



United Kingdom Mission  
to the United Nations

One Dag Hammarskjold Plaza  
(885 Second Avenue)  
New York, NY 10017

Tel: +1 (212) 745 9200

Fax: +1 (212) 745 9316

Email: [uk@un.int](mailto:uk@un.int)

[http://twitter.com/UKUN\\_NewYork](http://twitter.com/UKUN_NewYork)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

*COMMENTS ON REQUESTS FOR INFORMATION FROM THE INTERNATIONAL LAW  
COMMISSION CONTAINED IN CHAPTER III OF ITS REPORT OF ITS 70TH SESSION (A/73/10)*

*SECTION D. SUCCESSION OF STATES IN RESPECT OF STATE RESPONSIBILITY*

**DECEMBER 2018**

The United Kingdom (“UK”) thanks the International Law Commission (“Commission”) for the opportunity to submit written comments in response to its request for information contained in Chapter III of the Commission’s Report of its seventieth session to the United Nations General Assembly (A/73/10) (the “Report”). The UK has the following comments in relation to section D of Chapter III of the Report:

**D. Succession of States in respect of State responsibility**

*The Commission would appreciate being provided by States with information on their practice relevant to the succession of States in respect of State responsibility. The Commission would particularly appreciate receiving examples of:*

- (a) treaties, including relevant multilateral and bilateral agreements;*
- (b) domestic law relevant to the topic, including legislation implementing multilateral or bilateral agreements;*
- (c) decisions of domestic, regional and subregional courts and tribunals addressing issues involving the succession of States in respect of State responsibility.*

**United Kingdom response**

The UK does not have extensive practice in relation to the succession of States in respect of State responsibility. However, the Commission may find it interesting to review McCombe J’s judgment in the case of **Mutua & Others v The Foreign and Commonwealth Office**,<sup>1</sup> which found that the Claimant had not established a rule of succession to international responsibility under customary international law, and which makes clear the distinction between international responsibility, and liabilities under domestic law, in relation to the succession of States (see paragraphs 80-96).

---

<sup>1</sup> Available at <http://www.bailii.org/ew/cases/EWHC/QB/2011/1913.html>