

CONCLUSION

Much has been propounded and theorized on the law of State succession. The most significant form of State succession during the last three decades has been the independence of colonies from the colonizing States. It cannot be denied that upon the independence of the colonized States, there has been some form of succession to the treaties entered into by the colonizing States on their behalf, whether by means of unilateral declarations of succession, devolution agreements or by means independent of these two techniques. However, the unsettled question is: what law should govern the succession in fact of these new States to the treaties of their predecessors?

The law of State succession, whether based on the theory of universal succession or the clean slate principle, was evolved prior to the era of decolonization. Hence the dissatisfaction of the newly independent States with the existing rules relating to State succession, especially in regard to treaties, and their call for a reconsideration of such rules.

The crisis of our time, as in earlier times, has been to arrive at a criteria on which to base succession or non-succession to treaties. It is submitted that colonial instincts should not determine succession to treaties. For instance, there must be a rational and legal basis for devolution agreements which purport

to pass to the newly independent States most, if not all, of the treaties of the colonizing State. Nor should purely nationalist sentiments be allowed to dictate the principles governing succession to treaties.

The techniques of devolution, namely, devolution agreements which have been very widely used and unilateral declarations of succession, do not by themselves provide a criteria for the succession of new States to treaties. At the same time, State practice regarding succession to treaties is so varied that no rules of law are discernable. The law of State succession appears to be as "fluid" as ever, if not more so, with the emergence of the newly independent States.

It is the writer's submission that the law and principles governing the succession of States to treaties should be formulated to the end of preserving international order and should be geared to meet the changing needs of an international community. All would be lost if in the process of exercising sovereignty, or the right of self-determination, chaos were to ensue. It is therefore submitted that State practice should, as far as possible, be aligned with international needs, for the preservation of world order.