

Loss of the Right to Invoke Responsibility: Is Latvia Losing its Right to Claim Compensation from Russia?

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This article reviews the effect that the passage of time has on the right to invoke international responsibility of states. Specifically, the article considers whether passage of a prolonged period of time results in a loss of that right. Customary international law as it is reflected in the International Law Commission's 2001 Articles on Responsibility of States for Internationally Wrongful Acts sets out two circumstances when an injured state loses its right to invoke responsibility. The first, if the injured state validly waives the claim. The second, if the injured state validly acquiesces in the lapse of the claim. This Article reviews both of these grounds and enquires whether any one of them is applicable to Latvia's compensation claim against Russia for Soviet occupation and damages suffered during the years of Soviet rule. It is suggested that Latvia has not waived its claim nor acquiesced in the lapse of the claim.

Keywords: international responsibility of states, invocation of responsibility, waiver of claim, acquiescence in the lapse of the claim.