Succession, which is a general concept of law, is understood to take place when a right (or legal condition) remains unchanged even though the subject to rights or the subject to duties (not both simultaneously) change. The Swiss jurisconsult Guggenheim and the Italian jurist Udina speak in the same manner of a succession of International Persons when rights or duties, by agreement or otherwise, devolve from one subject on another by virtue of the Law of Nations. The devolution of rights is thus based on the Law of Nations in the sense that succession is compulsory according to the Law of Nations, or at least permitted by it; moreover succession can take place only between Subjects of the Law of Nations. The great majority of such subjects are States, and to the same category must be added certain composite States. State succession is usually limited to the cases arising from territorial changes between States. This is international succession in the restricted sense. Only questions relating to this category of succession will be dealt with here.

According to the well-known Swiss jurist Max Huber the concept of succession implies that there is a »substitution« of one Person for another and the »continuation« of an existing legal condition. On the other hand it has often been maintained that it is fallacious and dangerous to use the term succession, borrowed as it is from Municipal Law, since the succeeding State exercises an independent right of its own also in its new territory. Indeed, the question is not only one of a territory and its population being transferred to a new State in the material sense; sovereignty and the whole legal order are changed by the fact that one International Person succeeds another International Person. Nor is it correct to speak of a substitution of public authority; one should rather say substitution by the Law of Nations of competence to exercise public authority, seeing that the legal order and sovereign rights of different States are usually different, both as to origin and substance. When the authority of a State is extended to a no State's land the question of successio
pation can present a certain similarity to succession. The fact that a new member of the Family of Nations is *eo ipso* bound to the universal Law of Nations, must also be distinguished from international succession in the restricted sense.

Depending on whether the devolution of rights and duties in State succession takes place by reason of the general rules of the Law of Nations or as a result of stipulations included in a treaty, distinction is made between *general succession* and *succession by agreement*, or compulsory and voluntary succession. The first category is naturally of greater interest because questions concerning State succession may be regulated comparatively freely by agreement. It is also useful, not to say necessary, to examine treaties in so far as they offer matter for conclusions on the common practice of States. Further, we have *universal* or *total succession*, and *partial succession*. Universal or total succession usually takes place when the whole territory of a State is absorbed by another State; partial succession when only part of the territory changes hands. Some writers maintain that partial succession is no succession in the strict sense, because the identity of the respective States as a rule remains intact in spite of territorial changes. On the other hand such a devolution can only be regarded as an act of Law, for when a total succession takes place no second party exists, at least not at the time the territory is absorbed. Total or universal succession can also be understood to mean a general devolution of rights and duties. It must nevertheless be kept in mind that all rights and duties cannot devolve in the event of a State succession because some of them are simply not transferable. The *devolution* of the *administration* of a territory, a measure which is usually intended to be temporary, does not give rise to succession proper.

Connected with State succession are a great number of far-reaching and greatly diversified questions influencing the rights of the States and those of the population of the territory concerned, as well as those of other persons, whereby succession can bear upon civil, administrative and constitutional law, as well as private international law.

The sources of Law of State succession are principally Customary Law and the general principles of law. The latter must nevertheless be used with great care in this connection. On the other hand, there exist no conventions dealing with State succession. Again, the *legal basis* of State succession is either a treaty or an act, occupation; in other words the effective taking of possession, of a territory. If such an occupation takes place against the will of another State, it is