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SUCCESSION OF STATES IN RESPECT OF TREATIES

Report of the Secretary-General

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COMMENTS AND OBSERVATIONS OF MEMBER STATES

UKRAINIAN SOVIET SOCIALIST REPUBLIC

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The draft articles on the succession of States in respect of treaties 1/ prepared by the International Law Commission of the United Nations concern a problem which is both important and very complex. They are to become a document bringing together provisions concerning the treaty rights and obligations of States in cases of succession.

The draft articles are designed to be applied to cases and situations of succession in respect of treaties connected with the emergence of States as a result of the collapse of the colonial system and also in cases of the uniting and separation of States. Their provisions embody the right of new independent States freely to decide which of the treaties concluded by the metropolitan country are binding on them. The draft thus takes account of the vital interests and needs of these States, guaranteeing them an opportunity to reject unequal treaties of the colonial type and thereby contributing to the implementation of the principle of self-determination and to the consolidation of their sovereignty.

The text of the draft appears to provide the basis for further work on the preparation of a suitable document in the International Law Commission. Further examination of the draft is all the more necessary in that the wording of some of its provisions are susceptible of different interpretations, in respect inter alia of certain questions of principle which require additional study before the final stage of the work on them. Here, very serious attention must be given to the preservation of the stability of treaty relations and succession of treaty obligations in the light of the sovereign right of new independent States to reject treaties concluded by the former metropolitan countries.

The solution of this problem is linked with the need for a differentiated approach to the various categories of treaties and for account to be taken of the special role, importance and significance of general multilateral treaties of a universal nature in contemporary international law. Since they are a direct result of the development of international co-operation among States with different social and economic systems on the basis of the principles of peaceful coexistence, these treaties embody or reflect the generally accepted principles and rules governing relations among States which should not be disregarded by

1/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 10 (A/9610/Rev.1).

anyone. There is therefore a real need for further work on the provisions concerning the stability and continuance in force of treaties of this kind.

The draft articles on the succession of States in respect of treaties should be submitted to the International Law Commission for further work, with a view to eliminating the present short-comings and problems. This would promote the codification and progressive development of international law.
