Mr. Chairman,

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

of his Fifth Report, in particular its careful consideration of the issue of shared responsibility, as well as for his overall and outstanding contribution in the consideration of the topic by the Commission.

in the final draft, articles 3 and 4 on devolution agreements and unilateral declarations respectively, proposed in 2017. The above, at least in their current wording, do not seem to have been tested against the scenario that a third State who has suffered damage from the predecessor State, does not concede to the transfer of the relevant obligations to the successor State by means either of a devolution agreement between the predecessor State and the successor State or of a unilateral declaration to that effect of the successor State.

Turning to draft guidelines and commentaries thereto already provisionally adopted by the Commission, we welcome at first the clarification, in paragraph 3 of the commentary to Guideline 7, that the

one of the conditions for a State to incur responsibility, according to article

We also welcome the reformulation of Guideline 7bis on composite acts. On paragraph 6 of the commentary however, we are of the view that the latter should be more clear in providing that the continued application by the successor State of the illegal measures adopted by the predecessor State may be an act attributable directly to the successor State, also in cases where the composite act had already been completed by the predecessor State.

Paragraph 12 of Guideline 12 provides that, in cases of an internationally wrongful act against a predecessor State that continues to exist, a successor State may, in particular circumstances, be entitled to invoke the responsibility of the State that committed the internationally

wrongful act. In our view, the relevant paragraph (par. 6) of the commentary, which refers to cases of connection between the injury to the predecessor State before the date of succession and either the territory or the nationals that became those of the successor State should also provide,

of property, cultural or other, from the territory which came under the jurisdiction of the successor State.

Mr. Chairman,

Greece would like to express its appreciation to the Special Rapporteur, Mr. Marcelo Vázquez-Bermúdez, for his third report on general principles of law, as well as to the International Law Commission for the progress made in the consideration of this topic at the present session, including the adoption of three new draft conclusions 3, 5 and 7, with commentaries thereto.

Greece further wishes to reiterate its interest in the topic of general

sources of international law and is of great importance not only from a theoretical but also from practical point of view, taking into account that the stated purpose of the Commission is to clarify the nature, scope and method of identification of general principles of law as they have been used in international practice and jurisprudence and, thus, to provide useful guidance for States, international organizations, international courts and tribunals, and scholars and practitioners of international law.

Against this backdrop, Greece takes this opportunity to make a few additional observations.

First, Greece welcomes the efforts made by the Special Rapporteur to clarify certain issues already addressed in his previous reports that gave rise to concerns from States in the Sixth Committee. Regarding more specifically the issue of transposition of general principles of law derived from national legal systems, the openness to consider a simpler and more flexible alternative for draft conclusion 6 is a positive development, insofar as the emphasis is now placed on the compatibility of these principles with

the international legal system as a whole. It remains, however, to clarify how the process of transposition is meant to operate in practice.

Turning to the second category of general principles of law proposed by the Special Rapporteur, namely those formed within the international declared intention not to engage in an exercise of progressive development on this matter and even less so to attempt to create a new source of international law, as well as of the explanation provided by the Commission that draft conclusion 7 was merely adopted in the interest of obtaining further comments by States and that the commentary thereto is provisional and will be revisited at a later stage. Indeed, at its current state, rather than a *de lege lata* statement of the criteria for the identification of such principles, substantiated by concrete examples of State practice and relevant case-law, the commentary to draft conclusion 7 appears as an attempt to justify the existence of this second category of general principles of law, based on a broad interpretation of Article 30, paragraph 1 (*c*), of the Statute of the International Court of Justice, in the light of its *travaux préparatoires*. However, merely stating that the international legal system like any other system *must* be able to generate general principles of law that are intrinsic to it and relying on the general formulation of article, 30 paragraph 1 (*c*), to conclude *a contrario* that the text of this provision does not exclude the existence of such principles does not seem to be fully satisfactory from the point of view of legal certainty and consistency.

Finally, Greece would like to express its support for the proposal of new draft conclusions which clarify the functions of general principles of law and considers that draft conclusions 13 and 14 could be merged in order to avoid the distinction between essential and specific functions, as the functions qualified as specific are not unique to general principles of law but also relevant for the other sources of international law.