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**Succession of States in relation to general multilateral Treaties of which the
Secretary-General is the Depositary - memorandum prepared by the Secretariat**

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Succession of States in relation to general multilateral treaties of which the Secretary-General is the depositary: memorandum prepared by the Secretariat

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Introduction

1. During the fourteenth session of the International Law Commission the Secretary of the Commission stated that the Secretariat would undertake the preparation of a memorandum on the problem of succession of States in relation to general multilateral treaties of which the Secretary-General is the depositary, and this statement was noted in the Commission's report.¹ This memorandum has been prepared in consequence.

2. The object of this survey is to give a complete account of the practice, both of States and of the Secretary-General, concerning State succession in relation to all of the general multilateral treaties of which the Secretary-General is the depositary. This includes both treaties concluded under the auspices of the United Nations and also treaties concluded under the auspices of the League of Nations, for which the Secretary-General took over the depositary functions in accordance with General Assembly resolution 24 (I) of 12 February 1946.

3. In the course of the performance of the functions of registration and publication of treaties under Article 102 of the Charter, the United Nations Secretariat has also been notified by certain other depositaries (the International Labour Organisation, Poland, Switzerland etc.) of cases of succession to treaty obligations; many of these cases are given brief mention herein. Sufficient time has not, however, been available to make

a complete study of the practice under other treaties than those for which the Secretary-General is the depositary; such a study would require the making of inquiries of numerous other depositaries.²

4. A brief account of the practice concerning succession under United Nations and League of Nations treaties was given in the "Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements",³ published in August 1959. Since that date, over two dozen new States have come into existence, and the practice has correspondingly increased in volume. This memorandum covers the depositary practice of the Secretary-General up to 1 December 1962.

5. The following part of this memorandum, chapter I, surveys the practice with respect to treaties concluded under the auspices of the League of Nations. Chapter II surveys the practice with respect to treaties concluded under the auspices of the United Nations. In chapter II the various cases of possible succession are examined in chronological order, except that, for purposes of convenient reference, the group of States which became independent in 1960 and were admitted

² It may be mentioned that the practice of the International Labour Organisation is surveyed in two authoritative articles. See C. W. Jenks, "State Succession in respect of Law-Making Treaties", *British Year Book of International Law*, vol. 29 (1952), p. 105, and F. Wolf, "Les Conventions du Travail et la Succession d'Etats", *Annuaire Français de Droit international*, 1961, p. 742.

³ ST/LEG/7.

¹ *General Assembly, Official Records, Seventeenth Session, Supplement No. 9 (A/5209)*, para. 72.

to membership in the United Nations in the same year is treated in alphabetical order.

6. Chapter III consists of a general summary of the cases of the practice previously described on a State by State basis, and particular attention is given to points of practical importance which remain unsettled or on which there is a divergence of views.

7. The annex to this memorandum contains a collection of provisions on succession to treaties. Most of these provisions are from agreements between new States and their predecessors, but some are from the national laws of the new States.

8. For convenience, United Nations treaties are referred to in the memorandum by short titles. The appendix shows for each short title the full title and the citation of the treaty in question.

Chapter I. Succession to rights and obligations under treaties concluded under the auspices of the League of Nations

9. There have been certain differences of practice depending upon whether the League of Nations treaties were or were not amended by protocols concluded under the auspices of the United Nations. The two classes of League treaties will therefore be examined separately.

A. LEAGUE OF NATIONS TREATIES AMENDED BY UNITED NATIONS PROTOCOLS

i. *Treaties amended by the 1946 Protocol on Narcotics*

10. The General Assembly, by resolution 54 (I) of 19 November 1946, approved the Protocol signed at Lake Success, New York, on 11 December 1946, amending the Agreements, Conventions and Protocols on Narcotic Drugs, concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936.

Article V of the Protocol provides:

"The present Protocol shall be open for signature or acceptance by any of the States Parties to the Agreements, Conventions and Protocols on Narcotic Drugs of 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, to which the Secretary-General of the United Nations has communicated a copy of the present Protocol."

Article VII, paragraph 2 of the Protocol provides:

"The amendments set forth in the annex to the present Protocol shall come into force in respect of each Agreement, Convention and Protocol when a majority of the Parties thereto have become Parties to the present Protocol."⁴

11. It was accordingly necessary for the Secretary-General to ascertain what States were parties to the treaties being amended, both in order to determine the States to which copies of the 1946 Protocol on Narcotics should be sent, and to determine when the amendments of the various treaties would enter into

force. Certain of the original Members of the United Nations—in particular, *Iraq, Lebanon, Syria* and the *Philippines*—have only recently attained full independence and have not separately been parties to the treaties, but one or more of the treaties had been extended to them by the Powers formerly responsible for their international relations. *Jordan* was in the same position, except that it was not then a Member of the United Nations. The Secretary-General satisfied himself that all five of the new States in question considered themselves bound by the treaties which had formerly been made applicable to their territories, and accordingly treated them as parties to those treaties by sending copies of the Protocol to them. *Iraq, Lebanon, Syria* and the *Philippines* all became parties to the Protocol; *Jordan* did not do so, but acceded to certain of the League treaties as amended. *Indonesia* also chose not to rely on succession, but acceded to certain of the treaties as amended.

12. A question later arose, which was not settled by the text of the Protocol, whether certain countries were bound by the International Opium Convention of 23 January 1912. *Lebanon, Syria* and the *Philippines* deposited declarations with the Secretary-General, received on 24 May 1954, 20 January 1954 and 30 September 1959, respectively, recognizing that they were bound by the 1912 Convention. Other States which have recognized themselves as bound through succession by the 1912 Convention are *Ceylon, Cambodia, Laos, Viet-Nam* and the *Federation of Malaya*.

13. A number of new States have recognized that they continued to be bound by the old treaties as amended by the Protocol, by virtue of succession to States which were parties to the treaties and later became parties to the Protocol. As this situation does not represent direct succession to the League treaties, it is discussed in chapter III of this memorandum.

ii. *Treaties amended by other United Nations Protocols*

14. The same procedure was followed with respect to the later United Nations protocols amending League conventions. All those protocols have final clauses like those of the Protocol on Narcotics, opening the protocols for signature or acceptance only to parties to the old treaties, and providing for the entry into force of the amendments when a majority (or a specified number) of those States have become parties to the protocols. In each case the Secretary-General ascertained whether the old treaties had been made applicable in the territories of the new States, and whether those States considered themselves bound; if so, he sent copies of the protocols to those States. On the whole, fewer States were involved than in the case of the Narcotics Protocol of 1946. Of the States to whom copies of the protocols were sent, some became parties to them, while others have not yet done so. The following States, by virtue of succession to other States parties to the League conventions, have become parties to United Nations amending protocols:

(a) Protocol signed at Lake Success, New York, on 12 November 1947, to amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933:

Burma
Lebanon

⁴ Though the Protocol is open only to parties to the old treaties, most of the treaties were amended by the Protocol so as to provide that the treaties (as amended) are open for accession by any Member of the United Nations or by any non-member to whom the Secretary-General has communicated a copy of the treaty in question.

*Pakistan*⁵*Sierra Leone**Syria*

(b) Protocol signed at Lake Success, New York, on 12 November 1947, to amend the Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, concluded at Geneva on 12 September 1923:

*Burma**Pakistan*

(c) Protocol signed at Paris on 9 December 1948, amending the International Convention relating to Economic Statistics, signed at Geneva on 14 December 1928:

*Burma**Pakistan*

(d) Protocol signed at Lake Success, New York, on 4 May 1949, amending the Agreement for the Suppression of the Circulation of Obscene Publications, signed at Paris on 4 May 1910:

Ceylon

India (which had not separately become a party to the old treaty)

*Iraq**Pakistan*

(e) Protocol signed at Lake Success, New York, on 4 May 1949, amending the International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904 and the International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910:

Ceylon

India (which had not separately become a party to the old treaties)

*Iraq**Pakistan*

(f) Protocol signed on 7 December 1953, amending the Slavery Convention signed at Geneva on 25 September 1926:

*Burma**Guinea**Morocco*

B. LEAGUE OF NATIONS TREATIES NOT AMENDED BY UNITED NATIONS PROTOCOLS

15. No systematic attempt has yet been made by the Secretary-General to ascertain what States are parties by succession to League of Nations treaties other than those which have been amended by United Nations Protocols. Nevertheless the matter has come up with regard to various particular treaties.

16. Certain new States have of their own accord informed the Secretary-General that they consider that they continue to be bound by various League treaties. Thus *Pakistan*, by a letter from the Permanent Mission

to the United Nations received on 29 July 1953, informed the Secretary-General that by reason of article 4 of the Schedule to the Indian Independence (International Arrangements) Order, 1947,⁶ the rights and obligations under the following agreements devolved upon Pakistan, and that Pakistan "therefore considers itself a party to these agreements":

- i. Convention on Certain Questions relating to the conflict of Nationality Laws, signed at The Hague, 12 April 1930;⁷
- ii. Protocol relating to a Certain Case of Statelessness, signed at The Hague, 12 April 1930;⁸
- iii. Special Protocol concerning Statelessness, signed at The Hague, 12 April 1930.⁹

17. It may be noted that the third of these agreements, the Special Protocol concerning Statelessness, though ratified by India in 1932, has not yet entered into force. The Secretary-General by a circular note¹⁰ informed Governments of the receipt of the communication from Pakistan.

18. *Pakistan* has also sent communications to the Secretary-General recognizing that it continues to be bound by the Convention relating to the Simplification of Customs Formalities, signed at Geneva on 3 November 1923.¹¹ These communications, the first of which was received on 27 January 1951,¹² relate to the designation of organizations for the purpose of delivering certificates of origin under paragraph 2 of article 11 of the Convention. The Secretary-General by circular notes has informed Governments of the receipt of each communication.

19. *Laos* on 24 November 1956 deposited with the Secretary-General a declaration stating that, as it had succeeded to the rights and obligations arising out of the application by France in the territory of Laos of the Convention and Statute on Freedom of Transit, signed at Barcelona on 20 April 1921,¹³ it recognized that it continues to be bound by the Convention and Statute and undertook to apply them in its own name. The Secretary-General sent a circular note to Governments about the deposit of the declaration.¹⁴

20. In certain other cases, States parties to League treaties have requested the Secretary-General, in his capacity as depositary, to ascertain whether certain new States consider themselves bound through succession by the obligations of those treaties. In all cases the Secretary-General has made an inquiry of the new State, and has transmitted the reply, if any, to the State which requested the information, but he has not informed other Governments. The States listed under each of the following treaties have, by *notes verbales* addressed to the Secretary-General, informed him that they consider themselves bound by those treaties:

- i. Convention signed at Geneva on 19 March 1931 for the Settlement of Certain Conflicts of Laws in connexion with Cheques, and Protocol:¹⁵

Indonesia

⁶ See annex, No. 2.

⁷ *League of Nations Treaty Series*, vol. CLXXIX, p. 89.

⁸ *Ibid.*, vol. CC, p. 540.

⁹ League of Nations document C.27.M.16.1931.V.

¹⁰ CN.84.1953.TREATIES, 24 August 1953.

¹¹ *League of Nations Treaty Series*, vol. XXX, p. 371.

¹² CN.36.1957.TREATIES, 20 April 1951.

¹³ *League of Nations Treaty Series*, vol. VII, p. 11.

¹⁴ CN.117.1956.TREATIES.

¹⁵ *League of Nations Treaty Series*, vol. CXLIII, p. 407.

⁵ In signing the Protocol the representative of Pakistan made the following declaration: "The representative of Pakistan wishes to indicate that in accordance with paragraph 4 of the Schedule to the Indian Independence Order, 1947, Pakistan considers itself a Party to the International Convention for the Suppression of the Traffic in Women and Children concluded at Geneva on 30 September 1921 by the fact that India became a Party to the above-mentioned International Convention before the 15th day of August 1947."

- ii. Convention signed at Geneva on 7 June 1930 on the Stamp Laws in connexion with Bills of Exchange and Promissory Notes, and Protocol.¹⁶
Federation of Malaya
- iii. Convention signed at Geneva on 19 March 1931 on the Stamp Laws in connexion with Cheques.¹⁷
Federation of Malaya
Indonesia
- iv. Convention signed at Geneva on 19 March 1931 providing a Uniform Law for Cheques with Annexes and Protocol.¹⁸
Indonesia.

21. On the other hand, certain Governments, in response to such inquiries, have informed the Secretary-General that they do not consider themselves bound by the treaties in question. Thus *Indonesia*, in a *note verbale* of 16 September 1959, stated, in regard to the Protocol, signed at The Hague on 12 April 1930, relating to Military Obligations in Certain Cases of Double Nationality:¹⁹

"The Republic of Indonesia is however of the opinion that all agreements signed by the Netherlands on behalf of or declared to be valid for the former Netherlands East Indies do not automatically apply to the Republic of Indonesia as a successor of the former Netherlands East Indies.

"The Republic of Indonesia therefore does not consider itself bound by said Protocol."

22. *Jordan*, by a *note verbale* of 12 January 1960, informed the Secretary-General that on 24 November 1948 the Jordan Council of Ministers had taken action to invalidate the two Conventions on Stamp Laws referred to under ii and iii in paragraph 20 above.

Chapter II. Succession to rights and obligations under treaties concluded under the auspices of the United Nations

23. At the beginning of the existence of the United Nations the problem of succession arose only with respect to treaties concluded under the auspices of the League of Nations. As time went on, however, an increasing number of United Nations treaties were concluded, and were applied or extended to dependent territories which then became independent States. The United Nations gradually developed a practice for ascertaining whether the new States considered that they continued to be bound by treaties applied to their territories by their predecessors. The practice will be considered in this section separately for each State which came into being, in chronological order of the date of independence; however, the seventeen States which attained independence in 1960 and were admitted to the United Nations in September and October of that year are treated in alphabetical order so as to facilitate reference. Short titles have been used in referring to the treaties concluded under the auspices of the United Nations. The full titles and citations of all those treaties are given in the appendix.

24. *Jordan*, which attained independence on 22 March 1946, was the first new State to come into being

after the birth of the United Nations. The agreement between Jordan and the United Kingdom on succession to treaty rights and obligations is reproduced in the annex, No. 1. For the Secretary-General the only problem of succession in respect of Jordan related to treaties concluded under the auspices of the League of Nations. The position of Jordan in regard to those treaties has been examined in the preceding section of this memorandum.

25. *India* and *Pakistan* attained independence on 15 August 1947. India was an original Member of the United Nations, and continued to be a Member after independence and the separation of Pakistan; Pakistan was admitted to membership on 30 September 1947. India and Pakistan reached an agreement on devolution of international rights and obligations which was promulgated by the Governor-General in the Indian Independence (International Arrangements) Order, 1947 (see annex, No. 2).

26. India before its independence had, as a Member of the League of Nations and the United Nations, become a separate party to numerous treaties of the League and to the 1946 Protocol of the United Nations amending the narcotics treaties, and continued to be regarded as a party after independence. Pakistan's succession to India as a party to the League treaties has been examined in the preceding section.

27. *Burma* became independent on 4 January 1948, and was admitted to the United Nations on 19 April 1948. The agreement between Burma and the United Kingdom on succession to international rights and obligations is reproduced in the annex, No. 3. Burma's succession to League treaties has been discussed above. There were relatively few United Nations treaties to which Burma could have succeeded, and apparently no inquiry was made on the point. One of those treaties was the 1946 Convention on the Privileges and Immunities of the United Nations, to which Burma became a party by accession in 1955.

28. *Ceylon* became independent on 4 January 1948, and was admitted to the United Nations on 19 April 1948. The agreement between Ceylon and the United Kingdom on succession to international rights and obligations is reproduced in the annex, No. 4.

29. Ceylon's succession to the obligations of League treaties has been discussed above. By a *note verbale* dated 27 November 1957, received on 4 December 1957, the Foreign Minister of Ceylon notified the Secretary-General that his country was applying in its own name the 1925 Opium Convention and the 1931 Convention on Narcotic Drugs, both as amended by the 1946 Protocol.

30. *Israel* declared itself independent on 15 May 1948, and was admitted to the United Nations on 11 May 1949. It has not recognized that it continues to be bound through succession by any treaty of which the Secretary-General is the depositary. The position of Israel has been explained in a reply to a questionnaire of the International Law Commission (A/CN.4/19; *Yearbook of the Commission*, 1950, vol. II, pp. 206-218).

31. *Indonesia's* independence was provided for in an agreement with the Netherlands which came into force on 27 December 1949, and which contained provisions on the devolution of treaty obligations (reproduced in the annex, No. 5). Indonesia was admitted to the United Nations on 28 September 1950.

¹⁶ *Ibid.*, vol. 143, p. 337.

¹⁷ *Ibid.*, vol. 143, p. 7.

¹⁸ *Ibid.*, vol. 143, p. 355.

¹⁹ *Ibid.*, vol. 178, p. 227.

32. Indonesia, after being admitted as a contracting party to the General Agreement on Tariffs and Trade on 27 February 1950 by a decision of the other contracting parties, addressed to the Secretary-General a declaration acknowledging

“that the rights and obligations of the Kingdom of the Netherlands arising out of the signature or acceptance of the following Protocols to the General Agreement . . . are to be considered as rights and obligations of the Republic of Indonesia inasmuch as such Protocols are applicable to the jurisdiction of the Republic of Indonesia”.

In addition, Indonesia recognized that it was bound by a notification made by the Netherlands under one of the GATT Protocols.

33. Indonesia notified the Secretary-General on 8 March 1950 that it considered itself bound by the 1931 Convention on Narcotic Drugs. On 3 April 1958, however, Indonesia deposited with the Secretary-General an instrument of accession to the 1931 Convention as amended by the 1946 Protocol, instead of simply becoming party to the 1946 Protocol, which it could have done as a party to the 1931 Convention.

34. *Laos, Cambodia and Viet-Nam* were granted independence within the French Union on various dates in 1949; Laos and Cambodia were admitted to membership in the United Nations on 14 December 1955.

35. A joint notification of 7 October 1950 from France and Laos informed the Secretary-General of the transfer by the French Government to the Government of Laos of the duties and obligations arising from the following agreements:

- i. 1925 Agreement on Opium, as amended by the 1946 Protocol;
- ii. 1925 Opium Convention, as amended by the 1946 Protocol;
- iii. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- iv. 1948 Protocol on Drugs.

In the cases of Cambodia and Viet-Nam, similar notifications were made on 11 August 1950 and 3 October 1951, respectively, in regard to the same treaties, except that Cambodia's notification did not mention the 1948 Protocol on Drugs.

36. *The Sudan* became independent on 1 January 1956 and was admitted to the United Nations on 12 November 1956. No agreement with the former Condomini (Egypt and the United Kingdom) on the devolution of treaty obligations has been registered with the Secretariat. By a letter dated 5 September 1957, received on 10 September 1957, the Permanent Representative of the Sudan stated that he had been instructed to inform the Secretary-General that his country “declares herself bound by the accession made on her behalf in 1927 by the Condomini to the Slavery Convention of 25 September 1926”, and also to that Convention as amended by the 1953 Protocol.

37. *Tunisia* became independent on 20 March 1956, and was admitted to the United Nations on 12 November 1956. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat. By a letter dated 7 December 1956, the Secretariat inquired whether Tunisia considered itself bound by the following treaties whose application had been extended to that country:

- i. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- ii. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- iii. 1925 Opium Convention, as amended by the 1946 Protocol;
- iv. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- v. 1948 Protocol on Drugs.

No reply was received to this inquiry. By a communication received on 24 October 1957, Tunisia recognized that it continues to be bound by the 1951 conventions of the International Labour Organisation; Tunisia recognizing that it continues to be bound by two conventions of the International Labour Organisation; these declarations have been registered with the United Nations Secretariat by the Director-General of the International Labour Office.

38. *Morocco* regained its independence through the termination of the protectorates and of the special status of Tangier on various dates between March and October 1956. It concluded with France an agreement of 26 May 1956 whose provisions relating to treaty obligations are reproduced in the annex, No. 6. Morocco was admitted to the United Nations on 12 November 1956.

39. By letters of 29 May, 30 August and 14 September 1956 Morocco inquired of the Secretary-General about the method of becoming party, in accordance with the procedure in effect, to various treaties including the 1949 Convention on Road Traffic and the 1951 Convention on the Status of Refugees, both of which had been made applicable in Morocco by France. By a letter of 25 October 1956 the Secretariat replied:

(*Translation*) “. . . The Secretary-General, in the exercise of his depositary functions under the relevant conventions, has always considered it desirable that the status of States succeeding to the rights and obligations arising out of conventions should be clearly defined in relation to the other participating States. That is the reason for the practice, based on the relevant general principles of international law, by which a State assuming the conduct of its own foreign relations is requested to indicate to the Secretary-General by a formal notification those international conventions and agreements concluded in its name by which it acknowledges itself to be bound . . .”.

Accordingly Morocco, by a declaration dated 3 November 1956 and received on 7 November 1956, signed by the Minister for Foreign Affairs, recognized that it continued to be bound by the following treaties:

- i. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- ii. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- iii. 1925 Opium Convention, as amended by the 1946 Protocol;
- iv. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- v. 1948 Protocol on Drugs;
- vi. 1949 Convention on Road Traffic;
- vii. 1951 Convention on the Status of Refugees.

Morocco has also made declarations, which have been registered with the Secretariat, recognizing that it con-

tinues to be bound by at least four conventions of the International Labour Organisation.

40. *Ghana* became independent on 6 March 1957, and was admitted to the United Nations on 8 March 1957. It had with the United Kingdom on 25 November 1957 an exchange of notes relating to succession to treaty obligations (reproduced in part in the annex, No. 7). By a letter dated 18 March 1958 the Secretary-General referred to the exchange of notes, and to the fact that the United Kingdom had extended the application of the following treaties to the Gold Coast:

- i. 1912 Opium Convention, as amended by the Protocol of 1946;
- ii. 1925 Opium Convention, as amended by the Protocol of 1946;
- iii. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- iv. 1948 Protocol on Drugs;
- v. 1921 Convention on Traffic in Women and Children;
- vi. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- vii. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- viii. 1923 Convention on Obscene Publications, as amended by the 1947 Protocol;
- ix. 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol;
- x. 1952 Convention on Importation of Commercial Samples;
- xi. 1928 Convention on Economic Statistics, as amended by the 1948 Protocol;
- xii. 1950 Agreement on the Importation of Educational, Scientific and Cultural Materials.

The letter stated that it was the understanding of the Secretariat that, pursuant to its agreement with the United Kingdom, the Government of Ghana considered itself bound by those treaties, and requested confirmation.

41. By a letter dated 29 March 1958, received on 7 April 1958, the Permanent Secretary of the Ministry for Foreign Affairs confirmed that Ghana considered itself bound by all of the foregoing treaties.

42. Ghana acceded to the Convention on the Privileges and Immunities of the United Nations on 5 August 1958, and to the Convention on the Privileges and Immunities of the Specialized Agencies on 9 September 1958. No inquiry had been made as to whether Ghana considered itself bound through succession by those conventions.

43. *The Federation of Malaya* became independent on 31 August 1957, and was admitted to the United Nations on 17 September 1957. By a letter dated 20 September 1957, the Secretariat, referring to article 169 of the Constitution of the Federation, stated that as the United Kingdom had acceded to the Convention on the Privileges and Immunities of the United Nations, it was the Secretariat's understanding that the Federation considered itself bound by the Convention; confirmation of this understanding was requested. By a letter dated 16 October 1957, the Permanent Secretary of the Ministry of External Affairs replied that

"... Whilst the Federation considers itself bound by the Convention to which the United Kingdom acceded in 1946 on behalf of the territory of the

Federation, this is not by reason of Article 169 of the Constitution...

"The privileges and immunities of the United Nations in the independent Federation of Malaya depend for their legal force upon the Diplomatic Privileges (United Nations and International Court of Justice) Order, 1949... The Order formed part of the existing law of the Federation in operation immediately before independence and was continued in force after independence by Article 162 of the Constitution."

44. By letters dated 9 December 1957, the Secretariat, referring to an exchange of notes between the Federation and the United Kingdom which had been registered with the Secretariat on 25 October 1957,²⁰ stated that it was the Secretariat's understanding that the Federation considered itself bound by certain treaties extended to its territory, and requested confirmation. The treaties listed in the letters were the following:

- i. 1925 Opium Convention, as amended by the 1946 Protocol;
- ii. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- iii. 1948 Protocol on Drugs;
- iv. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- v. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- vi. 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol;
- vii. 1921 Convention on the Traffic in Women and Children, as amended by the 1947 Protocol;
- viii. 1923 Convention on Obscene Publications, as amended by the 1947 Protocol;
- ix. 1949 Agreement for provisional application of Draft Customs Conventions;
- x. 1950 Agreement on Importation of Educational, Scientific and Cultural Materials;
- xi. 1952 Convention on Importation of Commercial Samples;
- xii. 1954 Convention on Customs Facilities for Touring;
- xiii. 1954 Additional Protocol on Importation of Tourist Publicity Documents;
- xiv. 1954 Customs Convention on Private Road Vehicles.

45. By a letter dated 29 April 1958, received on 7 May 1958 from the Foreign Ministry, the Federation declared itself bound by the treaties numbered xii, xiii and xiv in the foregoing list. By a further letter dated 14 August 1958 received on 21 August 1958, the Permanent Secretary of the Ministry of External Affairs stated that the Federation considered itself bound by the treaties numbered i, ii, iii, vi, viii, and xi, in the foregoing list. By a third letter dated 29 June 1959, the Permanent Representative of the Federation stated that his country considered itself bound by the treaties numbered ix and x in the list. The letter also explained that the treaties numbered iv, v and vi had never been extended to Malaya by the United Kingdom, and thus the Federation did not consider itself bound by them.

²⁰ Reproduced in annex, No. 8.

46. In 1961 one of the specialized agencies, noting that the Federation had recognized that it continued to be bound by the 1946 Convention on the Privileges and Immunities of the United Nations, requested the Secretary-General to inquire whether Malaya also considered itself bound by the 1947 Convention on the Privileges and Immunities of the Specialized Agencies. Accordingly the Secretary-General wrote to the Federation on 28 November 1961, referring to the previous actions of Malaya with respect to succession to treaties, and also to the fact that a Diplomatic Privileges (Specialized Agencies) Order 1949 was in effect at the time of independence, and stating his understanding that the Federation likewise considered itself bound by the Specialized Agencies Convention. The Foreign Ministry replied by a letter dated 23 March 1962, received on 29 March 1962, confirming this understanding.

47. Thus the Federation of Malaya recognized that it continue to be bound by all the treaties applicable in its territory about which the Secretary-General inquired.

48. *The United Arab Republic* was formed by the union of Egypt and Syria as the result of a plebiscite held on 21 February 1958. By a note dated 1 March 1958²¹ the Foreign Minister of the Republic informed the Secretary-General that

"It is to be noted that the Government of the United Arab Republic declares that the Union is a single Member of the United Nations, bound by the provisions of the Charter, and that all international treaties and agreements concluded by Egypt or Syria with other countries will remain valid within the regional limits prescribed on their conclusion and in accordance with the principles of international law."

Accordingly, for the duration of the union, the Secretary-General, in his publication on the Status of Multilateral Conventions,²² listed the United Arab Republic as a party to all the treaties to which Egypt or Syria had been parties before the Union was formed; under the name of the Republic it was indicated whether Egypt or Syria or both had taken action in respect of the treaty in question.

49. *Guinea* became independent on 2 October 1958, and was admitted to the United Nations on 12 December 1958. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

50. The Secretary-General, by a letter dated 18 February 1959, inquired whether Guinea considered itself bound by the following treaties, which had been applied to its territory before independence:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1951 Convention on Refugees;
- iii. 1912 Opium Convention;
- iv. 1925 Opium Convention, as amended by the 1946 Protocol;
- v. 1948 Protocol on Drugs;
- vi. 1953 Opium Protocol;
- vii. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;

- viii. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- ix. 1949 Convention on Road Traffic;
- x. 1953 Convention on the Political Rights of Women;
- xi. 1926 Convention on Slavery.

51. As no reply was received, a new letter was sent on 5 December 1961 regarding the same list of treaties, and in addition the 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol, and the 1933 Convention on the Traffic in Women. In this letter it was explained that the Opium Protocol of 1953 was not yet in force, though it had been ratified by France; if, however, Guinea considered itself bound by the ratification, it would be included in the list of parties as soon as the Protocol entered into force.

52. By a letter dated 21 March 1962, received on 30 March 1962, the Minister for Foreign Affairs of Guinea informed the Secretary-General that his country considered itself bound by the Convention of 1926 on Slavery. By a further letter of 14 April 1962, received on 26 April 1962, the Minister for Foreign Affairs notified the Secretary-General that Guinea considered itself bound by the Opium Convention of 1925, as amended by the Protocol of 1946.

53. Guinea has not yet replied concerning the other nine treaties about which inquiry was made.

54. *Cameroon* became independent on 1 January 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

55. By a letter dated 21 April 1960, the Prime Minister of Cameroon inquired from the President of the Permanent Central Opium Board as to the method by which his country could become party to the treaties on narcotics. The letter was transmitted to the Secretary-General as depositary of the treaties. The Secretary-General replied by a letter dated 21 March 1961, stating in part:

(Translation) "... It should be noted that the practice generally followed by the new States with regard to the rights and obligations arising out of international agreements made applicable to their territory before they attained independence is to acknowledge themselves to be bound by these agreements through a formal notification addressed to the Secretary-General. This procedure has the advantage of preserving continuity in the application of these agreements, to which the new State becomes a party in its own name as of the date of independence..."

The letter then gave the following list of treaties to which that procedure was applicable:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1951 Convention on Refugees;
- iii. 1912 Opium Convention;
- iv. 1925 Opium Convention, as amended by the 1946 Protocol;
- v. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- vi. 1948 Protocol on Drugs;
- vii. 1933 Convention on the Traffic in Women;

²¹ S/3976, annex II; *Security Council, Official Records, Thirteenth Year, Supplement for Jan., Feb. and Mar. 1958*, p. 32.

²² ST/LEG/3/Rev.1.

- viii. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- ix. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- x. 1949 Convention on Road Traffic;
- xi. 1926 Convention on Slavery;
- xii. 1953 Convention on the Political Rights of Women (which France had ratified with a declaration).

It was also explained that France had ratified the Opium Protocol of 1953, but that the Protocol was not yet in force.

56. By a series of letters dated between 16 October 1961 and 1 March 1962, the Minister for Foreign Affairs of Cameroon notified the Secretary-General that Cameroon recognized that it continues to be bound by all the treaties in the foregoing list except for the 1949 Convention on Road Traffic and the 1953 Convention on the Political Rights of Women, about which it has not yet expressed its position. Cameroon also notified the Secretary-General that it considered itself bound by the 1953 Opium Protocol.

57. By a declaration of 7 June 1960, transmitted to the Director-General of the International Labour Office and registered by him with the United Nations Secretariat, Cameroon recognized that it continued to be bound by eleven conventions of the International Labour Organisation.

58. As the result of a plebiscite held in February 1961, the Southern Cameroons, which had formed part of the Trust Territory of the Cameroons under the administration of the United Kingdom, became part of the Federal Republic of Cameroon on 1 October 1961.

59. On 28 August 1962, the Federal Republic of Cameroon declared to the Director-General of the International Labour Office that it was bound, in respect of the Federated State of Eastern Cameroon (the former Trust Territory under French administration), by the eleven conventions of the International Labour Organisation which were the subject of its declaration of 7 June 1960; it also declared that it was bound, in respect of the Federated State of Western Cameroon (formerly under United Kingdom administration), by fourteen conventions of the International Labour Organisation. Only two of these conventions are in force in both Eastern and Western Cameroon, that is, throughout the territory of the Federal Republic.

60. *The Central African Republic* became independent on 13 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

61. By letters of 20 March and 14 December 1961 the Secretary-General inquired whether the Central African Republic recognized that it continued to be bound by the treaties listed above in the case of Cameroon (see para. 55 above), all of which had likewise been extended by France to the territory of the Central African Republic. By a series of notifications, all dated 23 August 1962, the Minister for Foreign Affairs informed the Secretary-General that the Republic considered itself bound by all of the treaties about which inquiry had been made, including the 1953 Opium Protocol. The Central African Republic

also recognized on 27 October 1960 that it continues to be bound by twelve conventions of the International Labour Organisation, and these actions have been registered with the United Nations Secretariat.

62. The Central African Republic also notified the Secretary-General that it considered itself bound by certain treaties which had never been extended by France to its territory. These notifications, by agreement with the Government were treated as accessions.

63. By a *note verbale* of 25 October 1962, the Minister for Foreign Affairs of the Central African Republic made the following statement in reply to the Secretary-General's request for materials relating to succession of States:

(*Translation*) "In regard to international relations, treaties concluded by the former colonizing Power in the name of its overseas territories can be considered to remain in force only in respect of those clauses which are not incompatible with the independence of the new sovereign States. Accordingly the Central African Republic reserves the right to denounce treaties which do not appear to it to recognize its newly-acquired sovereignty. This position is supported by that of international organizations which require a State that has become independent to re-accede to the conventions governing them."

64. *Chad* became independent on 11 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

65. By letters of 20 March and 14 December 1961 the Secretary-General inquired whether Chad considered itself bound by the same treaties as are referred to above in the case of Cameroon and the Central African Republic (see the list in para. 55 above). No reply has yet been received. Chad, however, on 10 November 1960 recognized that it continues to be bound by eleven conventions of the International Labour Organisation, and these actions have been registered with the United Nations Secretariat.

66. *The Republic of the Congo (Brazzaville)* became independent on 15 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

67. By communications of 20 March and 1 November 1961 the Secretary-General inquired whether the Republic considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic and Chad (see para. 55 above). On 15 May 1962 the Congo (Brazzaville) deposited with the Secretary-General an instrument of accession to the 1949 Convention on Road Traffic, which was included in the list in the Secretary-General's letters. Subsequently, however, by a *note verbale* dated 11 October 1962, received on 15 October 1962, the Ministry for Foreign Affairs declared:

(*Translation*) "In accordance with the usages of international law and because of the circumstances in which the Republic of the Congo attained international sovereignty, it considers itself a party to the treaties and conventions signed before its independence by the French Republic and extended by the latter to its former overseas territories, in so far as those treaties and conventions have not been

expressly denounced by the Republic of the Congo or tacitly rescinded by a text replacing them.”

The Republic has also recognized that it continues to be bound by twelve conventions of the International Labour Organisation, by the Warsaw Convention of 12 October 1929 for the Unification of Certain Rules relating to International Carriage by Air, and by The Hague Protocol of 28 September 1955 modifying that Convention.

68. *The Republic of the Congo (Leopoldville)* became independent on 30 June 1960, and was admitted to the United Nations on 20 September 1960. No agreement with Belgium on the devolution of treaty obligations has been registered with the Secretariat.

69. On 6 March 1961 the Secretary-General received a declaration signed by the President of the Republic on 18 February 1961, whereby the Congo declared itself the successor of the Belgian Congo with respect to the 1949 Convention on Road Traffic, and recognized that that Convention and its annexes continued to be in force in its territory.

70. By a letter of 12 December 1961 the Secretary-General requested the Congo (Leopoldville) to confirm that it considered itself bound by the following treaties, which according to United Nations archives were applicable in its territory:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1948 Convention on Genocide;
- iii. 1912 Opium Convention;
- iv. 1925. Opium Convention, as amended by the 1946 Protocol;
- v. 1931 Narcotics Convention, as amended by the 1946 Protocol;
- vi. 1948 Protocol on Drugs;
- vii. 1953 Opium Protocol;²³
- viii. 1923 Convention on Obscene Publications, as amended by the 1947 Protocol;
- ix. 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol;
- x. 1952 Convention on Importation of Commercial Samples;
- xi. 1954 Convention on Customs Facilities for Touring;
- xii. 1954 Additional Protocol on Tourist Publicity Documents;
- xiii. 1954 Customs Convention on Private Road Vehicles;
- xiv. 1950 Agreement on Importation of Educational, Scientific and Cultural Materials.

71. By a letter dated 29 December 1961, received on 16 January 1962, the Minister for Foreign Affairs replied that

(*Translation*) “... In general the Republic of the Congo considers itself the successor, as an independent and sovereign State of the Belgian Congo with regard to international conventions, which it acknowledges to remain in force in its territory.”

He added that his Ministry was studying the question whether each of the treaties in question had been ratified for or extended to the Belgian Congo.

72. By a *note verbale* dated 16 April 1962, received on 3 May 1962, the Ministry for Foreign Affairs informed the Secretary-General that the Congo Government considered itself bound by the 1950 Agreement on Importation of Educational, Scientific and Cultural Materials (No. xiv in the above list). By a letter of 23 May 1962 the Minister for Foreign Affairs informed the Secretary-General that his Government considered itself bound by the treaties numbered ii, iii, iv, v, vii, viii, ix and x in the above list.

73. By a letter of 16 July 1962, the Secretary-General sent to the Congo copies of the instruments by which Belgium had extended to its territory certain treaties on which the Republic had not yet indicated its position. The letter also stated:

(*Translation*) “Lastly, with regard to the Convention on the Privileges and Immunities of the United Nations, I have the honour to inform you that the Belgian Government deposited the instrument of accession to that Convention with the Secretary-General on 25 September 1948. In the absence of a territorial application clause, this Convention is considered to apply to territories represented internationally by the acceding States.”

74. In a reply dated 7 May 1962, received on 13 August 1962, the Minister for Foreign Affairs stated that his Government considered itself bound by the 1948 Protocol on Drugs. The letter also stated:

(*Translation*) “The Government of the Congo cannot consider itself bound by the Convention on the Privileges and Immunities of the United Nations... Although this Convention has been ratified by Belgium, there is no provision in the law of the Congo under which it could be applied to this country. In any event, it does not appear to have been applied to the Congo before the latter attained independence. It does not seem to contain any provision for its automatic entry into force in the dependent territories of acceding States...”

The letter informed the Secretary-General that research was continuing to ascertain whether the three remaining treaties about which the Republic had not yet indicated its position (i.e., those numbered xi, xii and xiii in the foregoing list) had ever been published by Belgium in the legislation of the Congo. The Republic has recognized that it continues to be bound by sixteen ILO Conventions and by the four Geneva Conventions of 1949 for the protection of war victims; its declarations to that effect have been registered with the Secretariat by the respective depositaries.

75. *Cyprus* became independent on 16 August 1960 and was admitted to the United Nations on 20 September 1960. The agreement between Cyprus and the United Kingdom on the devolution of treaty rights and obligations is reproduced in the annex, as No. 9.

76. By letters of 28 February and 6 December 1961 the Secretary-General, referring to the agreement on devolution, stated that it was his understanding that Cyprus considered itself bound by the treaties whose application had been extended to it by the United Kingdom, and requested confirmation of that understanding. The list of treaties given in the letters was as follows:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1947 Convention on the Privileges and Immunities of the Specialized Agencies;

²³ At the date of independence this Protocol had been acceded to by Belgium and had been extended to the Congo, but was not yet in force.

- iii. 1951 Convention on Refugees;
- iv. 1912 Opium Convention;
- v. 1925 Opium Convention, as amended by the 1946 Protocol;
- vi. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- vii. 1948 Protocol on Drugs;
- viii. 1921 Convention on Traffic in Women and Children;
- ix. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- x. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- xi. 1923 Convention on Obscene Publications, as amended by the 1947 Protocol;
- xii. 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol;
- xiii. 1952 Convention on Importation of Commercial Samples;
- xiv. 1954 Convention on Customs Facilities for Touring;
- xv. 1954 Additional Protocol on Importation of Tourist Publicity Documents;
- xvi. 1954 Customs Convention on Private Road Vehicles;
- xvii. 1956 Customs Convention on Containers;
- xviii. 1956 Customs Convention on Commercial Road Vehicles;
- xix. 1956 Customs Convention on Aircraft and Pleasure Boats;
- xx. 1949 Convention on Road Traffic;
- xxi. 1950 Agreement on Importation of Educational, Scientific and Cultural Materials;
- xxii. 1957 Convention on the Nationality of Married Women;
- xxiii. 1926 Slavery Convention, as amended by the 1953 Protocol;
- xxiv. 1956 Supplementary Convention on Slavery;
- xxv. 1958 Convention on the Territorial Sea and Contiguous Zone;²⁴
- xxvi. 1958 Convention on the High Seas;²⁴
- xxvii. 1958 Convention on Fishing.²⁴

77. By a letter dated 9 May 1962, received on 11 May 1962, the Permanent Mission of Cyprus, on instructions from its Government, informed the Secretary-General that Cyprus considered itself bound by the 1956 Supplementary Convention on Slavery (No. xxiv in the foregoing list), and by a letter dated 29 June 1962, received on 6 July 1962, that Cyprus considered itself bound by the 1949 Convention on Road Traffic (No. xx). The Ministry of Foreign Affairs is still studying the application to Cyprus of the other treaties in the list. In addition, declarations by which Cyprus recognized that it continues to be bound by eleven ILO Conventions have been registered with the Secretariat.

78. *Dahomey* became independent on 1 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the

devolution of treaty obligations has been registered with the Secretariat.

79. By a letter of 20 March 1961 the Secretary-General inquired whether the Republic considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic, Chad and the Congo (Brazzaville) (see para. 55 above). By *notes verbales* dated 30 November 1961 and 14 February 1962, received on 5 December 1961 and 4 April 1962, Dahomey declared that it considered itself bound by nine of those treaties. Dahomey has not yet indicated its position in respect of the 1946 Convention on the Privileges and Immunities of the United Nations, the 1912 Opium Convention, the 1953 Convention on the Political Rights of Women and the 1953 Opium Protocol. Declarations by Dahomey recognizing that it continues to be bound by twelve ILO Conventions, the four Geneva Conventions of 1949 for the protection of war victims, the Warsaw Convention of 1929 on International Carriage by Air and The Hague Protocol of 1955 modifying that Convention have been registered with the Secretariat by the respective depositaries.

80. *Gabon* became independent on 17 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

81. By letters of 20 March and 14 December 1961 and 18 October 1962 the Secretary-General inquired whether Gabon considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic, etc. No reply has yet been received. Gabon, however, on 14 October 1960 recognized that it continued to be bound by twelve conventions of the International Labour Organisation.

82. *The Ivory Coast* became independent on 7 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

83. By a letter dated 20 March 1961, the Secretary-General inquired whether the Ivory Coast considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic, etc. (see para. 55 above). By letters of 10 May, 22 June and 7 December 1961 the President of the Republic, Minister for Foreign Affairs, informed the Secretary-General that his Government considered itself bound by all the treaties listed (including the 1953 Opium Protocol, which was not yet in force), with the exception of the 1953 Convention on the Political Rights of Women, which had never been applied by France to the Ivory Coast.

84. Poland, acting as depositary, has informed the Secretary-General that the Ivory Coast has recognized that it is bound by the Warsaw Convention of 12 October 1929 for the Unification of Certain Rules relating to International Carriage by Air, by the Supplementary Protocol to the Convention, and by The Hague Protocol of 28 September 1955 modifying the Warsaw Convention. Declarations by the Ivory Coast, recognizing that it continues to be bound by thirteen ILO Conventions and by the four Geneva Conventions of 1949 for the protection of war victims, have also been registered by the Secretariat.

²⁴ At the date of independence this Convention had been ratified by the United Kingdom but was not yet in force.

85. *Madagascar* became independent on 3 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

86. By a letter of 20 March 1961 the Secretary-General inquired whether Madagascar considered itself bound by the same treaties as were listed in the letter to Cameroon, the Central African Republic, etc. By a note dated 27 May 1961, the Ministry for Foreign Affairs replied:

(*Translation*) "This, however, is a point of international law on which the highest legal authorities to whom it has been submitted have been unable to give a conclusive opinion. Consequently it seems hard to formulate any principle, and each particular case should be examined with care."

87. By a further letter dated 6 February 1962, the Foreign Ministry stated:

(*Translation*) "After examining the question, the Malagasy Government considers that it ought in principle to acknowledge itself bound by the Agreements and Conventions entered into in its name by France before the Malagasy Republic became independent.

"Although this principle has been accepted, it nevertheless seems essential that in the case of each Convention a formal notification should be sent to you by which the Malagasy Government would declare itself bound . . ."

88. Thus far, Madagascar, by notifications dated 15 May 1962 and 22 June 1962, signed by the Minister for Foreign Affairs, has declared that it considers itself bound by the 1946 Convention on the Privileges and Immunities of the United Nations, and by the 1949 Convention on Road Traffic. By a letter dated 23 May 1962 the Foreign Minister informed the Secretary-General:

(*Translation*) "The other Conventions of which the application has been extended to Madagascar and which you have kindly listed for me are at present being examined by the departments concerned. Notifications declaring that the Malagasy Government is bound by them will reach you from time to time, together with any reservations it may be found necessary to make in regard to them."

89. Poland, acting as depositary, has registered with the Secretariat a declaration by which Madagascar recognized that it continued to be bound by the Warsaw Convention of 12 October 1929 for the Unification of Certain Rules relating to International Carriage by Air, and by The Hague Protocol of 28 September 1955 modifying that Convention. The Director-General of the ILO has also registered declarations by which Madagascar recognized that it continued to be bound by twelve ILO Conventions.

90. *Mali* became independent on 22 September 1960, and was admitted to the United Nations on 28 September 1960. No agreement on succession to treaty rights and obligations has been registered with the Secretariat.

91. By letters of 20 March and 14 December 1961 and 18 October 1962 the Secretary-General inquired whether Mali considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic etc. (see para. 55 above).

By a notification received on 19 November 1962, Mali recognized that it continued to be bound by the 1949 Convention on Road Traffic, but has not yet replied about the other treaties. Mali has, however, declared itself bound through succession to France by thirteen Conventions of the International Labour Organisation.

92. *Niger* became independent on 3 August 1960 and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

93. By a letter of 20 March 1961 the Secretary-General inquired whether Niger considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic etc. By a letter dated 18 August 1961, received on 25 August 1961, the Foreign Affairs Department replied that Niger considered itself bound by all of the treaties listed, except for the 1953 Convention on the Political Rights of Women and the 1953 Opium Protocol, with regard to which a further inquiry has been made. Niger has also recognized that it continues to be bound by the Warsaw Convention of 12 October 1929 for the Unification of Certain Rules relating to International Carriage by Air, and by The Hague Protocol of 28 September 1955 modifying that Convention, and by twelve Conventions of the International Labour Organisation.

94. *Nigeria* became independent on 20 August 1960, and was admitted to the United Nations on 7 October 1960. It had on 1 October 1960 an exchange of letters with the United Kingdom on succession to international rights and obligations (reproduced in the annex, No. 10).

95. By a letter dated 1 October 1960, received on 19 October 1960, the Prime Minister of Nigeria informed the Secretary-General that his Government in its capacity as a contracting party to the General Agreement on Tariffs and Trade, acknowledged itself bound by forty-two international instruments (protocols, *procès-verbaux*, declarations, notifications etc.) relating to GATT. Nigeria has also recognized itself bound by fifteen ILO Conventions and by the four Geneva Conventions of 1949 for the protection of war victims.

96. By a letter of 28 February 1961, the Secretary-General, referring to the above-mentioned exchange of letters of 1 October 1960, stated that it was his understanding that Nigeria considered itself bound by the following treaties which had been made applicable to it by the United Kingdom, and requested confirmation:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1947 Convention on the Privileges and Immunities of the Specialized Agencies;
- iii. 1912 Opium Convention;
- iv. 1925 Opium Convention, as amended by the 1946 Protocol;
- v. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- vi. 1948 Protocol on Drugs;
- vii. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- viii. 1923 Convention on Obscene Publications, as amended by the 1947 Protocol;

- ix. 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol;
- x. 1952 Convention on Importation of Commercial Samples;
- xi. 1954 Convention on Customs Facilities for Touring;
- xii. 1954 Additional Protocol on Importation of Tourist Publicity Documents;
- xiii. 1954 Customs Convention on Private Road Vehicles;
- xiv. 1948 Convention on the Inter-Governmental Maritime Consultative Organization;
- xv. 1950 Agreement on Importation of Educational, Scientific and Cultural Materials;
- xvi. 1926 Slavery Convention, as amended by the 1953 Protocol;
- xvii. 1956 Supplementary Convention on Slavery;
- xviii. 1958 Convention on the Territorial Sea and Contiguous Zone;²⁵
- xix. 1958 Convention on the High Seas;²⁵
- xx. 1958 Convention on Fishing.²⁵

97. By a letter dated 23 June 1961, received on 26 June 1961, the Nigerian Ministry of Foreign Affairs and Commonwealth Relations confirmed that the Federation of Nigeria considered itself bound by all of the treaties listed.

98. No. xiv on the above list, the Convention on the Inter-Governmental Maritime Consultative Organization, had been included in the Secretary-General's letter through a clerical error. The Secretary-General of IMCO had already advised the Nigerian Government that if it wished to become a full member of the Organization it should follow the procedure laid down in the Convention (i.e., signature, signature subject to acceptance followed by acceptance, or acceptance), and this action had been approved by the IMCO Council. Accordingly, the Secretary-General of the United Nations, in a letter of 18 July 1961 to Nigeria, quoted an IMCO document²⁶ which read as follows:

"In accordance with the provisions of article 9 of the Convention, the Federation of Nigeria was admitted as an associate member of IMCO on 19 January 1960. Since that date Nigeria has attained independence and has been admitted as a Member of the United Nations. The Secretary-General, in drawing attention to the fact that the Convention contains no provision whereby an associate member automatically becomes a full member, advised Nigeria of the procedure to be followed, as set out in articles 6 and 57 of the Convention, should it wish to become a full member of the Organization. The Secretary-General's action was approved by the Council at its fourth session."

99. Consequently Nigeria became a full member of IMCO by the deposit of an instrument of acceptance on 15 March 1962, and not by succession.

100. *Senegal* became independent on 20 August 1960, and was admitted to the United Nations on 20 September 1960. No agreement on succession to treaty rights and obligations has been registered with the Secretariat.

101. By letters of 20 March and 14 December 1961, the Secretary-General inquired whether Senegal considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic etc. In a reply dated 30 June 1962, received on 13 July 1962, the Minister for Foreign Affairs of Senegal confirmed that his Government considered itself bound by the 1949 Convention on Road Traffic. Senegal has not yet indicated its position on the other treaties listed. It has, however, confirmed that it is bound by thirteen Conventions of the International Labour Organisation.

102. *Somalia* became independent on 1 July 1960 and was admitted to the United Nations on 20 September 1960. An exchange of letters with Italy or with the United Kingdom on succession to treaty rights and obligations has not yet been registered with the Secretariat, but has recently come to its knowledge, and is reproduced in the annex, No. 11.

103. By a letter of 6 December 1961 the Secretary-General inquired as to the attitude of Somalia with regard to succession to the rights and obligations of certain treaties. The letter listed first the treaties which had been made applicable both by Italy to the former Trust Territory of Somaliland and by the United Kingdom to former British Somaliland. They were the following:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1912 Opium Convention;
- iii. 1925 Opium Convention, as amended by the 1946 Protocol;
- iv. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- v. 1948 Protocol on Drugs;
- vi. 1923 Convention on Obscene Publications, as amended by the 1947 Protocol;
- vii. 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol;
- viii. 1926 Slavery Convention, as amended by the 1953 Protocol;
- ix. 1956 Supplementary Convention on Slavery.

The letter stated:

"Therefore, if your Government recognizes itself bound by the instruments listed above, I would appreciate it if you would address a notification to this effect to the Secretary-General, so that he could inform all interested States accordingly. Upon receipt of such notification, the Republic of Somalia will be considered as having become a party to these instruments in its own name as from the date of independence.

"The same procedure could be applied in respect of those instruments which either were made applicable only to the former Trust Territory of Somaliland by the Government of Italy or only to the former British Somaliland by the Government of the United Kingdom, provided that your Government would recognize that their application now extends to the entire territory of the Republic of Somalia..."

104. The letter listed the treaties which had applied only to the Trust Territory. They were the following:

- i. 1921 Convention on Traffic in Women and Children, as amended by the 1947 Protocol;
- ii. 1950 Convention on Declaration of Death of Missing Persons;

²⁵ At the date of independence this Convention had been ratified by the United Kingdom but was not yet in force.

²⁶ Document A.II/5/Rev.1.

- iii. 1957 Protocol for extending the validity of the Convention on Declaration of Death of Missing Persons.
- 105. The letter further listed the following treaties which had applied only to British Somaliland:
 - i. 1947 Convention on the Privileges and Immunities of the Specialized Agencies;
 - ii. 1951 Convention on the Status of Refugees;
 - iii. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
 - iv. 1952 Convention on Importation of Commercial Samples;
 - v. 1954 Convention on Customs Facilities for Touring;
 - vi. 1954 Additional Protocol on Importation of Tourist Publicity Documents;
 - vii. 1954 Customs Convention on Private Road Vehicles;
 - viii. 1956 Customs Convention on Commercial Road Vehicles;
 - ix. 1956 Customs Convention on Aircraft and Pleasure Boats;
 - x. 1950 Agreement on Importation of Educational, Scientific and Cultural Materials;
 - xi. 1957 Convention on the Nationality of Married Women.

106. No reply has been received to this letter. Somalia has, however, recognized that it continues to be bound by certain conventions of the International Labour Organisation. With respect to two such conventions which Italy had declared applicable to the Trust Territory and the United Kingdom to British Somaliland, Somalia, according to a statement registered by the Director-General of the ILO with the United Nations Secretariat, recognized that the conventions "will continue to be in force in the Somali Republic as from 18 November 1960". With respect to seven such conventions which had applied in the Trust Territory but not in British Somaliland, Somalia recognized that the conventions "will continue to be in force for the part of the territory of the Somali Republic which was formerly the Trust Territory of Somaliland as from 18 November 1960". With respect to six such conventions which had applied in British Somaliland but not in the Trust Territory, Somalia recognized that the conventions "will continue to be in force for the part of the territory of the Somali Republic which was formerly British Somaliland as from 18 November 1960".

107. *Togo* became independent on 20 April 1960, and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

108. By letters dated 20 March and 14 December 1961, the Secretary-General inquired whether Togo considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic etc. (see para. 55 above). By a letter dated 23 February 1962 the Minister for Foreign Affairs informed the Secretary-General that the following treaties had been extended to Togo before its independence by France and remain applicable:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1951 Convention on the Status of Refugees;

- iii. 1925 Opium Convention, as amended by the 1946 Protocol;
- iv. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- v. 1948 Protocol on Drugs;
- vi. 1949 Convention on Road Traffic;
- vii. 1926 Slavery Convention.

109. Togo also stated that it did not consider itself bound by the 1953 Convention on the Political Rights of Women. It has not yet expressly stated its attitude on the other treaties listed in the Secretary-General's letters. Declarations by which Togo recognized that it continues to be bound by twelve ILO Conventions and by the four Geneva Conventions of 1949 for the protection of war victims have been registered with the Secretariat.

110. *Upper Volta* became independent on 5 August 1960 and was admitted to the United Nations on 20 September 1960. No agreement with France on the devolution of treaty obligations has been registered with the Secretariat.

111. By letters of 20 March and 14 December 1961, the Secretary-General inquired whether Upper Volta considered itself bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic etc. By a letter dated 19 April 1962, received on 27 April 1962, the Minister for Foreign Affairs stated:

(*Translation*) "The Upper Volta, as a sovereign independent State, does not acknowledge itself bound by the Agreements signed by France before the Republic of Upper Volta became independent."

112. This position of principle seems, however, to admit of some exceptions. The Government of Switzerland, as depositary of the four 1949 Geneva Conventions for the protection of war victims, has transmitted to the Secretary-General a copy of a declaration signed by the Minister for Foreign Affairs of Upper Volta, stating that:

(*Translation*) "The four 1949 Geneva Conventions for the protection of war victims apply by law to the territory of the Republic of the Upper Volta in virtue of their ratification by France on 28 June 1951."

Upper Volta has also declared that it continues to be bound by thirteen ILO Conventions concluded by France.

113. *Mauritania* became independent on 28 November 1960, and was admitted to the United Nations on 27 October 1961. No agreement with France on succession to treaty obligations has been registered with the Secretariat.

114. By letters of 16 November 1961 and 19 October 1962 the Secretary-General inquired whether Mauritania recognized that it continued to be bound by the same treaties as were listed in the letters to Cameroon, the Central African Republic etc. No reply has yet been received. Mauritania has, however, declared that it continues to be bound by thirteen Conventions of the International Labour Organisation which were extended to its territory by France, and by the four Geneva Conventions of 1949 for the protection of war victims.

115. *Sierra Leone* became independent on 27 April 1961 and was admitted to the United Nations on 27 September 1961. It had on 5 May 1961 an exchange of letters with the United Kingdom on succession to

international rights and obligations which is reproduced in the annex, No. 12.

116. By a letter dated 16 August 1961, received on 25 August 1961, the Minister of External Affairs of Sierra Leone informed the Secretary-General that his Government, in its capacity as a contracting party to the General Agreement on Tariffs and Trade, acknowledged itself bound by forty-two international instruments (protocols, *procès-verbaux*, declarations, notifications etc.) relating to GATT.

117. By a letter of 25 January 1962 the Secretary-General, referring to the above-mentioned exchange of letters of 5 May 1961, stated that it was his understanding that Sierra Leone considered itself bound by the following treaties which had been made applicable to it by the United Kingdom, and requested confirmation:

- i. 1946 Convention on the Privileges and Immunities of the United Nations;
- ii. 1947 Convention on the Privileges and Immunities of the Specialized Agencies;
- iii. 1912 Opium Convention;
- iv. 1925 Opium Convention, as amended by the 1946 Protocol;
- v. 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol;
- vi. 1948 Protocol on Drugs;
- vii. 1921 Convention on Traffic in Women and Children;
- viii. 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol;
- ix. 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol;
- x. 1923 Convention on Obscene Publications, as amended by the 1947 Protocol;
- xi. 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol;
- xii. 1952 Convention on Importation of Commercial Samples;
- xiii. 1954 Convention on Customs Facilities for Touring;
- xiv. 1954 Additional Protocol on Importation of Tourist Publicity Documents;
- xv. 1954 Customs Convention on Private Road Vehicles;
- xvi. 1956 Customs Convention on Containers;
- xvii. 1956 Customs Convention on Commercial Road Vehicles;
- xviii. 1956 Customs Convention on Aircraft and Pleasure Boats;
- xix. 1949 Convention on Road Traffic;
- xx. 1950 Agreement on Importation of Educational, Scientific and Cultural Materials;
- xxi. 1957 Convention on the Nationality of Married Women;
- xxii. 1926 Slavery Convention, as amended by the 1953 Protocol;
- xxiii. 1956 Supplementary Convention on Slavery;
- xxiv. 1958 Convention on the Territorial Sea and Contiguous Zone;²⁷
- xxv. 1958 Convention on the High Seas;²⁷
- xxvi. 1958 Convention on Fishing.²⁷

²⁷ At the date of independence this Convention had been ratified by the United Kingdom but was not yet in force.

118. By a *note verbale* dated 28 February 1962, received on 13 March 1962, the Ministry of External Affairs confirmed that Sierra Leone was bound by all of the treaties listed. Sierra Leone has also declared that it continues to be bound by sixteen ILO Conventions.

119. Syria at the end of September 1961 resumed its independence, and as from 13 October 1961 it again exercised its rights of membership in the United Nations.

120. The President of the Council of Ministers on 22 October 1961 cabled the Director-General of the World Health Organization as follows:

"I have the honour to inform you that Syria has been always a member of WHO and since 1958 has continued so to be jointly with Egypt under the name of the United Arab Republic. This union having been dissolved on 28 September last the Syrian Arab Republic resumes its seat at WHO. I take this occasion to assure you that the Syrian Arab Republic remains bound *mutatis mutandis* by all the agreements, arrangements and obligations which were binding between WHO and the United Arab Republic at the time of the constitution of the Syrian Arab Republic. I shall be glad if you will kindly acknowledge receipt of this cable and communicate a copy of it to all WHO member States."

121. Similar cables were sent to the Director-General of UNESCO on 25 October 1961, and to the Secretary-General of IMCO on 2 November 1961; they were presumably sent to other specialized agencies as well. The Secretary-General of IMCO transmitted the cable to the Secretary-General of the United Nations as depositary of the IMCO Convention. Syria resumed its membership in WHO and UNESCO, of which it had been a member before 1958, in the same way that it resumed its membership in the United Nations.

122. Before the formation of the United Arab Republic in late February 1958, Syria had not completed the formal steps to become a member of IMCO. The Syrian Foreign Ministry, by a *note verbale* received on 12 February 1958, had informed the Secretary-General of the United Nations that Syria had adopted a law authorizing acceptance of the IMCO Convention, but no instrument of acceptance was ever deposited for Syria; Egypt, however, deposited an instrument of acceptance in 1954, and the United Arab Republic confirmed its acceptance of the Convention on 17 March 1958.

123. The Secretary-General, by a letter dated 14 November 1961, informed Syria that to become a member of IMCO it would be necessary to become party to the Convention by the procedure provided therein (signature, signature subject to acceptance followed by acceptance, or acceptance).

124. In a letter of 11 December 1961 the Secretary-General stated that it was his understanding, of which confirmation was requested, that Syria, having resumed its status as an independent State and as a Member of the United Nations continued to be bound by signatures, ratifications and accessions done on behalf of Syria before the formation of the United Arab Republic. He also stated that it appeared from various statements made on behalf of Syria that the Syrian Government recognized various actions taken in respect of United Nations treaties by the United Arab Republic as binding upon Syria and inquired as to the

position of the Government in this regard. The actions taken by the United Arab Republic during the period between its formation and Syria's resumption of independence were the following:

- i. Accession to the 1950 Convention on the Traffic in Persons;
- ii. Acceptance of amendments to articles 24 and 25 of the Constitution of the World Health Organization;
- iii. Declaration that the 1954 Convention on Customs Facilities for Touring, the 1954 Additional Protocol on Importation of Tourist Publicity Documents, and the 1954 Customs Convention on Private Road Vehicles were applicable to the Syrian Province;
- iv. Accession to the 1956 Supplementary Convention on Slavery;
- v. Accession to the 1958 Convention on Foreign Arbitral Awards.

In the "Status of Multilateral Conventions" (ST/LEG/3/Rev.1) issued on 31 December 1961, the Secretary-General indicated that Syria was bound by all treaties concluded by Syria before the formation of the United Arab Republic, and by all treaty actions taken by the Republic, during the period of union, in respect of the Syrian Province; the situation was explained in a footnote (p. 1-3).

125. The Permanent Representative of Syria, by a letter dated 19 July 1962, transmitted to the Secretary-General an unofficial translation of a legislative decree of 13 June 1962 (reproduced in the annex, No. 13) providing for the continuance in force of international obligations undertaken by the United Arab Republic during the period of union. The Permanent Representative stated:

(*Translation*) "It follows from the wording of article 2 of this legislative decree that the obligations assumed by the Syrian Arab Republic under multilateral agreements and conventions during the period of the Union with Egypt remain in force in Syria.

"The period covered by the Union between Syria and Egypt was between 22 February 1958 and 27 September 1961."

126. *Tanganyika* became independent on 9 December 1961, and was admitted to the United Nations on 14 December 1961.

127. By a letter dated 9 December 1961 the Prime Minister of Tanganyika made the following declaration to the Secretary-General:

"The Government of Tanganyika is mindful of the desirability of maintaining, to the fullest extent compatible with the emergence into full independence of the State of Tanganyika, legal continuity between Tanganyika and the several States with which, through the action of the United Kingdom, the territory of Tanganyika was prior to independence in treaty relations. Accordingly, the Government of Tanganyika takes the present opportunity of making the following declaration:

"As regards bilateral treaties validly concluded by the United Kingdom on behalf of the territory of Tanganyika, or validly applied or extended by the former to the territory of the latter, the Government of Tanganyika is willing to continue to apply within its territory, on a basis of reciprocity, the terms of all such treaties for a period of two

years from the date of independence (i.e., until December 8, 1963) unless abrogated or modified earlier by mutual consent. At the expiry of that period, the Government of Tanganyika will regard such of these treaties which could not by the application of the rules of customary international law [be regarded] as otherwise surviving, as having terminated.

"It is the earnest hope of the Government of Tanganyika that during the aforementioned period of two years, the normal processes of diplomatic negotiations will enable it to reach satisfactory accord with the States concerned upon the possibility of the continuance or modification of such treaties.

"The Government of Tanganyika is conscious that the above declaration applicable to bilateral treaties cannot with equal facility be applied to multilateral treaties. As regards these, therefore, the Government of Tanganyika proposes to review each of them individually and to indicate to the depositary in each case what steps it wishes to take in relation to each such instrument—whether by way of confirmation of termination, confirmation of succession or accession. During such interim period of review, any party to a multilateral treaty which has prior to independence been applied or extended to Tanganyika may, on a basis of reciprocity, rely as against Tanganyika on the terms of such treaty.

"It would be appreciated if Your Excellency would arrange for the text of this declaration to be circulated to all Members of the United Nations."

128. The Secretary General circulated the declaration as requested. The Permanent Representative of the United Kingdom replied as follows in a letter dated 2 July 1962:

"I have the honour by direction of Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, to refer to the Note dated the 9th of December 1961, addressed to Your Excellency by the then Prime Minister of Tanganyika, setting out his Government's position in relation to international instruments concluded by the United Kingdom, whose provisions applied to Tanganyika prior to independence.

"Her Majesty's Government in the United Kingdom hereby declare that, upon Tanganyika becoming an independent Sovereign on the 9th of December, 1961, they ceased to have the obligations or rights, which they formerly had, as the authority responsible for the administration of Tanganyika, as a result of the application of such international instruments to Tanganyika.

"I am to request that this statement should be circulated to all Members of the United Nations."

129. By a letter dated 9 January 1962, received on 18 January 1962, the Prime Minister of Tanganyika informed the Secretary-General that his Government, in its capacity as a contracting party to the General Agreement on Tariffs and Trade, declared that the rights and obligations of the United Kingdom in respect to Tanganyika, arising out of forty-two international instruments relating to GATT, were to be considered as rights and obligations of Tanganyika as from the date of independence.

130. By a letter dated 24 September 1962 the Prime Minister informed the Secretary-General that Tanganyika considers itself bound by the 1946 Convention on the Privileges and Immunities of the United

Nations, and by the 1947 Convention on the Privileges and Immunities of the Specialized Agencies.

131. *Algeria, Burundi, Jamaica, Rwanda, Trinidad and Tobago, Uganda and Western Samoa* all became independent in 1962, and all of them except for Western Samoa, which has not applied for admission, have been admitted to the United Nations. Some of these countries probably have concluded agreements with their predecessors on succession to treaty rights and obligations, but no such agreements have yet been registered with the Secretariat. The Secretary-General has already sent letters to some of the countries inquiring whether they recognize themselves as bound by treaties applied to their territories by their predecessors, and other such letters are now (in December 1962) being prepared. No replies have yet been received.

Chapter III. General summary

A. NOTIFICATIONS CONCERNING SUCCESSION MADE BY NEW STATES OF THEIR OWN ACCORD

132. In some cases new States, after the attainment of their independence, declare of their own accord to the Secretary-General that they consider themselves bound by treaties applied or extended to their territories by their predecessors. Apart from these cases, there are others in which States, as a regular part of the process of joining an international institution, declare their succession to particular treaty obligations. In the case of the General Agreement on Tariffs and Trade, as each new State is admitted to the status of a contracting party, it notifies the Secretary-General that it considers itself bound by the GATT Protocols and other international instruments of which the Secretary-General is the depositary (and also notifies the Executive Secretary of GATT that it considers itself bound by the instruments of which he is the depositary). It also appears, from the statements which the Director-General of the International Labour Office registers with the Secretariat, that part of the regular procedure of admission of new States to the ILO is a declaration by them to the Director-General that they recognize that they continue to be bound by the obligations arising from the provisions of the international labour conventions which their predecessors have made applicable to their territories.

B. LETTERS FROM THE SECRETARY-GENERAL INQUIRING ABOUT SUCCESSION

133. A letter is addressed to each new State about succession to United Nations treaties. If an agreement between the new State and its predecessor providing for assumption of treaty rights and obligations by the new State has been registered with the Secretariat or has otherwise come to the knowledge of the Secretary-General, the letter refers to that agreement and continues on the following lines:

"It is the understanding of the Secretary-General, based on the provisions of the aforementioned agreement, that your Government recognizes itself bound, as from [the date of independence], by all international instruments which had been made applicable to [the new State] by [its predecessor] and in respect of which the Secretary-General acts as depositary. The Secretary-General would appreciate it if you would confirm this understanding so that in

the exercise of his depositary functions he could notify all interested States accordingly."

134. If, however, there is no information as to any agreement or other provision in effect in the new State about the devolution of treaty obligations, the letter is on the following lines:

"I am directed by the Secretary-General to refer to multilateral Conventions and Agreements concluded under the auspices of the United Nations as well as to certain Conventions and Agreements which, having been concluded under the auspices of the League of Nations, were subsequently amended by Protocols adopted by the General Assembly of the United Nations. The depositary functions in respect of these instruments are exercised by the Secretary-General.

"It will be noted that certain of these instruments had been made applicable to your country, before it attained independence, by the Government of [the predecessor State], which was then responsible for the foreign relations of [the new State]. In this connexion, I have the honour to call to your attention the practice which has developed regarding the succession of new States to the rights and obligations arising out of multilateral treaties applied in their territory by the States formerly responsible for their foreign relations. Under this practice, the new States generally acknowledge themselves to be bound by such treaties through a formal notification addressed to the Secretary-General by the Head of the State or Government or by the Minister for Foreign Affairs. The effect of such notification, which the Secretary-General, in the exercise of his depositary functions, communicates to all interested States, is to consider the new State as a party in its own name to the treaty concerned as of the date of independence, thus preserving the continuity of the application of the treaty in its territory...

"The Secretary-General would be grateful if you would notify him of the position of your Government in regard to the treaties enumerated in the list referred to above, so that he may inform all interested States accordingly."

C. LISTS OF TREATIES ABOUT WHICH NEW STATES ARE CONSULTED WITH REGARD TO SUCCESSION

135. Each letter of the kind described above contains a list of treaties about which inquiry is made as to succession. This memorandum will now describe the types of treaties which are included in such lists, and the types of treaties not included.

i. *Types of treaties included in the lists*

136. The lists include all the multilateral treaties of the United Nations (with some exceptions, which will be discussed below) which, according to the archives of the Secretariat, were applicable in the territory of the new State before its independence. It likewise includes all the treaties of the League of Nations which have been amended by United Nations protocols, and which were similarly applicable.

137. *Treaties applicable to the territory of the new State.* In ascertaining whether a treaty was applicable in the territory, the terms of the treaty, if any, on territorial application are first examined. Some treaties have territorial clauses providing procedures for extension to dependent territories, and it can readily be

ascertained whether the treaty was extended to the territory in question. Other treaties are limited in their geographical scope; for example, certain League of Nations treaties on opium are limited to the Far Eastern territories of the parties, and the Secretary-General in reply to inquiries by some African States, has informed them that it is impossible for them either to succeed or accede to those treaties. Some United Nations treaties are likewise regional in scope; for example, the Convention regarding the Measurement and Registration of Vessels Employed in Inland Navigation, done at Bangkok on 22 June 1956,²⁸ is open only to States falling within the geographical scope of the Economic Commission for Asia and the Far East, and States outside that area cannot become bound by it.

138. If there is no provision on territorial application, action has been based on the principle, frequently supported by representatives in the General Assembly,²⁹ that the treaty was automatically applicable to all the dependent territories of every party. In the case of such treaties, however, it has occurred that the new State has declined to recognize itself as bound on the ground that the treaty was never promulgated as part of the internal law of the territory (see above under Congo (Leopoldville), para. 74, and under Ivory Coast, para. 83).

139. The relevant question determining the inclusion of a treaty in the list is whether the treaty was applied before independence in the territory of the new State, and not whether the new State, after its independence, would be able to take action to become a party. Thus, for example, in 1957 the Federation of Malaya was consulted about succession to the obligations of the 1949 Agreement for provisional application of the Draft Customs Conventions, which had been extended to Malaya by the United Kingdom under the territorial application clause of the Agreement. The Federation would not have been able to accede to the Agreement, which was open only to the Governments invited to take part in the preparation of the Draft Conventions. The Federation recognized itself bound by the Agreement.

140. Likewise, since 1957 new States, after they have become Members of the United Nations, have been consulted about succession to the obligations of the 1946 Convention on the Privileges and Immunities of the United Nations, and since 1961, to those of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies. The former is open only to Members of the United Nations, and the latter only to members of the specialized agencies; new States (except for the special case of Syria's resumption of independence) do not have such membership on the date of independence, and would thus be unable to accede to the Conventions between the date of independence and the date of acquiring such memberships. Western Samoa, however, which has not applied for membership in the United Nations, was not consulted about succession to the obligations of the 1946 Convention on the Privileges and Immunities of the United Nations; that country was admitted, after independence, as a member of the World Health Organization, and was consequently asked whether it recognized itself as bound by the 1947 Convention on

the Privileges and Immunities of the Specialized Agencies.

141. *Succession to treaty obligations by States with more than one predecessor.* It may occur that the new State has more than one predecessor State. For example, the United Arab Republic succeeded to Egypt as to part of its territory, and to Syria as to the other part; the Federal Republic of Cameroon succeeded to France as to part of its territory, and to the United Kingdom as to the other part; and Somalia succeeded to Italy as to part, and to the United Kingdom as to the other part. In all three cases the internal laws of the two parts remained different after the union, and the law of one part was not extended to the other. In the case of Somalia, and also in certain correspondence with the United Arab Republic about the application of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies, the United Nations Secretariat has taken the view that the new State could succeed to the rights and obligations of any treaty applicable to either part of the country, but only provided that the State recognizes that their application should extend to its entire territory (see para. 103).

142. Some of the States concerned, however, have taken a different view. The United Arab Republic declared in 1958 that the treaties of Egypt and Syria remained "valid within the regional limits prescribed on their conclusion and in accordance with the principles of international law" (see para. 48). Cameroon (see para. 59) and Somalia (see para. 106) recognized that they continued to be bound by international labour conventions, but only within their original territorial limits of application; the International Labour Office has registered declarations to that effect with the Secretariat. Some difficulties may be anticipated from this kind of limited succession, for example, in respect of treaties which are applicable abroad or on the high seas, or which are otherwise impossible to apply on a purely regional basis; the question may also arise whether a State which recognizes itself bound by a treaty in respect of only part of its territory is able to exercise the full rights of a party in taking actions provided for in the treaty or otherwise open only to parties.

143. *Treaties not yet in force.* The lists of treaties sent to new States have since 1958 included not only treaties which are in force, but also treaties which are not yet in force, in respect of which the predecessor State has taken final action to become bound, and to extend the treaty to the territory which has later become independent. France in 1954 ratified and Belgium in 1958 acceded to the 1953 Opium Protocol, which is not yet in force; both countries also notified the Secretary-General of the extension of the Protocol to their dependent territories. Cameroon, the Central African Republic, the Congo (Brazzaville), the Congo (Leopoldville) and the Ivory Coast have recognized themselves as bound by the instruments deposited by their respective predecessors. In March 1960 the United Kingdom ratified the 1958 Conventions on the Territorial Sea and Contiguous Zone, on the High Seas, and on Fishing, which do not contain any territorial application clauses. Nigeria and Sierra Leone have recognized themselves as bound by these ratifications. It may also be mentioned that Pakistan in 1953 spontaneously informed the Secretary-General that it was bound by the action of the United Kingdom in re-

²⁸ E/CN.11/461.

²⁹ See ST/LEG/7, paras. 97-103.

spect of a League treaty which was not yet in force (see paras. 16-17). Where a treaty provides for entry into force after the deposit of a certain number of ratifications or accessions, the question arises whether a declaration that a successor State is bound by its predecessor's action should be counted as equivalent to a ratification or accession for the purpose of entry into force. In a recent circular note announcing the deposit of the twenty-second instrument in respect of the 1958 Convention on the High Seas, the Secretary-General counted the declarations of Nigeria and Sierra Leone toward the number of twenty-two.

ii. *Types of treaties not included in the lists*

144. The exclusion of some treaties from the list is dictated by legal considerations, and that of others by practical considerations. The former class will be examined first.

145. *Constitutions of international organizations.* The Secretary-General is the depositary of the Constitution of the World Health Organization, the Convention on the Inter-Governmental Maritime Consultative Organization, and the International Agreement on Olive Oil, 1956. No new State has been consulted about succession to the obligations of any of these constitutions (except in one case; see para. 98). None of the three treaties contains any provision on succession of States. The WHO Constitution is open for signature or acceptance to Members of the United Nations, and to other States whose applications have been approved by a simple majority vote of the World Health Assembly. The IMCO Convention is open to Members of the United Nations, but new States which are non-members of the United Nations must make an application which requires approval of two-thirds of the members of the Council, other than associate members. The Olive Oil Agreement provides that after entry into force, accession is possible only if the conditions of such accession are determined by agreement between the Council and the Government concerned. It has been considered that these provisions require new States to follow the procedures laid down in the treaties in order to become parties.

146. Nigeria as a dependent territory was an associate member of IMCO, but after independence it became a full member by the deposit of an instrument of acceptance, and not by succession (see paras. 98-99). Syria, upon its resumption of independence, again exercised the rights of membership in all organizations of which it had been a member before the formation of the United Arab Republic, but was informed that in order to become a member of IMCO it would have to take the ordinary measures provided in the Convention, without being able to succeed to the membership of the United Arab Republic (see paras. 122-123). Thus Syria, on re-establishing its independence, reacquired its own rights which existed before the union in respect of international organizations, but did not inherit such rights from the United Arab Republic. It may be noted, however, that Syria adopted a law (see annex, No. 13) by which it declared that it had inherited the memberships in international organizations which the United Arab Republic had acquired during the period of union.

147. On the other hand, when the United Arab Republic was formed in 1958 by the Union of Egypt and Syria, which were both members of WHO, the Re-

public continued without interruption to be a member of WHO (and also a Member of the United Nations).

148. It may be noted that the International Coffee Agreement, 1962,³⁰ of which the Secretary-General is also the depositary, and which establishes the International Coffee Organization, provides in article 67, paragraph 4:

"The Government of a territory to which the Agreement has been extended under paragraph (1) of this Article and which has subsequently become independent may, within 90 days after the attainment of independence, declare by notification to the Secretary-General of the United Nations that it has assumed the rights and obligations of a Contracting Party to the Agreement. It shall, as from the date of such notification, become a party to the Agreement."

149. This provision of course establishes a different procedure from that under the constitutions of the other organizations referred to above.

150. *Treaties that have ceased to be in force or are superseded.* For obvious reasons, no inquiries are made about treaties which, by the date of independence, have ceased to be in force. Furthermore, the 1949 Agreement for Provisional Application of the Draft Customs Conventions is superseded by later agreements, and has been denounced by many of its parties. Though it still has barely enough parties to remain in force, since 1961 new States have not been asked whether they consider themselves bound by it.

151. *Treaties signed, but not ratified, by the predecessor State.* The lists of treaties sent to new States have not included any treaties which have been only signed, but not ratified, by predecessor States. No case has yet arisen in practice in which a new State, in reliance on a signature by its predecessor, has submitted for deposit an instrument of ratification to a treaty. There is considerable practice to the effect that a new State can inherit the legal consequences of a ratification by its predecessor of a treaty which is not yet in force (see para. 143); but it is not yet clear whether the new State can inherit the legal consequences of a simple signature of a treaty which is subject to ratification. The case presents some practical importance, since numerous League of Nations treaties, some of which were signed, but never ratified, by France, the United Kingdom, etc., are not now open to accession by new States,³¹ and new States have sometimes indicated an interest in becoming parties to those treaties. The question of opening those treaties to new States has been referred to the International Law Commission by General Assembly resolution 1766 (XVII).

152. *International instruments relating to GATT.* The Secretary-General does not consult new States about succession to the various protocols and other instruments relating to the General Agreement on Tariffs and Trade, because the Contracting Parties have their own procedure in the matter. After a new State becomes a Contracting Party through the decision of the other Contracting Parties, it makes a notification to the Secretary-General by which it recognizes itself as bound by the various GATT instruments concluded prior to 1 February 1955, of which the Secretary-General is the depositary, and also a notification to the Executive Secretary of the Contracting Parties of

³⁰ E/CONF.42/R.2.

³¹ See A/C.6/L.498 for a list of these treaties.

GATT, who is the depositary of GATT instruments concluded after 1 February 1955.

153. *League of Nations treaties not amended by United Nations Protocols.* When the predecessor State is a party to a League treaty which has been amended by a protocol approved by the General Assembly of the United Nations but that State has not become a party to the protocol, the new State is consulted as to whether it considers itself bound by the League treaty, in order to determine whether the new State should be invited to become party to the protocol (which is open only to parties to the League treaty), or should be invited to become party to the League treaty as amended (which is usually open to, among others, all Members of the United Nations). If, on the other hand, the predecessor State was party both to the League treaty and to the United Nations protocol, the new State is consulted as to whether it considers itself bound by the League treaty as amended.

154. The Secretary-General, however, has not yet of his own accord consulted new States about succession to League treaties which have not been amended, because such action does not seem to be required by General Assembly resolution 24 (I) of 12 February 1946, under which the Secretary-General has functions in respect of those treaties. There would be some legal problems in connexion with such action. In the first place, it would be necessary to establish a list of the League treaties that are still in force, and this would require a study not only of whether each treaty has been denounced by the parties but also whether the treaty can still be executed after the disappearance of the organs of the League, whether the treaty has been superseded among the parties by a new treaty, whether the treaty has fallen into desuetude, etc. Then it would be necessary to draw up a list for each treaty of what States could have succeeded to its rights and obligations, sometimes through several consecutive successions. The General Assembly by resolution 1766 (XVII) has referred to the International Law Commission a problem relating to the unamended League treaties, and possibly at a later stage of consideration the Assembly may request that action be taken to clarify the status of those treaties.

155. When a party to a League treaty has made an inquiry whether a new State regards itself as bound by it, the Secretary-General transmits the inquiry to the new State, unless he has the information already at its disposal.

D. SUMMARY OF ACTIONS BY STATES WITH REGARD TO SUCCESSION TO TREATIES

156. Since 1956, when the practice of inquiring about succession to treaties of the United Nations developed to approximately its present extent, the following States have declared that they continue to be bound by all the treaties about which inquiries were made, or by all treaties made applicable to their territory by their predecessors:

Central African Republic
Congo (Brazzaville)³²
Ivory Coast (except for one treaty not promulgated internally)

³² The Congo (Brazzaville), however, deposited an instrument of accession to one treaty by the obligations of which it could have recognized itself as continuing to be bound.

Ghana³³
Malaya³³
Morocco³³
Nigeria³³
Sierra Leone³³
Syria³³
United Arab Republic.³³

157. The following States have recognized that they continue to be bound by some of the treaties concluded by their predecessors and made applicable to their territories, but have not yet replied with regard to other such treaties:

Cameroon
Congo (Leopoldville)
Cyprus³⁴
Dahomey
Guinea
Madagascar
Mali
Senegal
Tanganyika
Togo
Tunisia.

158. The following States have not yet replied to the inquiries about United Nations treaties, but have declared that they continue to be bound by the obligations of various conventions of the International Labour Organisation:

Chad
Gabon
Somalia
Mauritania.

159. Three States have stated that they are not bound by treaties which contain no territorial application clause, on the ground that before independence those treaties had not been promulgated in internal law (see paras. 74, 83 and 109).

160. Two States have stated that they are not bound by particular League of Nations treaties which contain territorial application clauses and were specifically extended to their territories by their predecessors (see paras. 21 and 22). Those States have, however, declared that they continued to be bound by other such treaties.

161. One State (see para. 30) has not recognized itself as bound by any of the treaty obligations of its predecessor. Another State (see paras. 111-112) has declared to the Secretary-General that it does not consider itself bound by treaties concluded by its predecessor, but has recognized that it continues to be bound by a number of treaties that have other depositaries.

162. As for the procedure by which States recognize that they continue to be bound, most have made formal notifications which, as stated in letters from the Secretary-General (see para. 134), are signed by the Head of State or Government or Minister for Foreign Affairs. A few States, however, have sent communications from an official of the Foreign Ministry or from the Permanent Mission to the United Nations, acting under instructions.

³³ For the agreement or other official text relating to succession by this State, see the annex.

³⁴ *Idem.*

163. States which have recognized that they continue to be bound by treaties concluded by their predecessors have often exercised the rights granted to parties by those treaties and have thus indicated that they consider that they have succeeded to the rights, as well as to the obligations, of parties. Thus, for example, States that have declared that they continue to be bound by the 1949 Convention on Road Traffic have notified the Secretary-General of the distinctive letters selected by them in accordance with paragraph 3 of annex 4 of that convention, and also have considered that they acquire the right of parties at any time to exclude annexes 1 and 2 from their application of the Convention. Moreover, some States which have recognized

that they continue to be bound by the 1951 Convention on Refugees have broadened the scope of its geographical application beyond that given to it by their predecessors, through the exercise of an option granted to parties by the Convention.

164. In general, new States which have recognized that they continued to be bound by treaties have considered themselves bound from the time of their attainment of independence. With regard to international labour conventions, however, it is the custom for new States to consider themselves bound only as of the date on which they are admitted to the International Labour Organisation.

ANNEX

GENERAL PROVISIONS ON DEVOLUTION OF TREATY RIGHTS AND OBLIGATIONS

No. 1. JORDAN

Treaty of Alliance between the United Kingdom of Great Britain and Northern Ireland and the Hashemite Kingdom of Jordan. 22 March 1946 (*United Nations Treaty Series*, vol. 6, p. 144).

Article 8, paragraph 2

Any general international treaty, convention or agreement which has been made applicable to Trans-Jordan by His Majesty the King (or by his Government in the United Kingdom) as mandatory shall continue to be observed by His Highness the Amir until His Highness the Amir (or his Government) become a separate contracting party thereto or the instrument in question is legally terminated in respect of Trans-Jordan.

The Treaty of Alliance of 15 March 1948 (*United Nations Treaty Series*, vol. 77, p. 77) between the United Kingdom and the Hashemite Kingdom of Jordan contains no similar provision, but it was indicated in an exchange of letters of the same date that the omission "does not imply any intention to derogate from the principles set forth in" article 8 of the Treaty of Alliance of 22 March 1946.

The Treaty of Alliance of 1946 was abrogated by an exchange of notes dated 13 March 1957.

No. 2. INDIA AND PAKISTAN

Indian Independence (International Arrangements) Order 1947, promulgated on 4 August (A/C.6/161; *General Assembly, Official Records, Second Session, Sixth Committee*, pp. 308-310, annex 6 c).

The agreement set out in the Schedule to this Order shall, as from the appointed day, have the effect of an agreement duly made between the Dominion of India and the Dominion of Pakistan.

SCHEDULE

Agreement as to the devolution of international rights and obligations upon the Dominions of India and Pakistan

1. The international rights and obligations to which India is entitled and subject immediately before 15 August 1947 will devolve in accordance with the provisions of this agreement.

2. (a) Membership of all international organizations together with the rights and obligations attaching to such membership will devolve solely upon the Dominion of India.

For the purposes of this paragraph any rights or obligations arising under the Final Act of the United Nations Monetary and Financial Conference will be deemed to be rights or obligations attached to membership of the International Monetary Fund and to membership of the International Bank for Reconstruction and Development.

(b) The Dominion of Pakistan will take such steps as may be necessary to apply for membership of such international organization as it chooses to join.

3. (a) Rights and obligations under international agreements having an exclusive territorial application to an area comprised in the Dominion of India will devolve upon that Dominion.

(b) Rights and obligations under international agreements having an exclusive territorial application to an area comprised in the Dominion of Pakistan will devolve upon that Dominion.

4. Subject to articles 2 and 3 of this agreement, rights and obligations under all international agreements to which India is a party immediately before the appointed day will devolve both upon the Dominion of India and upon the Dominion of Pakistan, and will, if necessary, be apportioned between the two Dominions.

No. 3. BURMA

Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of Burma regarding the Recognition of Burmese Independence and Related Matters. Signed at London on 17 October 1947 (*United Nations Treaty Series*, vol. 70, p. 184).

Article 2

All obligations and responsibilities heretofore devolving on the Government of the United Kingdom which arise from any valid international instrument shall henceforth, in so far as such instrument may be held to have application to Burma, devolve upon the Provisional Government of Burma. The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Burma shall henceforth be enjoyed by the Provisional Government of Burma.

No. 4. CEYLON

External Affairs Agreement between the United Kingdom of Great Britain and Northern Ireland and Ceylon. Signed at Colombo on 11 November 1947 (*United Nations Treaty Series*, vol. 86, p. 28).

(6) All obligations and responsibilities heretofore devolving on the Government of the United Kingdom which arise from any valid international instrument shall henceforth in so far as such instrument may be held to have application to Ceylon devolve upon the Government of Ceylon. The reciprocal rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Ceylon shall henceforth be enjoyed by the Government of Ceylon.

No. 5. INDONESIA

Round-Table Conference Agreement between the Government of the Kingdom of the Netherlands and the Government of the Republic of Indonesia: Agreement on Transitional Measures of 2 November 1949 (*United Nations Treaty Series*, vol. 69, pp. 269-270).

Article 5

1. The Kingdom of the Netherlands and the Republic of the United States of Indonesia understand that, under observance of the provisions of paragraph 2 hereunder, the rights and obligations of the Kingdom arising out of treaties and other international agreements concluded by the Kingdom shall be considered as the rights and obligations of the Republic of the United States of Indonesia only where and inasmuch as such treaties and agreements are applicable to the jurisdiction of the Republic of the United States of Indonesia and with the exception of rights and duties arising out of treaties and agreements to which the Republic of the United States of Indonesia cannot become a party on the ground of the provisions of such treaties and agreements.

2. Without prejudice to the power of the Republic of the United States of Indonesia to denounce the treaties and agreements referred to in paragraph 1 above or to terminate their operation for its jurisdiction by other means as specified in the provisions of those treaties and agreements, the provisions of paragraph 1 above shall not be applicable to treaties and agreements in respect of which consultation between the Republic of the United States of Indonesia and the Kingdom of the Netherlands shall lead to the conclusion that such treaties and agreements do not fall under the stipulations of paragraph 1 above.

No. 6. MOROCCO

Diplomatic agreement of 26 May 1956 between the French Republic and Morocco (*Annuaire français de Droit international*, 1956, pp. 133-134).

Article 11

Morocco shall assume the obligations arising out of international treaties concluded by France on behalf of Morocco and out of such international instruments relating to Morocco as have not given rise to observations on its part.

No. 7. GHANA

Exchange of letters of 25 November 1957 between the United Kingdom of Great Britain and Northern Ireland and Ghana (*United Nations Treaty Series*, vol. 287, p. 233).

(i) All obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument shall henceforth, in so far as such instrument may be held to have application to Ghana, be assumed by the Government of Ghana;

(ii) The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to the Gold Coast shall henceforth be enjoyed by the Government of Ghana.

No. 8. FEDERATION OF MALAYA

Exchange of letters of 12 September 1957 between the United Kingdom of Great Britain and Northern Ireland and the Federation of Malaya (*United Nations Treaty Series*, vol. 279, p. 287).

(i) All obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument are, from 31 August 1957, assumed by the Government of the Federation of Malaya in so far as such instruments may be held to have application to or in respect of the Federation of Malaya.

(ii) The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the applica-

tion of any such international instrument to or in respect of the Federation of Malaya are, from 31 August 1957, enjoyed by the Government of the Federation of Malaya.

No. 9. CYPRUS

Treaty between the United Kingdom of Great Britain and Northern Ireland, Greece, Turkey and Cyprus, concerning the Establishment of the Republic of Cyprus. Signed at Nicosia on 16 August 1960 (*United Nations Treaty Series*, vol. 382, p. 8).

Article 8

(1) All international obligations and responsibilities of the Government of the United Kingdom shall henceforth, in so far as they may be held to have application to the Republic of Cyprus, be assumed by the Government of the Republic of Cyprus.

(2) The international rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of their application to the territory of the Republic of Cyprus shall henceforth be enjoyed by the Government of the Republic of Cyprus.

No. 10. NIGERIA

Exchange of letters of 1 October 1960 between the United Kingdom of Great Britain and Northern Ireland and the Federation of Nigeria (*United Nations Treaty Series*, vol. 384, p. 207).

(i) All obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument shall henceforth, in so far as such instrument may be held to have application to Nigeria, be assumed by the Government of the Federation of Nigeria;

(ii) The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Nigeria shall henceforth be enjoyed by the Government of the Federation of Nigeria.

No. 11. SOMALIA

Exchange of letters of 1 July 1960 between the Italian Republic and the Republic of Somalia. (*Bollettino Ufficiale della Repubblica Somala*, year II, Suppl. No. 9 to No. 12 (31 December 1961), p. 6).

With reference to the Treaty of Friendship concluded this day between our two countries, I have the honour to inform Your Excellency as follows:

(1) It is agreed that, upon the entry into force of the aforesaid Treaty, the Government of Somalia shall succeed the Italian Government in all the rights and obligations arising out of international instruments concluded by the Italian Government, in its capacity as the Administering Authority for the Trust Territory, in the name of and on behalf of Somaliland up to 30 June 1960;

(2) In accordance with the purposes and the principle of Article 12 of the Trusteeship Agreement for Somaliland of 27 January 1950, the Italian Government considers itself bound to provide the attached list of the multilateral agreements entered into by Italy before 1950 on humanitarian, social, health, legal and administrative matters and applied to Somaliland.

Upon the accession of Somalia to independence, all responsibilities and all obligations assumed by the Italian Government under these agreements, in so far as they extend to Somalia, shall cease with regard both to the Somali Government and to third States.

This note, the list which accompanies it, and the reply which Your Excellency will kindly send me, shall constitute an agreement between the two Governments and shall form an integral part of the aforesaid Treaty.

Multilateral Agreements entered into by the Italian Government and extended to Somalia

- 30 September 1921—Geneva, Convention for the Suppression of the Traffic in Women and Children;
- 12 September 1923—Geneva, Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications;
- 10 April 1926—Brussels, Convention for the Unification of Certain Rules relating to the Immunity of State-owned Vessels;
- 21 June 1926, Sanitary Convention concerning Protection against Epidemic Diseases;
- 25 September 1926, Geneva, Slavery Convention;
- 7 June 1930—Geneva, Conventions for the unification of the law of negotiable instruments:
- (A) Convention on the Stamp Laws in connection with Bills of Exchange and Promissory Notes, and Protocol;
- (B) Convention providing a Uniform Law for Bills of Exchange and Promissory Notes, with Annexes and Protocol;
- (C) Convention for the settlement of Certain Conflicts of Laws in connection with Bills of Exchange and Promissory Notes, and Protocol;
- 19 March 1931—Geneva, Conventions for the unification of the law of negotiable instruments:
- (A) Convention providing a Uniform Law for Cheques, with Annexes and Protocol;
- (B) Convention for the Settlement of Certain Conflicts of Laws in connection with Cheques, and Protocol;
- (C) Convention on the Stamp Laws in connection with Cheques, and Protocol;
- 13 July 1931—Geneva, Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs;
- 12 April 1933—The Hague, Sanitary Convention for Aerial Navigation;
- 11 October 1933—Geneva, Convention for facilitating the International Circulation of Films of an Educational Character;
- 29 May 1933—Rome, Convention for the Unification of Certain Rules relating to the Precautionary Attachment of Aircraft;
- 24 May 1934—Brussels, Additional Protocol to the Convention for the Unification of Certain Rules relating to the Immunity of State-owned Vessels, signed at Brussels on 10 April 1926;
- 22 December 1934—Paris, International Agreements concerning: (A) The Suppression of Consular Visas on Bills of Health; (B) The Suppression of Bills of Health;
- 31 October 1938—Paris, Convention amending the International Sanitary Convention of 21 June 1926.

No. 12. SIERRA LEONE

Exchange of letters of 5 May 1961 between the United Kingdom of Great Britain and Northern Ireland and Sierra Leone (*United Nations Treaty Series*, vol. 420).

...

(i) All obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument shall be assumed by the Government of Sierra Leone as from 27th April 1961, in so far as such instrument may be held to have application to Sierra Leone;

(ii) The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Sierra Leone shall, as from 27th April 1961, be enjoyed by the Government of Sierra Leone.

No. 13. SYRIA

Legislative Decree No. 25 of 13 June 1962.

Article 1

The obligations assumed under any bilateral international treaty, agreement or convention during the period of the Union with Egypt are considered to be in force in the Syrian Arab Republic until such instrument is amended or denounced by the Syrian Arab Republic or by the other Parties in accordance with its provisions.

Article 2

The obligations assumed under any multilateral treaty, agreement, convention or instrument of participation in an international institution or organization during the period of the Union with Egypt are considered to be in force in the Syrian Arab Republic until such instrument is denounced in accordance with its provisions.

*Appendix***List of full titles and citations of United Nations multilateral treaties referred to by short titles in the memorandum^a**

| <i>Short title</i> | <i>Full title and citation</i> |
|---|--|
| 1904 Agreement on the White Slave Traffic, as amended by the 1949 Protocol | International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, as amended by the Protocol signed at Lake Success, New York, on 4 May 1949. Unamended Agreement: L.N.T.S., vol. I, p. 83, Protocol of Amendment: U.N.T.S., vol. 30, p. 23. Agreement as amended: U.N.T.S., vol. 92, p. 19. |
| 1910 Convention on the White Slave Traffic, as amended by the 1949 Protocol | International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910, as amended by the Protocol signed at Lake Success, New York, on 4 May 1949. Convention as amended: U.N.T.S., vol. 98, p. 101. |
| 1910 Agreement on Obscene Publications, as amended by the 1949 Protocol | Agreement for the Suppression of the Circulation of Obscene Publications, signed at Paris on 4 May 1910, as amended by the Protocol signed at Lake Success, New York, on 4 May 1949. Agreement as amended: U.N.T.S., vol. 47, p. 159. |

^a The treaties are arranged in the chronological order of the short titles used in the memorandum; treaties of the same year are in alphabetical order. In the citations, *United Nations Treaty Series* is abbreviated as U.N.T.S., and *League of Nations Treaty Series* as L.N.T.S.

| <i>Short title</i> | <i>Full title and citation</i> |
|---|---|
| 1912 Opium Convention | International Opium Convention, done at The Hague on 23 January 1912. L.N.T.S., vol. VIII, p. 187. |
| 1921 Convention on the Traffic in Women and Children, as amended by the 1947 Protocol | Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, as amended by the Protocol signed at Lake Success, New York, on 12 November 1947. U.N.T.S., vol. 53, p. 39. |
| 1923 Convention on Obscene Publications, as amended by the 1947 Protocol | Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, concluded at Geneva on 12 September 1923, as amended by the Protocol signed at Lake Success, New York, on 12 November 1947. Convention as amended: U.N.T.S., vol. 46, p. 201. |
| 1925 Agreement on Opium as amended by the 1946 Protocol | Agreement concerning the Suppression of Manufacture of, Internal Trade in and Use of, Prepared Opium, signed at Geneva on 11 February 1925, as amended by the Protocol signed at Lake Success on 11 December 1946. Unamended Agreement: L.N.T.S., vol. LI, p. 337. Protocol of amendment: U.N.T.S., vol. 12, p. 179. Convention as amended: doc. E/NT/1 (Sales No.: 47.XI.3). |
| 1925 Opium Convention, as amended by the 1946 Protocol | International Opium Convention, with Protocol, signed at Geneva on 19 February 1925, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946. Unamended Convention: L.N.T.S., vol. LXXXI, p. 317. Protocol of amendment: U.N.T.S., vol. 12, p. 179. Convention as amended: doc. E/NT/2 (Sales No.: 47.XI.4). |
| 1926 Convention on Slavery, as amended by the 1953 Protocol | Slavery Convention, signed at Geneva on 25 September 1926, as amended by the Protocol opened for signature at the Headquarters of the United Nations on 7 December 1953. U.N.T.S., vol. 212, p. 17. |
| 1926 Convention on Slavery | Slavery Convention, signed at Geneva on 25 September 1926. L.N.T.S., vol. LX, p. 253. |
| 1928 Convention on Economic Statistics, as amended by the 1948 Protocol | International Convention relating to Economic Statistics, signed at Geneva on 14 December 1928, as amended by the Protocol signed at Paris on 9 December 1948. U.N.T.S., vol. 73, p. 39. |
| 1931 Convention on Narcotic Drugs, as amended by the 1946 Protocol | Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, with Protocol of Signature, signed at Geneva on 13 July 1931, as amended by the Protocol signed at Lake Success on 11 December 1946. Unamended Convention: L.N.T.S., vol. CXXXIX, p. 301. Protocol of amendment: U.N.T.S., vol. 12, p. 179. Convention as amended: doc. E/NT/3 (Sales No.: 47.XI.6). |
| 1933 Convention on the Traffic in Women | Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933. L.N.T.S., vol. CL, p. 431. |
| 1946 Convention on the Privileges and Immunities of the United Nations | Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946. U.N.T.S., vol. 1, p. 15. |
| 1946 Protocol on Narcotics | Protocol, signed at Lake Success, New York, on 11 December 1946, amending the Agreements, Conventions and Protocols on Narcotic Drugs concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936. U.N.T.S., vol. 12, p. 179. |
| 1947 Convention on the Privileges and Immunities of the Specialized Agencies | Convention on the Privileges and Immunities of the Specialized Agencies, adopted by the General Assembly of the United Nations on 21 November 1947. U.N.T.S., vol. 33, p. 261. |
| 1947 Protocol on Obscene Publications | Protocol signed at Lake Success, New York, on 12 November 1947, to amend the Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, concluded at Geneva on 12 September 1923. U.N.T.S., vol. 46, p. 169. |

| <i>Short title</i> | <i>Full title and citation</i> |
|---|---|
| 1947 Protocol on the White Slave Trade | Protocol signed at Lake Success, New York, on 12 November 1947, to amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933. U.N.T.S., vol. 53, p. 13. |
| 1948 Convention on Genocide | Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948. U.N.T.S., vol. 78, p. 277. |
| 1948 IMCO Convention | Convention of the Inter-Governmental Maritime Consultative Organization, signed at Geneva on 6 March 1948. U.N.T.S., vol. 289, p. 3. |
| 1948 Protocol on Economic Statistics | Protocol signed at Paris on 9 December 1948, amending the International Convention relating to Economic Statistics, signed at Geneva on 14 December 1928. U.N.T.S., vol. 20, p. 229. |
| 1948 Protocol on Drugs | Protocol signed at Paris on 19 November 1948, Bringing under International Control Drugs Outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success, New York, on 11 December 1946. U.N.T.S., vol. 44, p. 277. |
| 1949 Agreement for provisional application of the Draft Customs Conventions | Agreement providing for the provisional application of the Draft International Customs Conventions on Touring, on Commercial Road Vehicles and on International Transport of Goods by Road, signed at Geneva on 16 June 1949. U.N.T.S., vol. 45, p. 149. |
| 1949 Convention on Road Traffic | Convention on Road Traffic, signed at Geneva on 19 September 1949. U.N.T.S., vol. 125, p. 22. |
| 1949 Protocol on Obscene Publications | Protocol, signed at Lake Success, New York, on 4 May 1949, amending the Agreement for the Suppression of the Circulation of Obscene Publications, signed at Paris on 4 May 1910. U.N.T.S., vol. 30, p. 3. |
| 1949 Protocol on the White Slave Trade | Protocol, signed at Lake Success, New York, on 4 May 1949, amending the International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, and the International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910. U.N.T.S., vol. 30, p. 23. |
| 1950 Agreement on Importation of Educational, Scientific and Cultural Materials | Agreement on the Importation of Educational, Scientific and Cultural Materials, opened for signature at Lake Success, New York, on 22 November 1950. U.N.T.S., vol. 131, p. 25. |
| 1950 Convention on Declaration of Death of Missing Persons | Convention on the Declaration of Death of Missing Persons, established and opened for accession on 6 April 1950 by the United Nations Conference on the Declaration of Death of Missing Persons, U.N.T.S., vol. 119, p. 99. The Convention was extended for ten years after 23 January 1957 by a Protocol. U.N.T.S., vol. 258, p. 392. |
| 1950 Convention on the Traffic in Persons | Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature at Lake Success, New York, on 21 March 1950. U.N.T.S., vol. 96, p. 271. |
| 1951 Convention on Refugees | Convention relating to the Status of Refugees, done at Geneva on 28 July 1951. U.N.T.S., vol. 189, p. 137. |
| 1952 Convention on Importation of Commercial Samples | International Convention to facilitate the Importation of Commercial Samples and Advertising Material, done at Geneva on 7 November 1952. U.N.T.S., vol. 221, p. 255. |
| 1953 Convention on the Political Rights of Women | Convention on the Political Rights of Women, opened for signature at New York on 31 March 1953. U.N.T.S., vol. 193, p. 135. |

| <i>Short title</i> | <i>Full title and citation</i> |
|--|---|
| 1953 Opium Protocol | Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, international and Wholesale Trade in, and Use of Opium, opened for signature at New York on 23 June 1953. Doc. E/NT/8 (Sales No.: 53.XI.6). |
| 1953 Protocol on Slavery | Protocol, opened for signature and acceptance at the Headquarters of the United Nations on 7 December 1953, amending the Slavery Convention signed at Geneva on 25 September 1926. U.N.T.S., vol. 182, p. 51. |
| 1954 Additional Protocol on Tourist Publicity Documents | Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the Importation of Tourist Publicity Documents and Material, done at New York on 4 June 1954. U.N.T.S., vol. 276, p. 191. |
| 1954 Convention on Customs Facilities for Touring | Convention concerning Customs Facilities for Touring, done at New York on 4 June 1954. U.N.T.S., vol. 276, p. 191. |
| 1954 Customs Convention on Private Road Vehicles | Customs Convention on the Temporary Importation of Private Road Vehicles, done at New York on 4 June 1954. U.N.T.S., vol. 282, p. 249. |
| 1956 Customs Convention on Aircraft and Pleasure Boats | Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats, done at Geneva on 18 May 1956. U.N.T.S., vol. 319, p. 21. |
| 1956 Customs Convention on Commercial Road Vehicles | Customs Convention on the Temporary Importation of Commercial Road Vehicles, done at Geneva on 18 May 1956. U.N.T.S., vol. 327, p. 123. |
| 1956 Customs Convention on Containers | Customs Convention on Containers, done at Geneva on 18 May 1956. U.N.T.S., vol. 338, p. 103. |
| 1956 Supplementary Convention on Slavery | Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, done at Geneva on 7 September 1956. U.N.T.S., vol. 266, p. 3. |
| 1957 Convention on Nationality of Married Women | Convention on the Nationality of Married Women, done at New York on 20 February 1957. U.N.T.S., vol. 309, p. 65. |
| 1958 Convention on Fishing | Convention on Fishing and Conservation of the Living Resources of the High Seas, done at Geneva on 29 April 1958. A/CONF.13/38. |
| 1958 Convention on Foreign Arbitral Awards | Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958. U.N.T.S., vol. 330, p. 3. |
| 1958 Convention on the High Seas | Convention on the High Seas, done at Geneva on 29 April 1958. A/CONF.13/38. |
| 1958 Convention on the Territorial Sea and Contiguous Zone | Convention on the Territorial Sea and the Contiguous Zone, done at Geneva on 29 April 1958. A/CONF.13/38. |

DOCUMENT A/CN.4/151

**Digest of the decisions of international tribunals relating to State succession:
study prepared by the Secretariat**

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