

# VIENNA CONVENTION ON SUCCESSION OF STATES IN RESPECT OF TREATIES

Concluded in Vienna on 23 August 1978

Entry into force: 6 November 1996

At the end of September 1998: Signatories: 20 Parties: 15

## General provisions

# Part II - SUCCESSION IN RESPECT OF PART OF TERRITORY

(Article 15)

<b>Treaties of the predecessor State</b>	Cease to be in force in respect of such territory
<b>Treaties of the successor state</b>	Are in force in respect of the territory to which the succession of States relates <ul style="list-style-type: none"><li>• from the date of succession</li><li>• unless incompatible or would radically change the conditions of the operation of the treaty</li></ul>

# Part III ? NEWLY INDEPENDENT STATES

(Article 16 ff.)

**Art. 16 ? newly independent State is not bound automatically**

## MULTILATERAL TREATIES OF NEWLY INDEPENDENT STATES

<p><b>Multilateral treaties in force at the date of succession</b> <b>Articles 17-19</b></p>	<p>Newly independent State may, by a notification of succession, establish its status as a party to any multilateral treaty which at the date of succession was in force in respect of the territory to which the succession of States relates</p>
	<p>Unless:</p> <ul style="list-style-type: none"> <li>• it appears from treaty or otherwise, that it is incompatible or would radically change the conditions of the operation of the treaty</li> <li>• consent of all parties is required</li> </ul>
<p><b>Reservations (Article 20)</b></p>	<p>It shall be considered that the State maintains any reservation to the treaty at the moment of succession</p> <p>UNLESS</p> <p>It expresses a contrary intention</p> <p>Or formulates a reservation</p>
<p><b>Part of the treaty</b></p>	<p>The newly independent state may, if the treaty so permits, express its consent to be bound by part of the treaty or make a choice between different provisions if permitted by</p>

	the treaty
<b>Notifications of succession</b>	<p>Written form</p> <p>Who is authorized</p> <p>To depository and be considered to be made at the date it is received by the depository</p>
<b>Effects of the notification of succession</b>	<p>Unless otherwise provided or agreed:</p> <p>The State is considered to be party to the treaty from the date of the succession of States or from the date of entry into force of the treaty, whichever is the later date</p> <p>Treaty is considered suspended until the notification, unless the provisional applications is applied</p>

Specific provisions for the situations:

Treaties not yet in force at the date of succession

Treaties signed by predecessor State subject to ratification, acceptance or approval

## **BILATERAL TREATIES OF NEWLY INDEPENDENT STATES**

<b>Bilateral treaties in respect of the territory to which the succession relates and in force at the date of succession</b>	Are considered as being in force between the newly independent State and other State party:
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**Articles 24 and 25**

- a. they expressly agree, or
- b. by reason of their conduct they are to be considered as having so agreed

It is from the date of the succession unless otherwise established

## **Part IV ? UNITING AND SEPARATION OF STATES**

(Article 31)

<b>WHEN ONE OR MORE STATES UNITE AND FORM ONE SUCCESSOR STATE</b>	
<b>Any Treaty in force at the date of succession</b>	<p>Continue to be in force, unless:</p> <ul style="list-style-type: none"> <li>a. successor and other state otherwise agree</li> <li>b. it appears from the treaty that it will be incompatible or would radically change the conditions of the operation of the treaty</li> </ul> <p>Such treaty will apply only in respect of the part of the territory of the successor State in respect of which the treaty was in force at the date of the succession, unless</p> <ul style="list-style-type: none"> <li>a. successor make a notification in case of treaties not requiring agreement of other parties</li> <li>b. successor State and other parties agree</li> <li>c. in case of bilateral treaties both parties agree</li> </ul>

Specific provisions for the situations:

Treaties not yet in force at the date of succession

Treaties signed by predecessor State subject to ratification, acceptance or approval

(Article 31)

<b>SEPARATION OF PARTS OF THE TERRITORY OF THE STATE AND FORMATION OF ONE OR MORE STATES</b>	
<b>Any Treaty in respect of the entire territory of the predecessor State, in force at the date of succession</b>	Continue to be in force in respect of each successor State so formed  Unless:  a) the States concerned otherwise agree, or  a. it appears from the treaty that it will be incompatible or would radically change the conditions of the operation of the treaty
<b>Any Treaty in respect of the only of that part of the territory of the predecessor State which has become a successor state, in force at the date of succession</b>	Continue to be in force in respect of that successor State alone
<b>After the separation of any part of the territory of a State, the predecessor State continues to exist, any treaty which at the date of succession of States was in respect of the predecessor State</b>	Continue to be in force in respect of its remaining territory, unless  a) the States concerned otherwise agree, or  b) it appears from the treaty that it will be incompatible or would radically change the conditions of the operation of the treaty

Specific provisions for the situations:

Treaties not yet in force at the date of succession

Treaties signed by predecessor State subject to ratification, acceptance or approval