



PUBLIC INTERNATIONAL LAW

BY –

SURBHI WADHWA

Assistant Professor (Law)

Jiwaji University,

Gwalior

What is state succession-

- Succession is merger or absorption of one state by another state or states.
- The state succession is distinguished from gout succession.
- When succession take place than a state loses fully or a part of it's territory; while in government has been changed.



- 
- A succession of international person (generally states) occurs when one or more international person take place of another international person take place of another international person fully or partly and all the right and liabilities also transfer during the succession.



- 
- Art 2 (1) (b) of the Vienna convention on succession of states in respect of treaties in 1978 defines the term ‘state succession’ as, “the replacement of one state by another in the responsibility of the international relation of territory”.

- 
- The rule of state succession was incorporated from the Roman law by Grotious.
 - In Roman law when a person dies his rights and duties are succeeded by his successors.
 - This principle was applied by Grotious in the International law as well.

- 
- Later on there were certain international treaties through which the rules of state succession were developed.
 - The law of state succession is still developing.

Right and duties arising out state succession

- Political Right and duties: No succession take place in respect of political duties and rights. Hence the succeeding state is not bound by the political treaties of the former state. State is not bound by the treaties of peace or neutrality entered by the extinct state.
-

- 
- Local right and duties: When any succession take place local right and duties. i.e. right relating to land, rivers, roads, railways etc. Also succeed from extinct (predecessor) state to succeeding state.
 - Permanent court of International Justice held that private rights do not end by the changes of sovereignty.

- 
- 3. Fiscal property debts: when one or more international person (state) take place of another person is called state succession; in state succession fiscal property debts also transferred from extinct state to successor state.

- 
- 4. Contracts: Predecessor state entered into contract, now whether the successor state is bound by that or not.
 - West Rand century Gold Mining Co. Ltd v. King, it was held that succeeding state was entitled to decide whether it will accept the financial obligation of former state or not if it won't accept then it won't be liable.

- 
- 5. Concessionary Contracts : If the existing state has granted certain concession like the right to operate oil mines; laying of railways etc. then such contract will be binding on succeeding state, because they are local nature.
 - But some of the writers/ Jurists say that the concessionary contracts are not binding on succeeding state.

- 
- **6. Laws:** Succeeding state will have to decide whether the law have to decide whether the will be continue or not.

- 
- **7. Unliquidated damages for tort:**
Compensation (damages) for unliquidated damages won't exist in state succession.

- 
- **8. Nationality:** National of new state is gained and nationality of the predecessor state is lost.

- 9. Succession to property in foreign state:
Successor state will not only receive the property situated within the territory but also receive the property existing outside the territory which was belonging to predecessor state.

- 
- 10. Succession of state Archives: If no agreement was concluded in the case of cession the successor state; the successor state should receive the part of the archives necessary for an efficient administration of the acquired territory and all other document.

- 
- I I. Treaty relations: Art 15 of Vienna convention” treaties of the predecessor state are to be territory.

Thank You!