

BIRUTĖ KUNIGĖLYTĖ-ŽIŪKIENĖ

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INTERACTION BETWEEN RECOGNITION AND SUCCESSION OF STATES**Abstract:**

International law institutes of recognition of states and succession of states are closely interrelated and the latter is in some instances dependant on the former and comes afterwards. However, the relation is mutual - in some cases the undertaking to solve the questions of succession was considered as one of the recognition prerequisites.

Though contemporary international law gives priority to declaratory theory of recognition, stating that recognition is not a prerequisite for the statehood, the succession of states is hardly possible without the recognition. Therefore the recognition (though not necessarily universal) is needed for the succession of states to take place. Depending on the object of succession, the states concerned might differ thus making the difference in whose recognition is necessary for the transfer of certain rights and obligations by means of state succession. In cases of succession to treaties, the states concerned would be the successor state and other party (-ies) to the treaty, therefore the recognition of the latter is vital for the succession to certain treaty to take place and in this case the non-recognition of the predecessor state is not a legal barrier. In cases of succession to other objects - property, archives, debts, etc., the recognition of the predecessor state is necessary to solve the issues of succession. Here the states concerned mean the successor state and predecessor state and the recognition of other states does not make much difference, unless their involvement is necessary.

Role of recognition to succession of states also depends on the type of creation of a new state. Once the creation of a new state is peaceful and agreed, in most cases the recognition follows shortly and the questions of succession are being solved afterwards. If the creation of state is not agreed with predecessor state (usually in cases of secession), recognition, as well as succession, might require time; therefore the recognition of a predecessor state plays a major role. In cases of continuity of predecessor state (which is not a form of succession, but rather the further existence of the predecessor state) recognition - initially by other successor states - has a constitutive meaning.

It must be noted that if an entity declares itself to be independent or incorporated into another country on the basis of a breach of international law, other subjects of international law usually use the non-recognition policy. In this case no state succession should take place.

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Succession of states, successor state, predecessor state, continuity of states, recognition, declaratory theory, constitutive theory,

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