



General Assembly

Distr.: Limited
19 July 2021

Original: English

International Law Commission

Seventy-second session

Geneva, 26 April–4 June and 5 July–6 August 2021

Succession of States in respect of State responsibility

Text of draft articles 10, 10 *bis* and 11 provisionally adopted by the Drafting Committee at the seventy-second session

Draft article 10

Uniting of States

When two or more States unite and so form one successor State, and an internationally wrongful act has been committed by any of the predecessor States, the injured State and the successor State shall agree on how to address the injury.

Draft article 10 *bis*

Incorporation of a State into another State

1. When an internationally wrongful act has been committed by a State prior to its incorporation into another State which continues to exist, the injured State and the incorporating State shall agree on how to address the injury.
2. When an internationally wrongful act has been committed by a State prior to incorporating another State, the responsibility of the State that committed the wrongful act is not affected by such incorporation.

Draft article 11

Dissolution of a State

When a State that has committed an internationally wrongful act dissolves and ceases to exist and the parts of the territory of the predecessor State form two or more successor States, the injured State and the relevant successor State or States shall agree on how to address the injury arising from the internationally wrongful act. They should take into account any territorial link, any benefit derived, any equitable apportionment, and all other relevant circumstances.

