INTRODUCTION

I THE DEFINITION OF SUCCESSION BETWEEN INTERNATIONAL ORGANIZATIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Introduction</td>
<td>3</td>
</tr>
<tr>
<td>B. Succession in Municipal Law</td>
<td>3</td>
</tr>
<tr>
<td>C. State Succession</td>
<td>5</td>
</tr>
<tr>
<td>D. Succession Between International Organizations</td>
<td>7</td>
</tr>
<tr>
<td>1. The Characteristics of an International Organization</td>
<td>7</td>
</tr>
<tr>
<td>2. The Concept of Succession as Applied to International Organizations</td>
<td>10</td>
</tr>
</tbody>
</table>

II THE FORMS OF SUCCESSION BETWEEN INTERNATIONAL ORGANIZATIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Introduction</td>
<td>13</td>
</tr>
<tr>
<td>B. Replacement</td>
<td>16</td>
</tr>
<tr>
<td>1. The Replacement of the League of Nations by the United Nations</td>
<td>16</td>
</tr>
<tr>
<td>2. The Replacement of the International Commission for Air Navigation by the International Civil Aviation Organization</td>
<td>19</td>
</tr>
<tr>
<td>3. The Replacement of the International Institute of Agriculture by the Food and Agriculture Organization</td>
<td>20</td>
</tr>
<tr>
<td>4. The Replacement of the Office International d’Hygiène Publique by the World Health Organization</td>
<td>22</td>
</tr>
</tbody>
</table>
SUCCESSION BETWEEN INTERNATIONAL ORGANIZATIONS

5. The Replacement of the International Institute of Intellectual Co-operation by the United Nations Educational, Scientific and Cultural Organization

6. The Replacement of the East African Common Services Organization by the East African Community

C. Absorption

D. Merger
1. The Merger of the European Launcher Development Organization and the European Space Research Organization to Form the European Space Agency
2. The Merger of the African and Malagasy Organization for Economic Cooperation and the Union of African and Malagasy States to Form the African and Malagasy Common Organization

E. Separation
1. The Separation of the International Labour Organisation from the League of Nations
2. The Separation of the Arab League Educational, Cultural and Scientific Organization from the League of Arab States
3. The Separation of the United Nations Industrial Development Agency from the United Nations

F. Transfer of Specific Functions
1. The Transfer of the Social and Cultural Functions of the Western European Union to the Council of Europe
2. The Transfer of Functions Relating to the Study of Natural Disasters from the International Relief Union to the United Nations Educational, Scientific and Cultural Organization

G. Conclusions
III THE LEGAL BASIS OF SUCCESSION BETWEEN INTERNATIONAL ORGANIZATIONS

A. Introduction

B. Conventional Succession

1. Methods Used When Memberships are the Same
   (a) Constitutional Provisions
   (b) Implied Succession

2. Methods Used When Memberships are Different
   (a) The Dissolution of International Organizations
      (1) Dissolution Provisions in Constitutions
      (2) Withdrawal of Members
      (3) Agreements between Members
      (4) Resolutions of Organs of the Organizations
      (5) Conclusions Regarding Dissolution
   (b) Transfer of Functions and Assets
      (1) Agreements Between the Predecessor and Successor Organizations
         (i) Formal Agreements
         (ii) Informal Agreements
      (2) Agreements between States
         (i) Treaties and Declarations Conferring Jurisdiction on the Permanent Court of International Justice
         (ii) The Narcotic Drug Conventions of 1912, 1925, 1931 and 1936
         (iii) The Conventions on the Suppression of Traffic in Women, Children and Obscene Publications of 1921, 1923 and 1933
         (v) The International Sanitary Conventions of 1926 and 1933
         (vi) The Conventions Relating to Food and Agriculture
         (vii) The International Labour Conventions

3. Conclusions Regarding Conventional Succession

C. Automatic Succession

1. The 1950 Advisory Opinion on the Status of South West Africa
2. Views Critical of the 1950 Advisory Opinion
<table>
<thead>
<tr>
<th>Succession Between International Organizations</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Judge Read</td>
<td>62</td>
</tr>
<tr>
<td>(b) Judge McNair</td>
<td>63</td>
</tr>
<tr>
<td>(c) Manley O. Hudson</td>
<td>65</td>
</tr>
<tr>
<td>(d) Judges Badawi, Basdevant, Hso Ho, Armandé Ugon and Moreno Quitana</td>
<td>66</td>
</tr>
<tr>
<td>(e) Judges Spender and Fitzmaurice</td>
<td>66</td>
</tr>
<tr>
<td>(f) Judge Van Wyk</td>
<td>67</td>
</tr>
</tbody>
</table>

3. Views Supporting the 1950 Advisory Opinion | 68   |
| (a) Judge Alvarez                            | 68   |
| (b) Judge Lauterpacht                        | 68   |
| (c) Sir Gerald Fitzmaurice                   | 69   |

4. The 1971 Advisory Opinion on the Continued Presence of South Africa in Namibia | 70   |

5. Dissenting Opinion of Judge Fitzmaurice to the 1971 Advisory Opinion | 72   |

6. Conclusions | 74   |

**IV THE EFFECTS OF SUCCESSION BETWEEN INTERNATIONAL ORGANIZATIONS | 78**

A. Introduction | 78   |
B. Functions | 78   |
   1. Types of Functions Transferred | 78   |
   2. Limitations on the Exercise of the Transferred Functions | 79   |
C. Treaties | 83   |
D. Assets | 85   |
   1. Immovable Property | 85   |
   2. Movable Property | 86   |
   3. Funds | 87   |
      (a) Contributions of the Member States | 87   |
      (b) Proceeds of the Sale of Movable and Immovable Property | 88   |
      (c) Special Funds Administered by the Organization | 89   |
4. Distribution of Assets | 91   |
   (a) The League of Nations | 91   |
   (b) The International Commission for Air Navigation | 92   |
   (c) The International Institute of Agriculture | 93   |
E. Liabilities | 93   |
CONTENTS

F. Subsidiary Institutions 94
G. Employees 95

V GENERAL CONCLUSIONS 97

NOTES 101

BIBLIOGRAPHY 152

INDEX 181

INDEX OF CASES 185