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Agenda Item 82

Chapter VII: Succession of States in respect of State responsibility
Chapter VIII: General principles of law

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Chapter VII: Succession of States in respect of State responsibility

Madam Chair,

I will now be addressing the topic of the succession of States in respect of State responsibility. Allow me to use this opportunity to

Regarding these limited circumstances and to our understanding, they are described in paragraphs 57 and 63 of the Special Rapporteur's report, as cases where there is a "clear direct link" either between the consequences of the act and the territory or the population of the successor State or where the author of the wrongful act was of an organ of the predecessor State which became an organ of the successor State and the latter continues to benefit from the consequences of such act. In our view, in such cases the successor State might be required to provide compensation based on the concept of unjust enrichment and also because the fact that it continues to enjoy the benefits of the wrongful act without any expression of eagerness to provide reparation to the injured State or its nationals, may be considered as a situation similar to a case where a State "acknowledges and adopts the conduct in question as its own" and hence bears responsibility for it, according to article 11 of the ILC's 2001 draft articles on State Responsibility.

such acts refers only to the consequences of the behavior of the successor State in this context and not with the duty to cease such an act.

We welcome the inclusion of draft article 7bis proposed by the Special Rapporteur on the issue of composite acts, which draws inspiration from the corresponding article (article 15) of the ILC's 2001 draft articles on State Responsibility. Paragraph 2 of draft article 7bis deals with the issue of the international wrongful composite act occurring after an action or omission by the successor State. To our view, a similar provision should be inserted in the draft article providing guidance on the issue of an international wrongful composite act occurring as a result of a series of acts or omissions by the predecessor State before the date of state succession, but lasting thereafter through acts or omissions of the successor State.

Chapter VIII: General principles of law

On the topic of general principles of law, Greece would like to express its appreciation to the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, for his second report, as well as to the International Law Commission, for the adoption provisionally of a first set of draft conclusions 1, 2 and 4, with commentaries thereto.

We consider the present study undertaken by the Commission as a useful complement to its previous work on the sources of international law, including, more recently, on the identification of customary international law, and we welcome the Commission's pragmatic approach in dealing

