgs (15 and 18 July 1983). - Ybk. 1983, vii(2) (F)
- Ybk. 1983, vii(2) (F)

27. Report of the International Law Commission on the work of its thirty-sixth session, 7 May to 27 July 1984
- The Commission, after considering the Special Rapporteur's fifth report, referred draft articles 5 and 6 to the Drafting Committee on the understanding that members which had not, at the present session, found the occasion to present their comments on those articles could do so at an early stage of the next session, in order that the Drafting Committee could also take those comments into account.
- Discussion in Plenary: 1859th (F) mtg (10 July 1984), 1860th (F) and 1861st (F) mtgs (12 and 13 July 1984), 1865th (F), 1866th (F) and 1867th (F) mtgs (18 to 20 July 1984). - Ybk. 1984, vi (F)

- Following discussion on the basis of the Special Rapporteur's sixth report, the Commission referred draft articles 7 to 16 to the Drafting Committee. The Commission provisionally adopted article 5, with a commentary.
- Discussion in Plenary: 1903th (F), 1911st (F), 1922nd (F), 1933rd (F), 1945th (F), 1955th (F), 1965th (F), 1976th (F), 1986th (F), 1993th (F), 1900th (F), 1901st (F) and 1902nd (F) mtgs (29 May to 13 June 1985), 1929th (F) and 1930th (F) mtgs (18 July 1985). - Ybk. 1985, vi (F)

29. Report of the International Law Commission on the work of its thirty-eighth session, 5 May to 11 July 1986
- Following discussion on the basis of the seventh report of the Special Rapporteur, the Commission referred articles 17 to 29 to the Drafting Committee. The Commission provisionally adopted article 17, with a commentary.
- Discussion in Plenary: 2007th (F), 2008th (F), 2013rd (F), 2015th (F), 2016th (F), 2017th (F), 2018th (F), 2019th (F), 2020th (F), 2021st (F), 2022nd (F), 2023rd (F) and 2024th (F) mtgs (5 to 11 July 1986). - ILC Report, A/41/10, (F), 1986, chp. IV, paras. 34-65 - Ybk. 1986, vii(2)
Rapporteur, the Commission referred draft articles 1 to 5 and the annex of part 3 to the Drafting Committee.
- Discussion in Plenary: 1953rd (F), 1955rd (F), 1964th (F), 1955th (F) and 1966th (F) mtgs (26 to 30 May 1986), and 1968th (F) mtg (2 July 1986)

30. Report of the International Law Commission on the work of its thirty-ninth session. 4 May to 17 July 1987
- Appointed Mr. Gaetano Arango-Ruiz Special Rapporteur for the topic.
- Discussion in Plenary: 2018th (F) mtg (17 June 1987)

- Unable to consider topic but allowed Special Rapporteur to introduce his report. - Discussion in Plenary: 2091st (F) and 2092nd (F) mtgs (19 and 20 July 1988)

32. Report of the International Law Commission on the work of its forty-first session. 2 May to 21 July 1989
- Considered the preliminary report of the Special Rapporteur, but deferred consideration of the Special Rapporteur’s second report to the next session. Referred draft articles 6 and 7, as submitted in the Preliminary Report, to the Drafting Committee.
- Discussion in Plenary: 2102nd (F), 2103rd (F), 2104th (F) and 2105th (F) mtgs (16 to 19 May), 2122nd (F) mtg (21 June 1989) and 2127th (F) mtg (28 June 1989)

- The Commission considered the Special Rapporteur’s second report, and referred draft articles 6, 9 and 10 of part 2 of the draft to the Drafting Committee.
- Discussion in Plenary: 2166th (F), 2167th (F), 2170th (F), 2171st (F), 2172nd (F), 2173rd (F), 2174th (F) and 2175th (F) mtgs (5 to 15 June), and 2185th (F) mtg (3 July 1990)

34. Report of the International Law Commission on the work of its forty-third session. 29 April to 10 July 1991
- Despite being unable to consider topic due to a lack of time, the Commission allowed the Special Rapporteur to introduce his third report.
- Discussion in Plenary: 2238th (F) mtg (10 July 1991)

35. Report of the International Law Commission on the work of its forty-fourth session. 4 May to 24 July 1992
- The Commission took note of the report of the Drafting Committee on the draft articles contained in the preliminary and second reports of the Special Rapporteur (the Committee had adopted, on the first reading a new para. 2 to be included in article 1, as well as articles 6, 6bis, 7, 8, 10 and 10bis) and agreed to defer action on the proposed draft articles to its next session. After hearing the Special Rapporteur’s presentation, the Commission considered draft articles 11 to 14 and article 5bis contained in the fourth report and decided to refer them to the Drafting Committee.
- Discussion in Plenary: 2285th (F), 2286th (F) and 2287th (F) mtgs (20 to 29 May 1992), 2273rd (F), 2274th (F), 2275th (F), 2276th (F), 2277th (F), 2278th (F), 2279th (F) and 2280th (F) mtgs (16 June to 2 July 1992), 2281st (F), 2282nd (F) and 2283rd (F) mtgs (20 July 1992)

- The Special Rapporteur introduced his fifth report. The Commission referred the following draft articles to the Drafting Committee: conciliation (art.1), task of the Conciliation Commission (art.2), arbitration (art.3), terms of reference of the Arbitral Tribunal (art.4), judicial settlement (art.5), exces du pouvoir or violation of fundamental principles of arbitral procedure (art.6), accompanied by an annex: composition of the Conciliation Commission (art.1), task of the Conciliation Commission (art.2), composition of the Arbitral Tribunal (art.3); the consequences of the so-called international “crimes” of States (article19 of Part One of the Draft). Provisionally adopted a new para. 2 to be included in article 1 of part 2 of the draft as well as articles 6, 6bis, 7, 8, 10 and 10bis, with commentaries, also for inclusion in part 2 of the draft. Agreed to defer action on the proposed draft articles 11, 12, 13 and 14.

- Ybh. 1986, vi (F)

- ILC Report, A/42/10, (F), 1987, chp. VI(A), par. 220

- Ybh. 1987, vii(2) (F)

- Ybh. 1987, vi (F)

- ILC Report, A/43/10, (F), 1988, chp. VII, paras. 51-547

- Ybh. 1988, vii(2) (F)

- Ybh. 1988, vi (F)

- ILC Report, A/44/10, (F), 1989, chp. IV, paras. 218-302

- Ybh. 1989, vii(2) (F)

- Ybh. 1989, vi (F)


- Ybh. 1990, vii(3) (F)

- Ybh. 1990, vi (F)


- Ybh. 1991, vii(21) (F)

- Ybh. 1991, vi (F)

- ILC Report, A/47/10, (F), 1992, chp. III, paras. 105-276

- Ybh. 1992, vii(2) (F)


- Ybh. 1993, vii(2) (F)

adopted by the Drafting Committee on first reading.
- Discussion in Plenary: 2306th (F), 2306th (F), 2307th (F), 2308th (F), 2309th (F) and 2310th (F) mtgs (10 to 22 June 1993), 2314th (F), 2315th (F) and 2316th (F) mtgs (20 June to 6 July 1993), and 2318th (F) mtgs (10 July 1993)

37. Report of the International Law Commission on the work of its forty-sixth session. 2 May to 22 July 1994
- The Commission considered chapter II of the fifth report and chapter III of the sixth report of the Special Rapporteur, both devoted to the question of the consequences of internationally wrongful acts characterized as crimes under article 18 of part one of the draft articles, and chapter II of the sixth report which presented a reappraisal of the pre-countermeasures dispute settlement provisions so far envisaged for the draft on State responsibility. On the basis of the recommendations of the Drafting Committee, as submitted at the previous and present sessions, the Commission provisionally adopted articles 11, 13 and 14. It deferred action on article 12 and decided that it may have to review article 11 in the light of the text it would eventually adopt for article 12.
- Discussion in Plenary: 2326th (F), 2327th (F), 2328th (F), 2329th (F), 2330th (F), 2331st (F), 2332nd (F) and 2333rd (F) mtgs (15 to 29 May 1994), 2334th (F) mtgs (2 June 1994), 2335th (F) mtgs (21 June 1994), 2336th (F) and 2337th (F) mtgs (13 and 15 July 1994)

- The Commission, after considering the Special Rapporteur's seventh report, decided to refer the draft articles contained therein to the Drafting Committee. The Commission received from the Drafting Committee a set of seven articles and an annex constituting Part Three of the draft on the settlement of disputes: arts. 1 to 7, plus arts. 1 and 2 of the Annex, with commentaries. The Commission adopted the above-mentioned arts. and the Annex thereto in an amended form for inclusion in part three of the draft. As regards provisions on countermeasures, it also adopted arts. 13 and 14, with commentaries.
- Discussion in Plenary: 2391st (F), 2392nd (F), 2393rd (F), 2394th (F), 2395th (F), 2396th (F), 2397th (F) and 2398th (F) mtgs (31 May to 9 June 1995), 2400th (F) and 2401st (F) mtgs (27 to 28 June 1995), 2417th (F) mtgs (14 July 1995) and 2420th (F) and 2421st (F) mtgs (18 July 1995)

- The Commission, after considering the Special Rapporteur's eighth report and the report of the Drafting Committee (which completed its first reading of draft articles of Parts Two and Three), decided to transmit a set of 60 draft articles (with annexes) on State responsibility, provisionally adopted on first reading, through the Secretary-General, to Governments for comments and observations, with the request that such comments and observations be submitted to the Secretary-General by 1 January 1996.
- Discussion in Plenary: 2439th (F) mtgs (5 June 1996), 2438th (F) mtgs (7 June 1996), 2437th (F) mtgs (3 July 1995), 2436th (F), 2435th (F), 2434th (F), 2433th (F), 2432nd (F) and 2431st (F) mtgs (5 to 12 July 1996), 2430th (F), 2429th (F) and 2428th (F) mtgs (23 July to 1 August 1996), and 2473rd (F) mtgs (26 July 1996)

- The Commission, after considering the report of the Working Group on the topic established at the present session to address matters dealing with the second reading of the topic, decided to proceed, at its next session, to the second reading of the topic with a view to completing work by the end of the quinquennium. It also decided on certain procedural and methodological issues. The Commission appointed Mr. J. Crawford Special Rapporteur for the topic, and requested that he submit a report for consideration by the Commission at its next session.
- Discussion in Plenary: 2471th (F) mtgs (15 May 1997) and 2504th (F) mtgs (3 July 1997)

- The Commission, after considering the report of the Special Rapporteur and the comments and observations received from Governments, established a Working Group to assist the Special Rapporteur in the consideration of various issues during the second reading of the draft
articles. The Commission decided to refer draft articles 1 to 15 to the Drafting Committee. The Commission took note of the report of the Drafting Committee on articles 1, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16 and 17. It also took note of the deletion of articles 2, 6 and 11 to 14.

- Discussion in Plenary: 2533rd (F), 2534th (F), 2535th (F), 2536th (F), 2537th (F), 2538th (F), 2539th (F) and 2540th (F) (19 May to 3 June 1998), 2541st (F) and 2542nd (F) (11 June 1998), 2543rd (F), 2544th (F), 2545th (F) and 2546th (F) (31 July to 5 August 1998), 2547th (F) mtgs (7 August 1998) and 2548th (F) mtg (13 August 1998)

42. Report of the International Law Commission on the work of its fifty-first session: 3 May to 23 July 1999

- The Commission continued its consideration of Part One of the draft articles, specifically chapters III to V, and the question of countermeasures, on the basis of comments and observations received from Governments on the draft articles provisionally adopted on first reading and the second report of the Special Rapporteur. The Commission decided to refer the following draft articles to the Drafting Committee: 16 to 19(1) and (2), 19(1), 18(3) to (5), 20 to 28(3), 27 to 28(3), 29, 29(b) and 29 ter(1), 34(3)(1) and (3), 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 50(a), 50(b) and 51 in the texts contained in footnotes 60 to 810 of A/CN.4/593/Add.4. The Commission took note of the report of the Drafting Committee on articles 17, 18(1), 20, 21, 22, 23, 24 and 30.

- Discussion in Plenary: 2565th (F), 2566th (F), 2567th (F), 2568th (F), 2569th (F), 2570th (F) and 2571st (F), 2572nd (F), 2573rd (F), 2574th (F), 2575th (F) and 2576th (F), 2577th (F) and 2578th (F), 2579th (F) and 2580th (F) mtgs (4 to 28 May, 15 to 23 June and 8 to 9 July 1999), 2581st (F) and 2582nd (F) mtgs (19 July 1999)


- The Commission continued its consideration of the draft articles provisionally adopted on first reading and of the third report of the Special Rapporteur, Mr. James Crawford. That report contained the task, begun in 1998, of considering draft articles in the light of the comments by Governments and developments in State practice, judicial decisions and literature. The Commission decided to refer the following articles to the Drafting Committee: 36, 37, 38, 39(b), 42, 43, 44, 45, 46, 47, 48, 49, 50, 50(a), 50(b), 51 and the texts contained in footnotes 600 to 810 of A/CN.4/593/Add.4. The Commission took note of the report of the Drafting Committee on the entire draft articles (A/CN.4/L.600) which were provisionally adopted by the Drafting Committee.

- Discussion in Plenary: 2581st (F), 2582nd (F), 2583rd (F), 2584th (F), 2585th (F), 2586th (F), 2587th (F), 2588th (F), 2589th (F), 2590th (F), 2591st (F), 2592nd (F), 2593rd (F) and 2594th (F) mtgs (2 to 5 May, 16 to 18 May, 9 to 14 June, 10 to 14 July, 21 July to 8 August and 17 August 2000).

44. Report of the International Law Commission on the work of its fifty-third session: 23 April - 1 June and 2 July - 10 August 2001

- The Commission had before it comments and observations received from Governments on the draft articles provisionally adopted by the Drafting Committee at the previous session, as well as the fourth report of the Special Rapporteur, Mr. James Crawford. The report addressed the main issues relating to the draft articles in the light of the comments and observations received from Governments. The Commission decided to refer the entire draft articles to the Drafting Committee. It also decided to establish two Working Groups on the topic. The Commission subsequently adopted the entire draft articles on Responsibility of States for internationally wrongful acts, with commentary.

- Discussion in Plenary: 2595th (F), 2596th (F), 2597th (F), 2598th (F), 2599th (F), 2600th (F), 2601st (F), 2602nd (F), 2603rd (F), 2604th (F), 2605th (F), 2606th (F), 2607th (F), 2608th (F), 2609th (F), 2610th (F), 2611th (F), 2612th (F), 2613th (F), 2614th (F), 2615th (F) and 2616th (F), 2617th (F), 2618th (F), 2619th (F), 2620th (F), 2621st (F) and 2622nd (F) mtgs (2 to 5 May, 16 to 18 May, 8 to 9 June, 10 to 14 July, 21 July to 8 August and 17 August 2000).

I. General Assembly Action

Res. 1886 (XVI) of 18 December 1961 (E, F, S, B, C, A)
- Recommended that the Commission continue its work on State responsibility.

Res. 1902 (XVII) of 18 November 1963 (E, F, S, B, C, A)
- Recommended that the Commission continue its work on State responsibility, taking into account the views expressed at the eighteenth
session of the General Assembly and the report of the Subcommittee on State responsibility and giving due consideration to the purposes and principles enshrined in the Charter of the United Nations.

Res. 2272 (XXI) of 1 December 1967 (E, F, S, B, C, A)
- Recommended that the Commission expedite the study of the topic of State responsibility.

Res. 2400 (XXII) of 11 December 1968 (E, F, S, B, C, A)
- Requested the Commission "to make every effort to begin substantive work on the topic."

Res. 3071 (XXVIII) of 30 November 1973 (E, F, S, B, C, A)
- Recommended that the Commission should continue on a priority basis at the following session its work on State responsibility with a view to the preparation of a first set of draft articles on responsibility of States for internationally wrongful acts, and that the Commission should undertake at an appropriate time a separate study of the topic of international liability for injurious consequences arising out of the performance of other activities.

Res. 3315 (XXX) of 14 December 1974 (E, F, S, B, C, A)
- Repeated its recommendation in Res. 3071 (XXVIII), but added the further request that the Commission "a first set of draft articles on the subject "at the earliest possible time"."  

Res. 3495 (XXX) of 15 December 1975 (E, F, S, B, C, A)
- Repeated its recommendation in Res. 3315 (XXX).

Res. 31/67 of 15 December 1976 (E, F, S, B, C, A)
- Recommended that the Commission should continue "on a high-priority basis" its work on the topic with a view to completing the preparation of a first set of draft articles on responsibility of States for internationally wrongful acts, "if possible within the next term of office" of the members of the Commission.

Res. 32/151 of 19 December 1977 (E, F, S, B, C, A)
- Referred its prior resolution 31/67.

Res. 33/139 of 19 December 1978 (E, F, S, B, C, A)
- Recommended that the ILC continue its work with the aim of completing at least the first reading of the set of draft articles constituting Part I of the draft taking into account the views expressed in the General Assembly and the observations of Governments.

Res. 34/141 of 17 December 1979 (E, F, S, B, C, A)
- Recommended that the Commission continue its work on State responsibility with the aim of completing, at its thirty-second session, the first reading of the set of draft articles constituting part one of the draft on responsibility of States for internationally wrongful acts, taking into account the written comments of Governments and views expressed on the topic in debates in the General Assembly and to proceed to the study of the further part or parts of the draft with a view to the elaboration of draft articles.

Res. 35/163 of 15 December 1980 (E, F, S, B, C, A)
- Recommended that the Commission continue its work with the aim of beginning the preparation of draft articles concerning part two of the draft on responsibility of States for internationally wrongful acts, bearing in mind the need for a second reading of the draft articles constituting part one of the draft.

Res. 36/114 of 10 December 1981 (E, F, S, B, C, A)
- Recommended the continuation of the Commission's work aimed at the preparation of draft articles on part two of the draft on responsibility of States for internationally wrongful acts, bearing in mind the need for a second reading of the draft articles constituting part one of the draft.

Res. 49/51 of 9 December 1984 (E, F, S, B, C, A)
- Urging the Commission to resume, at its forty-seventh session, the work on State responsibility in such a manner that the first reading of the draft articles on the topic may be completed before the end of the present term of office of the members of the Commission.
Res.50/45 of 11 December 1996 (E, F, S, B, C, A)
- Urging the Commission at its forty-ninth session to resume the work on the draft articles on State responsibility in such a manner that the first reading of that draft may be completed at that session, taking into account divergent views expressed during the Sixth Committee's debate on the topic, so that alternative approaches may be developed when necessary.

Res.51/180 of 16 December 1996 (E, F, S, B, C, A)
- Expressing its appreciation to the Commission for the completion of the provisional draft articles on States responsibility. Drawing the attention of Governments to the importance, for the Commission, of having their views on the draft articles on the topic adopted on first reading by the Commission, and urging them to submit their comments and observations in writing by 1 January 1998.

Res.52/198 of 15 December 1997 (E, F, S, B, C, A)
- Recalling the importance for the Commission of having the views of Governments on the draft articles on the topic adopted on first reading by the Commission in 1996.

Res.55/152 of 12 December 2000 (E, F, S, B, C, A)
- Expressing its appreciation to the International Law Commission for the work accomplished at its fifty-second session, in particular with respect to the topic “State responsibility”, and encouraging the Commission to complete its work on this topic during its fifty-third session, taking into account the views expressed by Governments during the debates in the Sixth Committee at the fifty-fifth session of the General Assembly, and any written comments that may be submitted by 31 January 2001.

J. Final Outcome

International Law Commission (53rd session, 2001)
- The Commission adopted the draft articles on Responsibility of states for internationally wrongful acts, with comments.
- The Commission decided, in accordance with article 23 of its Statute, to recommend to the General Assembly that it take note of the draft articles on responsibility of States for internationally wrongful acts in a resolution, and that it annex the draft articles to the resolution. The Commission decided further to recommend that the General Assembly consider, at a later stage, and in light of the importance of the topic, the possibility of convening an international conference of permanent members to examine the draft articles on responsibility of States for internationally wrongful acts with a view to adopting a convention on the topic.

General Assembly

Res.59/83 of 12 December 2001 (E, F, S, B, C, A)
- Welcomed the conclusion of the work of the International Law Commission on responsibility of States for internationally wrongful acts and its adoption of the draft articles and a detailed commentary on the subject.
- Took note of the articles on responsibility of States for internationally wrongful acts, the text of which was annexed to the resolution, and commended them to the attention of Governments without prejudice to the question of their future adoption or other appropriate action.
- Decided to include in the provisional agenda of its fifty-ninth session an item entitled “Responsibility of States for Internationally wrongful acts”.

Res. 59/35 of 2 December 2004 (E, F, S, B, C, A)
- Commended once again the articles on responsibility of States for internationally wrongful acts.
- Requested the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles.
- Requested the Secretary-General to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requested the Secretary-General to submit this material well in advance of the sixty-second session.
- Decided to include in the provisional agenda of its sixty-second session (2007) an item entitled “Responsibility of States for Internationally wrongful acts”. 

Res. 62/61 of 6 December 2007 (E, F, S, P, C, A)

- Commended once again the articles on responsibility of States for internationally wrongful acts to the attention of Governments without prejudice to the question of their future adoption or other appropriate action;
- Requested the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles;
- Also requests the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requested the Secretary-General to submit this material well in advance of its sixty-fifth session;
- Decided to include in the provisional agenda of its sixty-fifth session (2010) the item entitled "Responsibility of States for internationally wrongful acts" and to further examine, within the framework of a working group of the Sixth Committee, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

See the website of the Sixth Committee of the General Assembly.

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Codification Division, Office of Legal Affairs

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