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SUCCESSION OF STATES IN RESPECT OF TREATIES

Note by the Secretariat

At the request of the Chairman of the International Law Commission, the Secretariat reproduces below a letter dated 2 July 1974 addressed to the Chairman by the Legal Adviser of the International Labour Office.

Letter dated 2 July 1974 from the Legal Adviser of the International Labour Office addressed to the Chairman of the International Law Commission

I have the honour to refer to the reports of the International Law Commission on the work of its twenty-third session, in 1971, and its twenty-fourth session, in 1972, in both of which the Commission commented on the particular practice of the ILO with regard to State succession in relation to international labour conventions. This practice is referred to on page 64 of the 1971 report and pages 14 and 15 of the 1972 report.

In particular, the 1972 report cited the practice in question as one of the factors that might justify the adoption of a provision reserving "any relevant rules" of international organizations for the purposes of application of the draft articles on succession of States in respect of treaties.

The ILO has always attached great importance to this practice and to its general recognition. I would add that, of the 4,027 ratifications of international labour conventions recorded to date, 736 - emanating from 49 new States - in fact represent, in each case, a confirmation of conventional obligations assumed previously, either on behalf of the territory which the new State constituted before its independence or on behalf of the country of which it formed part before becoming a separate State.

The provisions which will appear in the Commission's final report will doubtless maintain the reservation mentioned above concerning the relevant rule of international organizations. I nevertheless venture to suggest that, in addition, the Commission should agree to mention the particular practice of the ILO in its final commentary, possibly with a reference to the passages from previous reports cited above.

I thank you in advance for your attention and for such steps as you may see fit to take for the information of the Commission's members.

Accept, Sir, the assurances of my highest consideration.

(Signed) F. Wolf

Francis Wolf

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