





Draft guideline 6 entitled "No effect upon attribution" indeed provides the core of the entire topic, stating that a succession of states does not have any effect on attribution and therefore, in Austria's view, on the consequences of an internationally wrongful act committed by a predecessor state.

Austria welcomes the attempt to find a soft formulation for draft guideline 10 on uniting of states pursuant to which in such a case an injured state and the successor state to the state which committed an internationally wrongful act "should agree on how to address the injury."

In our view, the non-attributability of the wrongful act committed by the predecessor state to a successor state implies that the successor state does not have any obligation stemming from the wrongful act. Where it has benefited from it, principles like unjust enrichment may be used in order to address the injury or the successor state may voluntarily consider doing so.

Against this background we are sceptical whether a formulation pursuant to which a successor state and an injured state "should agree on how to address the injury" is indeed excluding a rule of automatic succession or the clean slate principle, as commentary 3 to draft guideline 10 suggests.

The need to "address the injury" arises from the commission of a wrongful act under the principles of state responsibility. Thus, to suggest that a successor state should address these issues presupposes that a wrongful act committed by its predecessors somehow imposes obligations on it by way of succession.

Similar considerations would be pertinent to other situations of state succession, but we recognise that this forum is not the appropriate one to address all the details.

Let me therefore reiterate Austria's view that it might be most appropriate to assess the various problems addressed by the topic of succession of states in respect of state responsibility in a report instead of trying to squeeze incompatible legal views in vague compromise formulations.

Chairperson,

I am now turning to the topic of "



