or of these component territories inter se. These rights and obligations could only be ascertained from the relevant rules of positive law. Under the relevant provisions of the Netherlands East Indies Accountability Act, the properties, benefits and burdens of the Netherlands East Indies, a legal entity, were distinct from those of the Netherlands; the finances of the former were completely separated from those of the latter. This entailed in principle the obligation of the Government of the Netherlands East Indies to pay the salaries of its officials and left no scope for any surety obligation of the Kingdom.

The Court further dismissed the plaintiff’s argument that there was an obligation to give surety or a guarantee attached either to the Kingdom or to the State pursuant to the transfer of sovereignty to the Republic of the United States of Indonesia in 1949.

As a consequence of the transfer of sovereignty, the Court said, the legal person Indonesia, as it had been in existence before under Netherlands rule, ceased to exist because this particular part of the Kingdom was thereby transferred to a new State which then was in the process of taking shape for the first time. It would be a fallacy to hold the point of view of the defendant according to which Indonesia, in its capacity of a legal entity under civil law, simply continued to exist in another form as the Republic of the United States of Indonesia. The question to what extent, by way of succession of States in this particular form, the rights and obligations of a formerly dependent territory pass to the new sovereign State under the general principles of the law of nations required no answer in the present case, because the parties have regulated this matter by express agreement: under Article 4 of their Agreement on Transitional Measures, both parties recognized that all rights and obligations of Indonesia were transferred to and vested in the Republic of the United States of Indonesia. This also applied to the debts in question.

**New Zealand**

*Transmitted by a note verbale dated 28 June 1963 of the Permanent Representative to the United Nations*

**A. TREATIES**

**EXCHANGE OF LETTERS BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF WESTERN SAMOA CONSTITUTING AN AGREEMENT RELATIVE TO THE INHERITANCE OF INTERNATIONAL RIGHTS AND OBLIGATIONS BY THE GOVERNMENT OF WESTERN SAMOA. APIA, 30 NOVEMBER 1962**

(i) All obligations and responsibilities of the Government of New Zealand which arise from any valid international instrument are, from 1 January 1962, assumed by the Government of Western Samoa in so

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1 See section A 1 (c) (i) above.
far as such instrument may be held to have application to or in respect of Western Samoa.

(ii) The rights and benefits heretofore enjoyed by the Government of New Zealand in virtue of the application of any such international instrument to or in respect of Western Samoa are, from 1 January 1962, enjoyed by the Government of Western Samoa.

B. LAWS AND DECREES


Part XII

TRANSPORTAL

Existing law to continue

114. Subject to the provisions of this Constitution—

(a) the existing law shall until repealed by Act, continue in force on and after Independence Day; and

(b) all rights, obligations and liabilities arising under the existing law shall continue to exist on and after Independence Day and shall be recognized, exercised and enforced accordingly; and

(c) proceedings in respect of offences committed against the existing law may be instituted on and after Independence Day in that court, established under the provisions of this Constitution, having the appropriate jurisdiction, and offenders shall be liable to the punishments provided by the existing law.

Existing legal proceedings

119. (1) All legal proceedings pending in the High Court immediately before Independence Day shall, on and after that day, stand transferred to, and be deemed to be pending for determination before, that court, established under the provisions of this Constitution, having the appropriate jurisdiction.

(2) All appeals from the High Court which immediately before Independence Day lay to, or were pending in, any court having jurisdiction to hear such appeals shall, on and after that day, lie to or stand transferred to, and be deemed to be pending for determination before, the Court of Appeal.

(3) Any decision of the High Court or of any court having jurisdiction to hear appeals from the High Court shall have the same force and effect as if it had been delivered or made by the Supreme Court or the Court of Appeal, respectively.

1 Adopted by the Constitutional Convention of the people of Western Samoa on 28 October 1960. Came into force on 1 January 1962, the independence day of Western Samoa, in accordance with article 113 of the Constitution.
Laws not brought into force before Independence Day

121. Where any Ordinance was enacted or made by the Legislative Assembly of the Trust Territory and the coming into force of that Ordinance was suspended; that Ordinance may, on or after Independence Day, come into force on the date specified therein or as may be specified by any authority empowered to bring it into force; and, in such case, the Ordinance shall, on and after that date, take effect as an Act of Parliament.

Adaptation of existing law

122. Where in the existing law reference is made to Her Majesty the Queen in right of the Trust Territory of Western Samoa, to the Crown in right of the Trust Territory of Western Samoa, to the Trust Territory of Western Samoa, to Western Samoa or to Samoa, that reference shall, unless the context otherwise requires, be construed as a reference to Western Samoa.

Vesting of property

123. (1) All property which immediately before Independence Day is vested in Her Majesty the Queen in right of the Trust Territory of Western Samoa or in the Crown in right of the Trust Territory of Western Samoa shall, on Independence Day, vest in Western Samoa.

(2) Subject to the provisions of Clause (3), land which immediately before Independence Day is, under the provisions of the Samoa Act 1921, Samoan land, European land or Crown land shall, on and after Independence Day, be held, under the provisions of this Constitution, as customary land, freehold land or public land, respectively.

(3) All land in Western Samoa which immediately before Independence Day is vested in the Crown in right of the Government of New Zealand shall, on Independence Day, become freehold land held by Her Majesty the Queen in right of the Government of New Zealand for an estate in fee simple.

2. Western Samoa Act, 1961 — An Act to make provision in connection with the attainment of independence by the people of Western Samoa

2. Commencement—(1) Except where this Act otherwise provides, this Act shall come into force at the hour of eleven o’clock in the evening on the first day of January, nineteen hundred and sixty-two, being the time in New Zealand corresponding to the commencement of the first day of January, nineteen hundred and sixty-two, in Western Samoa (that date being the date appointed by the General Assembly of the United Nations for the termination of the Trusteeship Agreement for the Territory of Western Samoa).

(2) The period of twenty-four hours following the commencement of this Act is hereinafter referred to as Independence Day.

Enacted by the General Assembly of New Zealand on 24 November 1961. Came into force on the date of enactment.
3. Independence of Western Samoa—It is hereby declared that on and after Independence Day Her Majesty in right of New Zealand shall have no jurisdiction over the Independent State of Western Samoa.

4. Future New Zealand Acts not to be in force in Western Samoa—No Act of the Parliament of New Zealand passed on or after Independence Day or passed before Independence Day and coming into force on or after Independence Day shall be in force in Western Samoa.

5. New Zealand law to apply as if Western Samoa a member of the Commonwealth—On and after Independence Day all law for the time being in force in New Zealand—that is to say, all law whether it is a rule of law or a provision of an Act of any Parliament or a provision of any other enactment or instrument whatsoever—shall, subject to any express provision to the contrary in that law, and unless express provision to the contrary is subsequently made by the authority having power to alter that law, have the same operation in relation to the Independent State of Western Samoa as it would have if the Independent State of Western Samoa were part of Her Majesty's dominions and a member of the Commonwealth.

6. Citizens of Western Samoa not required to register as aliens—The Aliens Act 1948 is hereby amended by inserting, before section 6 and under the heading "Registration", the following section:

"5A. In sections 6 to 13 of this Act the term 'alien' does not include a citizen of the Independent State of Western Samoa."

3. EXISTING LAW ADJUSTMENT ORDINANCE, 1961—AN ORDINANCE TO MAKE PROVISION FOR THE APPLICATION OF THE EXISTING LAW DEFINED IN ARTICLE 111 OF THE CONSTITUTION OF WESTERN SAMOA

3. Application of Ordinance—The provisions of this Ordinance shall apply to the existing law defined in Article 111 of the Constitution and continuing in force on and after Independence Day as provided in Article 114 of the Constitution.

4. Application of existing law and documents to Western Samoa—(1) Unless inconsistent with the context, in any existing law, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever existing at the commencement of this Ordinance—

(a) references to any office, department, board or corporation shall, in relation to Western Samoa, be read as references to the corresponding office, department, board or corporation in Western Samoa, or, as the case may be, the Court constituted in Western Samoa having appropriate jurisdiction;

(b) powers, duties and functions conferred on any person or department shall, in relation to Western Samoa, be construed as powers, duties, and functions conferred on or to be exercised or carried out by the person or department entrusted with corresponding powers, duties and functions in Western Samoa.

(c) generally, provisions that require modification to make them ap-

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1 Enacted by the Legislative Assembly of Western Samoa on 29 December 1961. Came into force in 1 January 1962.
Applicable to circumstances and conditions for the time being existing in Western Samoa shall, subject to any regulations made under section five hereof, be read with all modifications necessary to apply such provisions to Western Samoa pursuant to Article 114 of the Constitution.

5. Regulations — (1) The Head of State may from time to time by Order in Council make all regulations which may in his opinion be necessary or expedient for giving full effect to the provisions of Article 114 of the Constitution and this Ordinance.

(2) The power conferred on the Head of State by subsection one of this section shall include the power to revoke any regulations made by him or the Council of State or the High Commissioner of Western Samoa before or after the coming into force of this Ordinance.

Nigeria

Transmitted by notes verbales dated 8 October 1962 and 2 April 1963 of the Permanent Mission to the United Nations

A. TREATIES


(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.

B. LAWS AND DECREES

1. Nigeria Independence Act, 1960

1. — (1) On the first day of October, nineteen hundred and sixty (in this Act referred to as "the appointed day"), the Colony and the Protectorate as respectively defined by the Nigeria (Constitution)