

1950s - 1980s

1950s - 1980s

With American culture
American technology

1950s - 1980s

1950s - 1980s

1950s - 1980s

1950s - 1980s
1950s - 1980s

1950s - 1980s

1950s - 1980s

1950s - 1980s

1950s - 1980s

Mr. Chairman,

Concerning the topic "Succession of States in respect of State responsibility", the Czech

notes with satisfaction the adoption by the Commission of draft articles 1, 2 and 5 together with commentaries thereto. We also commend the Secretariat for its Memorandum and take note of the interim report of the Drafting committee on draft articles 7, 8 and 9. I will first

offer some comments on the articles adopted by the Commission

Second, for the purpose of this topic it is irrelevant whether the internationally wrongful act of the Predecessor State was a single act or an act having a continuing character. In case that full reparation for injury caused by any of these acts was not made before the date of succession, the problem falls under the present topic. Accordingly, there is no reason for singling out one type of these acts, as draft article 7 does.

Third, even if the breach of an international obligation of the predecessor State would result from its “act having a continuing character” and even if after the date of succession of States the successor State would immediately engage in an illegal conduct of similar nature (i.e. having a continuing character), these would still be two independent acts of two different States. They would not become one continuing wrongful act, as the Interim report of the Drafting committee suggests. Not even through the “acknowledgment” and “adoption”, mentioned in the second sentence of draft article 7.

As admitted in the Interim report of the Drafting Committee, notions of “acknowledgment” and “adoption” are borrowed from article 11 of the Articles on responsibility of States. The problem is that article 11 deals with attribution to a State of a conduct of entities, which are not “organs” of a State. In other words, it deals with situations when the State acknowledges and adopts as its own the conduct, which would otherwise be considered as a conduct of a private entity, but not as an act of that State. Neither article 11 nor any other article of the chapter on the attribution of conduct deal with the “adoption” of an act of one State by another State. The questions of responsibility of a State in connection with the act of another

State are dealt with in Part I, Chapter IV (articles 16 – 19) of the Articles on responsibility of States. None of these provisions gives grounds for the use of the concept of “acknowledgment” and “adoption” as proposed in draft article 7.

It is also noteworthy, that in the topic under consideration draft article 7 would be placed after draft article 6 entitled “No effect upon attribution” which was adopted by the Drafting

particular seemed. In our view, by shifting the focus from the question of reputation of

Mr. Chairman,

Turning now to the topic of "**General principles of law**", we would like to thank and congratulate Special Rapporteur Mr. Marcelo Vázquez-Bermúdez on submission of his first

practical and concrete conclusions, commentaries and clarification of terms based on analysis of State practice, jurisprudence and views of scholars concerning this topic. In this regard, we appreciate that the Commission requested the Secretariat to prepare a memorandum surveying the practice of States and case law of international courts and tribunals relevant for this topic.