

## **VIENNA CONVENTION ON SUCCESSION OF STATES IN RESPECT OF TREATIES**

At its first session, in 1949, the International Law Commission selected the subject of succession of States and Governments as one of the topics for codification without, however, including it in the list of topics to which it gave priority. At its fourteenth session, in 1962, the Commission was apprised of General Assembly resolution 1686 (XVI) of 18 December 1961, recommending that the Commission include on its priority list the topic of succession of States and Governments. The Commission decided to set up a Subcommittee on the Succession of States and Governments whose task was to submit to the Commission a preliminary report containing suggestions on the scope of the subject, the method of approach to the study and the means of providing the necessary documentation (A/CN.4/149 and Add.1, A/CN.4/150 and A/CN.4/151). At its fifteenth session, in 1963, the Commission considered and unanimously approved the report of the Subcommittee (A/5509).

The Commission expressed its agreement with the broad outline, the order of priority of the headings and the detailed division of the topic recommended by the Subcommittee: succession in respect of treaties; succession in respect of rights and duties resulting from other sources than treaties (revised in 1968 to read “succession of States in respect of matters other than treaties”) and succession in respect of membership of international organizations. The Commission approved the Subcommittee’s recommendations concerning the relationship between the topic of State succession and other topics on the Commission’s agenda, in particular that the succession in respect of treaties would be considered in connection with the succession of States rather than in the context of the law of treaties. The Commission appointed Mr. Manfred Lachs as Special Rapporteur for the topic.

Following the resignation of Mr. Lachs, the Commission decided, at its nineteenth session, in 1967, to deal with the three aspects of the topic in accordance with the broad outline of the subject laid down in the report of the Subcommittee in 1963. The Commission appointed Special Rapporteurs for the first two aspects of the topic, succession in respect of treaties and succession of States in respect of matters other than treaties.

The Commission considered the sub-topic of succession of States in respect of treaties at its twentieth, twenty-second, twenty-fourth and twenty-sixth sessions, in 1968, 1970, 1972 and 1974, respectively. The Commission appointed Sir Humphrey Waldock and Sir Francis Vallat as the successive Special Rapporteurs for the sub-topic at its nineteenth and twenty-fifth sessions, in 1967 and 1973, respectively. In connection with its consideration of the topic, the Commission had before it the reports of the Special Rapporteurs, information provided by Governments and international organizations as well as documents prepared by the Secretariat.

At its twenty-fourth session, in 1972, the Commission conducted the first reading of the draft articles on succession of States in respect of treaties. At that session, the Commission adopted on first reading a provisional draft with commentaries and, in accordance with articles 16 and 21 of its Statute, decided to transmit it to Governments of Member States for their observations.

The General Assembly, in resolution 2926 (XXVII) of 28 November 1972, recommended that the Commission should continue its work on the sub-topic in the light of comments received from Member States on the provisional draft. In resolution 3071 (XXVIII) of 30 November 1973, the General Assembly recommended that the Commission complete at its twenty-sixth session, in 1974, the second reading of the

draft on succession of States in respect of treaties, in the light of comments received from Member States.

At its twenty-sixth session, in 1974, the Commission adopted the final text of the draft articles on the succession of States in respect of treaties, with commentaries (A/9610/Rev.1) and submitted it to the General Assembly with a recommendation that the General Assembly should invite Member States to submit their written comments and observations on the draft articles and should convene a conference of plenipotentiaries to study the draft articles and conclude a convention on the subject (A/9610/Rev.1).

The General Assembly, in resolution 3315 (XXIX) of 14 December 1974, invited Member States to submit their written comments and observations on the draft articles prepared by the Commission and on the procedure by which and the form in which work on the draft articles should be completed. The following year, the Assembly, by resolution 3496 (XXX) of 15 December 1975, decided to convene a conference of plenipotentiaries in 1977 to consider the draft articles and to embody the results of its work in an international convention and such other instruments as it might deem appropriate. In the resolution, the General Assembly urged Member States which had not yet done so to submit as soon as possible their written comments and observations on the draft articles. On 24 November 1976, the General Assembly adopted resolution 31/18 by which it decided that the United Nations Conference on Succession of States in Respect of Treaties would be held from 4 April to 6 May 1977 at Vienna.

The Conference was held as scheduled but, having been unable to conclude its work in the time available; it recommended on 6 May 1977 that the General Assembly decide to reconvene the Conference in the first half of 1978 for a final session (A/CONF.80/15).

The resumed session of the Conference, approved by General Assembly resolution 32/47 of 8 December 1977, was held at Vienna from 31 July to 23 August 1978.

The delegations of one hundred States participated in the Conference (eighty-nine States in the 1977 session and ninety-four States in the resumed session). On 22 August 1978, the Conference adopted the Vienna Convention on Succession of States in Respect of Treaties consisting of a preamble, fifty articles and an annex.

The Final Act of the Conference, of which five resolutions adopted by the Conference form an integral part, was opened for signature on 23 August 1978 and remained open for signature until 31 August 1979 at United Nations Headquarters in New York. The Convention entered into force on 6 November 1996.