

§ 2 - La succession d'États

Partie rédigée

A Définition et problématique

1°) la notion

a) définition

La succession désigne la substitution d'un Etat à un autre sur un territoire donné. Elle résulte donc d'une mutation territoriale qui fait passer un territoire de la juridiction d'un Etat à celle d'un autre Etat.

De nombreuses mutations territoriales qui ont généré des successions d'Etat se sont produites lors de la décolonisation, le nouvel Etat indépendant succédant à l'Etat colonisateur. Mais d'autres se sont produites à l'occasion du démantèlement d'Empires (1919, turc et austro-hongrois) ou de dislocation d'États (URSS, Yougoslavie -1991- Tchécoslovaquie -1992-).

b) notions voisines

La succession est à distinguer de la continuation d'un Etat réorganisé : cas de l'Allemagne après la réunification, cas de la Russie après la disparition de l'URSS)

Dans le cas de la disparition de l'URSS trois cas sont à distinguer:

La Succession D Etats La Succession D Etats

Roman Wölfel



La Succession D Etats La Succession D Etats:

Pratique Des États Concernant la Succession D'états Et Les Questions de Reconnaissance Jan

Klabbers,1999-09-02 The Pilot Project on State Practice regarding State Succession and Issues of Recognition carried out under the aegis of the Ad Hoc Committee of Legal Advisers on Public International Law CAHDI encompasses the practice of sixteen member States of the Council of Europe and provides significant information about these States position vis vis the new European architecture following the developments of 1989 On the basis of the information gathered the CAHDI decided on the preparation of a report by the Max Planck Institute for Comparative Public Law and International Law the T M C Asser Institute and the Erik Castrén Institute of International Law and Human Rights With this report The Council of Europe wishes to contribute in a practical manner to the celebration of the United Nations Decade of International Law 1989 1999 and to facilitate the understanding of how States can help to build a stable and peaceful international community by paving the way for the pregressive development of international law in this area Le Projet Pilote du Conseil de l Europe concernant la pratique des Etats relative la succession d Etats et les questions de reconnaissance mis en oeuvre sous l gide du Comit ad hoc des conseillers juridiques sur le droit international public CAHDI renferme la pratique de seize Etats membres du Conseil de l Europe et apporte des informations importantes sur la position de ces Etats vis vis de la nouvelle architecture europ enne qui a suivi les d veloppements de 1989 Sur la base de l information rassembl e le CAHDI a d cid la pr paration d un rapport par l Institut Max Planck de Droit public compar et de Droit international l Institut R M C Asser et l Institut Erik Castrén de droit international et des droits de l homme Avec ce rapport le Conseil de l Europe souhaite contribuer d une mani re pratique la c l bration de la D cennie des Nations Unies sur le droit international 1989 1999 et faciliter la compr hension des moyens dont disposent les Etats pour aider construire une communaut internationale de stabilit et de paix en pr parant le chemin pour un d veloppement progressif du droit international dans ce domaine **La succession d'Etats** Pierre Michel

Eisemann,Martti Koskenniemi,2000-05-19 The Hague Academy Centre for Studies and Research in International Law and International Relations devoted its Session of 1996 to the Succession of States including for the second time this topic in its programme but in a context very different from that in which the 1962 Session had been held Following the great wave of decolonizations the studies conducted in the Centre in 1962 had constituted a kind of prologue to the lengthy deliberations by the International Law Commission that led to the 1978 Convention on Succession of States in Respect of Treaties and the 1983 Convention on Succession of States in Respect of State Property Archives and Debts The less than enthusiastic reception that these Conventions had received from the international community seemed to condemn them into oblivion The extraordinary political developments in Eastern Europe in the late 1980s however suddenly focused interest in these questions anew As the theme of the Session indicates it became possible to examine the question of codification tested against these facts Twenty four participants from a French and an English section conducted this task with passion and

talent The present volume reproduces some of the best reports in an updated and technically harmonized form *La succession d'États*, 1997-11-19 The Centre for Studies and Research in International Law and International Relations forms part of the Hague Academy of International Law and operates under the authority of its managing board and within the framework of its teaching The Centre was established to further in depth research in the area of international law The contents of the 1996 volume include Bilan de recherches de la section de langue française du Centre d'étude et de recherche de l'Académie par Pierre Michel Eisemann directeur d'études professeur à l'Université de Paris XIII The Present State of Research Carried out by the English Speaking Section of the Centre for Studies and Research by Martti Koskenniemi Director of Studies Professor at the University of Helsinki Annexe Liste des participants et sujets traités Annex List of Participants and Subjects Treated *International Law* Malcolm N. Shaw, 2003-09-25 This fifth edition of Malcolm Shaw's bestselling textbook on international law provides a clear authoritative and comprehensive introduction to the subject fully revised and updated to Spring 2003 Basically preserving the structure which made the previous edition so successful a new chapter on Inter state Courts and Tribunals considers the role of the International Court of Justice and the International Tribunal on the Law of the Sea and there is a new chapter on international humanitarian law Also examined are arbitration tribunals and the role of international institutions such as the WTO in resolving conflicts The prosecution of individuals for violations of international law is examined Additional coverage of events in Kosovo and Iraq analyses the questions of humanitarian intervention and the role of the UN Written in a clear and accessible style setting the subject firmly in the context of world politics and the economic and cultural influences affecting it this book remains a highly readable and invaluable resource for students and practitioners alike The scope of the text makes this essential reading for students of international law international relations and the political sciences The book is also valuable to professionals and governmental and international civil servants *La succession d'états* Brigitte Stern, 2000 The Academy is an institution for the study and teaching of Public and Private International Law and related subjects Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law The contents of this volume are *La succession des Etats* par B STERN professeur à l'Université de Paris I Pantheon Sorbonne To access the abstract texts for this volume please click here **Documentation Concernant la Succession D'états** United Nations. Codification Division, 1968 **Recueil Des Cours, Collected Courses, 1932** Académie De Droit International De La Ha, Hague Academy of International Law, 1968-12-01 The Academy is a prestigious international institution for the study and teaching of Public and Private International Law and related subjects The work of the Hague Academy receives the support and recognition of the UN Its purpose is to encourage a thorough and impartial examination of

the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law

State Practice Regarding State Succession and Issues of Recognition Jan Klabbers, Martti Koskenniemi, Olivier Ribbelink, Andreas Zimmermann, 2023-08-07 The Pilot Project of the Council of Europe on State Practice regarding State Succession and Issues of Recognition carried out under the aegis of the Ad Hoc Committee of Legal Advisers on Public International Law CAHDI encompasses the practice of sixteen member States of the Council of Europe and provides significant information about these States position vis vis the new European architecture following the developments of 1989 On the basis of the information gathered the CAHDI decided on the preparation of a report by the Max Planck Institute for Comparative Public Law and International Law the T M C Asser Institute and the Erik Castr n Institute of International Law and Human Rights With this report the Council of Europe wishes to contribute in a practical manner to the celebration of the United Nations Decade of International Law 1989 1999 and to facilitate the understanding of how States can help to build a stable and peaceful international community by paving the way for the progressive development of international law in this area Le Projet pilote du Conseil de l Europe concernant la pratique des Etats relative la succession d Etats et les questions de reconnaissance mis en oeuvre sous l gide du Comit ad hoc des conseillers juridiques sur le droit international public CAHDI renferme la pratique de seize Etats membres du Conseil de l Europe et apporte des informations importantes sur la position de ces Etats vis vis de la nouvelle architecture europ enne qui a suivi les d veloppements de 1989 Sur la base de l information rassembl e le CAHDI a d cid la pr paration d un rapport par l Institut Max Planck de Droit public compar et de Droit international l Institut T M C Asser et l Institut Erik Castr n de droit international et des droits de l homme Avec ce rapport le Conseil de l Europe souhaite contribuer d une mani re pratique la c l bration de la D cennie des Nations Unies sur le droit international 1989 1999 et faciliter la compr hension des moyens dont disposent les Etats pour aider construire une communaut internationale de stabilit et de paix en pr parant le chemin pour un d veloppement progressif du droit international dans ce domaine

The International Legal System in Quest of Equity and Universality Laurence Boisson de Chazournes, Vera Gowlland-Debbas, 2021-10-18 Georges Abi Saab began his writing and teaching at a time when the process of decolonization and thereafter the quest for emancipation began to make its far reaching impact on the international scene producing significant changes in the international environment both quantitatively in increasing the number of nation States and qualitatively in changing patterns of interests and claims This was bound to result in new pressures on the international legal system itself and in a questioning of the traditional Eurocentric content of international law In his work and teaching Professor Abi Saab viewed the dynamics of international law as a function of two driving forces the emergence of the third world and the sense of injustice In his view the first driving force the emergence of the third world raised the problem of

exclusion exclusion from participation in the elaboration of international law and the decision making process and exclusion as beneficiaries of the resulting rules of international law At the same time this new force introduced diversity into the international scene reflecting the richness of the international community in its different facets This process remains relevant today reflecting the contemporary problem of exclusion of new actors as well as their quest for participation The second driving force the sense of injustice posed a teleological problem for him that of defining community values in order that they capture the different facets of justice whether formal or distributive So long as there is no effective organic structure international law in his view will continue to remain effectiveness oriented reflecting rather than impacting on the structures of power Nevertheless it is undeniable that there is an on going process of development of community values and interests as Georges Abi Saab wrote with reference to international crimes law like all social phenomena is a continuous unfolding a continuous process of elaboration He has also considered that the dynamics of the international legal process itself can be captured from the perspective of international organizations as vehicles for change in the international system From his early writings Georges Abi Saab approached the United Nations Charter as a blueprint both normative and institutional for a certain type of international society International institutions with all their imperfections continue for him to be the means of realization of the law of cooperation which lies at the heart of his concept of the international system The themes selected for this volume in honour of Professor Georges Abi Saab are intended to reflect his unique and pioneering contribution to the field of international law The contributors are drawn from what he has always considered to be his large family of former students in his forty years of teaching Georges Abi Saab has acted as mentor to generations of students from all over the world who have benefited from his vision insights originality and creative and stimulating use of language The contributors also include colleagues and friends who share a similar vision of the international legal system *Recueil Des Cours, Collected Courses 1928* Academie De Droit International De La Ha,Hague Academy of International Law,1981-08-01

Recueil Des Cours, Collected Courses, 1951 Academie De Droit International De La Ha,1968-12-01 The Academy is a prestigious international institution for the study and teaching of Public and Private International Law and related subjects The work of the Hague Academy receives the support and recognition of the UN Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the *Collected Courses of the Hague Academy of International Law*

A Guide to State Succession in International Investment Law Patrick Dumberry,2018-07-27 A Guide to State Succession in International Investment Law provides a comprehensive analysis of State succession issues arising in the context of international investment law The author examines whether a successor State is bound by the investment treaties and State contracts which the predecessor State had signed with other States and foreign investors before the date of

succession Actors who are called upon to apply rules of State succession in investment arbitration cases will find this book a valuable source of practical guidance with strong theoretical foundations The Legal Regime of International Rivers and Lakes/ Le régime juridique des fleuves et des lacs internationaux Lucius Caflisch,Ralph Zacklin,2024-11-04 International Investment Law and the Law of Armed Conflict Katia Fach Gómez,Anastasios Gourgourinis,Catharine Titi,2019-08-05

Assessing the extent to which armed conflict impacts the obligations that states have towards foreign investors and their investments under international investment treaties requires considering a wide range of issues many of which are systemic in nature These include substantive and procedural topics not only with regard to international investment law but also concerning the law on the use of force international humanitarian law and human rights law the law of treaties the law of state responsibility and the law of state succession This volume provides an in depth assessment of the overlap between international investment law and the law of armed conflict by charting the terrain of the multifaceted and complex relationship between these two fields of public international law fostering debate and offering novel perspectives on the matter *Liber Amicorum Judge Mohammed Bedjaoui* Emile K. Yakpo,Tahar Boumedra,1999-05-01 This *Liber Amicorum* was written by prominent colleagues and friends of the President of the International Court of Justice Judge Mohammed Bedjaoui in honour of his 70th birthday and in celebration of a lifelong career devoted to the promotion of international law The contributors are each and every one the most outstanding professors and thinkers in their field and the range of topics reflects a broad scope of current thought and theory in international law The book is divided into a general introductory part on the life and times of Judge Bedjaoui followed by four sections Section One is on General International Law featuring a range of articles from environmental treaties to the role of the United Nations Section Two is devoted to the International Court of Justice and includes analyses of the role and procedure of the ICJ Section Three contains an interesting selection of articles in the field of Human Rights from self determination to the concept of universality Section Four addresses a miscellanea of international legal questions especially those related to international organizations The contributions are in both English and French *Liber Amicorum Judge Shigeru Oda* Nisuke Ando,Edward McWhinney,Rüdiger Wolfrum,Betsy Baker Röben,2023-03-13 Judge Shigeru Oda having served since 1976 in three successive nine year terms on the International Court of Justice has helped to shape the Court s jurisprudence for over a quarter century His influence on the law of the sea spans an even longer period beginning with his doctoral dissertation at Yale Law school in the 1950s and continuing with his involvement in the First Second and Third UN Conferences on the Law of the Sea In a tribute to Judge Oda s significant contributions to international law leading scholars on the law of the sea international dispute settlement and the ICJ itself have produced a Festschrift in his honour that promises to be a standard reference work on these topics for years to come This two volume work containing over 95 articles begins by examining the role of the international judge and the jurisdiction of international tribunals including reservations to jurisdiction the Optional Clause the Special Agreement

and the power to indicate special measures It contains a particularly lively debate regarding the proliferation of international tribunals and whether the potential for conflicting decisions is problematic or productive Other areas of focus include the history and current development of the law of the sea the first in depth examination of the establishment and first decisions of the International Tribunal for the Law of the Sea and the ICJ's treatment of the development doctrines and sources of international law Further sections are devoted to International Litigation as analysed by leading practitioners Land and Maritime Boundaries International Watercourses and Other Waters and Defence the Use of Force and the Law of Armed Conflict The composition of the editorial team Nisuke Ando of Kyoto Edward McWhinney of Ottawa and Rüdiger Wolfrum of Heidelberg reflects Judge Oda's truly international career and the extent to which his work has drawn from and contributed to diverse legal traditions The print edition is available as a set of two volumes 9789041117908 **La codification de la**

succession d'États aux traités Zidane Mériboute, 1984 La vie des États n'est pas immuable bien au contraire La décolonisation les unifications et les dissolutions d'États les annexions et les sécessions transforment périodiquement la carte politique du monde Ces éléments dynamiques de la vie des États bousculent les relations internationales Ce livre donne une analyse exceptionnelle de ces transformations et de leurs conséquences sur les relations internationales que l'on appelle communément la succession d'États Les qualités incontestables de cet ouvrage résident dans le fait que pour la première fois une analyse systématique est menée sur la pratique des États anciens et nouveaux sur les travaux de la Commission du Droit International d'instances scientifiques internationales et ceux de la Conférence de Vienne de 1977-1978 Par une approche nouvelle l'auteur a mis l'accent d'une manière approfondie sur le problème de la décolonisation l'unification et la dissolution d'États et la sécession en couvrant un champ historique et géographique illimité De plus l'originalité de cet ouvrage est d'avoir mis en lumière tout particulièrement les conceptions des pays du Tiers Monde en la matière tout en les comparant celles des États occidentaux et socialistes Il est en effet important que l'ensemble de ces conceptions soient portées à la connaissance de ceux qui s'intéressent aux relations internationales Recueil Des Cours, Collected Courses 1965 Académie De Droit

International De La Haye, 1968-12-01 The Academy is a prestigious international institution for the study and teaching of Public and Private International Law and related subjects The work of the Hague Academy receives the support and recognition of the UN Its purpose is to encourage a thorough and impartial examination of the problems arising from international relations in the field of law The courses deal with the theoretical and practical aspects of the subject including legislation and case law All courses at the Academy are in principle published in the language in which they were delivered in the Collected Courses of the Hague Academy of International Law *E Pluribus Unum: Liber Amicorum Georges A.L. Droz - on the Progressive Unification of Private International Law* Georges Droz, Alegría Borrás, Andreas Bucher, Michel Verwilghen, Teun

Struycken, 1996-06-07 The unification of Private International Law is a goal to which all the contributors to this impressive volume have committed themselves and one which seems increasingly to attract the attention of legal practitioners

researchers writers and legislators The essays give a unique overview of the current state of the law with respect to those areas which have been unified or which are susceptible to unification Insights are given into national as well as international practice and theoretical aspects have not been neglected **Secession** Marcelo G. Kohen, 2006-03-21 This book is a comprehensive study of secession from an international law perspective

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