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TREATY ACCEPTANCE IN THE AFRICAN STATES

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I. INTRODUCTION

Treaty-making has become the most important norm-creating process in the contemporary international legal order. Like most new countries, the African states[1] view their participation in this process as a symbol of their equality with their erstwhile colonial masters and as the end of Western monopoly over the international legislative process.[2]

This attitude seems to suggest that once the principle of equal participation is realized, the next step, acceptance and implementation of the treaties, would follow without much ado. The African treaty record does not seem to reflect this logic, however. The fate of particular treaties has often been determined by factors unrelated to the African states' general attitude toward treaty making.

This article looks at the problems of treaty acceptance[3] and treaty implementation in these states.[4] On the basis of this examination, it proposes strategies which could be adopted to improve the African treaty record.

Differences in colonial and post-independence experiences have resulted in some basic internal differences in the constitutive and value structures of the various African states. Admittedly, their attitudes toward some international problems reflect these differences; but they nevertheless show a fairly common pattern of behavior with respect to certain basic issues, for example, freedom and independence, non-alignment, and economic development.[5] This common attitude extends to acceptance and implementation of today's vast complex of multilateral treaties.

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1. The term "African States" used in this paper does not include Rhodesia and South Africa.

2. *See generally* Detter, *The Problem of Unequal Treaties*, INT'L & COMP. L.Q. 1069-89 (1966). *See also* Abi-Saab, *The Newly Independent States and the Rules of International Law: An Outline*, 8 How. L.J. 95-127 (1962); Anand, *Attitude of the Asian-African States Toward Certain Problems of International Law*, 15 Int'L & COMP. L.Q. 55-75 (1966).

3. The term "acceptance" refers in this paper to any manner by which a state expresses its consent to become a party to a treaty.

4. It should be mentioned at the outset that one problem in a study of this kind is the scarcity of relevant materials and documentation. Statements which accompany acceptance or non-acceptance of a treaty may sometimes not clearly articulate the reasons behind the particular decision.

5. Nkrumah, *African Prospect*, 37 FOREIGN AFFAIRS 46 (1958).

The relevant multilateral treaties can be roughly divided into three main categories. The first group includes the so-called constitutive treaties, for example the U.N. Charter, the Articles of Agreement of the International Bank for Reconstruction and Development, and the General Agreement on Tariffs and Trade. Strictly speaking, these treaties do not raise problems of acceptance, because accession to them automatically creates membership obligations entailing alteration of any aspect of the municipal legal system inconsistent with the treaty obligations.

Falling into the second category are treaties of a non-political, technical nature in which international co-operation is desirable to safeguard standards or procedures which are enforceable *inter partes*. This group includes treaties dealing with privileges and immunities, the Law of the Sea, and economic matters. These treaties generally create obligations of an external nature. For example, accession to the Convention on the Settlement of Investment Disputes results in international obligations which run from the adopting state to other states which are parties to the convention. Disregard of these obligations amounts to an international delinquent act, and the offended state may bring an international claim.

Treaties in the third category create obligations of a completely different nature. These require some fundamental structural change in the adopting state's internal legal order. Human rights treaties and ILO Conventions fall within this category. States party to such treaties usually undertake to create a legal regime within the municipal legal order which gives effect to the treaty obligations. Duties arising from treaties of this sort are generally owed to persons residing within the municipal legal system. Breaches of this type of treaty obligation do not, as a rule, give other parties to the treaty a right to bring an international claim; but the breach may give a local resident the right to bring a municipal cause of action.

These different types of treaties raise different problems of implementation. The decision whether to accede to or ratify a particular treaty will, therefore, be influenced by the implications accession or ratification may have for the internal legal order of the accepting state.

II. ACCEPTANCE OF TREATIES CONSTITUTING MEMBERSHIP IN INTERNATIONAL ORGANIZATIONS

Treaties under the first category have not raised significant problems of acceptance. In a majority of cases, the decision to join a particular organization has been based on whether membership in the organization is beneficial to the national interest, and whether membership will not compromise the state's political independence. Most African states have become parties to such treaties as the U.N. Charter, the General Agreement on Tariffs and Trade, the OAU

Charter, and the Articles of Agreement of the African Development Bank. They have, however, shown reluctance to become parties to other constitutive treaties if membership would compromise or appear to compromise their political independence.[6]

The common attitude of the African states toward acceptance and implementation of constitutive treaties appears in their position on the compulsory jurisdiction clause of the International Court of Justice. As of December 31, 1971, only one-third of the members of the United Nations had made declarations recognizing the compulsory jurisdiction of the Court.[7] With the exception of Europe, the African states had the highest number of declarations.[8] The African states are committed to the judicialization of international disputes and will, therefore, support the creation of norms which define a clear legal policy in this direction. Lacking military and economic power, they have consciously worked for the transformation of traditional international law into a law of protection, that is, a law which will protect weaker states against the overwhelming might of stronger ones. This attitude was reflected in their resort to the International Court of Justice over the Namibia issue and to the United Nations Security Council over the Rhodesia issue.

III. TECHNICAL COOPERATION TREATIES OF A NON-POLITICAL NATURE

With the exception of the 1951 Convention Relating to the Status of Refugees,[9] African states have shown more willingness to accede to or ratify non-political technical cooperation treaties than those falling into the third category. Indeed, the African states' record of accepting technical treaties is slightly better than the record of the Asian or Latin American states.[10]

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6. This is the position which a majority of the former British colonies have in the past taken to their relationship with the European Economic Community. The East African countries, for example, have adopted a policy of signing periodic agreements with the E.E.C. dealing with specific aspects of international trade rather than committing themselves to associate membership. Most of the former French colonies have, however, for reasons which may have to do with their relationship with France, chosen a more formal relationship with the E.E.C.

7. United Nations, Multilateral Treaties in Respect of Which the Secretary-General Performs Depositary Functions 10-24, U.N. Doc. ST/LEG/SER. D/5 (1971) [hereinafter cited as Status of Multilateral Treaties].

8. *Id.*

9. 189 U.N.T.S. 137.

10. The following figures on accessions as of December 31, 1971 are illustrative of this point:

(1) 1946 Convention on the Privileges and Immunities of the United Nations; African States: 30; Asian States: 22; Latin American States: 20.

(2) 1961 Vienna Convention on Diplomatic Relations; African States: 34; Asian States: 22; Latin States: 20. Status of Multilateral Treaties, *supra* note 7, at 33-37, 47-53.

This fact leads to the central goal of this paper; to determine what are the main factors influencing the national decision-makers in the African states in deciding whether to accede to a particular treaty. More specifically, this paper seeks to discover whether the decision-making process is more influenced by the substance of the treaty or by the complexities of the procedural requirements necessary to give a particular treaty domestic legal force.

A recent United Nations Institute for Training and Research (UNITAR) study on treaty acceptance[11] suggested that one of the main factors militating against wider acceptance of U.N. multilateral treaties is the problem of procedure. The study noted that the highly technical nature of some of these treaties and the lack of legal personnel in most developing countries have slowed down the process of treaty acceptance and implementation. Although the African states suffer from this disability, some of them have been quick to accede to certain types of treaties irrespective of their technical nature. For example, the rather complex treaties dealing with economic cooperation and development have been widely accepted.[12]

The explanation frequently given this writer in his discussions with a cross-section of African treaty officers was that a state's attitude toward a particular treaty hinged upon the national interest of the acceding state. A treaty which tends to maximize a particular state's value position has a great chance of acceptance regardless of the procedural difficulties it entails. Specifically, three reasons were given for the relatively common acceptance of technical treaties. First, these treaties generally deal with matters which are of benefit and interest to the African states. Second, given the non-political nature of these treaties, acceptance usually does not compromise a particular state's political position. Third, most of these treaties do not involve extensive structural changes in the municipal legal structure, and the African states are correspondingly more willing to accede to them than to those treaties which entail extensive structural changes.[13]

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11. UNITAR, TOWARD WIDER ACCEPTANCE OF U.N. TREATIES (1971) [hereinafter cited as UNITAR STUDY].

12. As of December 31, 1971, 22 African states had acceeded to the General Agreement on Tariffs and Trade. Status of Multilateral Treaties, *supra* note 7, at 195.

13. An exception to this suggestion is, as stated elsewhere, the wide acceptance of the 1951 Convention Relating to the Status of Refugees. This has primarily been due to the role which the Organization of African Unity played with respect to this particular treaty. Under Resolution AHG/RES. 26(11) of 1965, the African Heads of State and Government requested ". . . member states of the Organization of African Unity, if they have not already done so, to ratify the United Nations Convention Relating to the Status of Refugees and to apply meanwhile the provisions of the said convention to refugees in Africa." REPORT OF THE ADMINISTRATIVE SECRETARY-GENERAL

The substantive aspects of the particular treaty and its overall impact on the state's value position substantially influence its prospects of being adopted. The acceptance pattern to the 1965 Convention on the Transit Trade of Land-locked Countries provides a good illustration of this point.[14] Of the ten African states[15] which had ratified or acceded to it as of December 31, 1971, nine were land-locked. Apparently, the decisions to ratify were made primarily because the provisions of this convention were of direct interest to those states. Contrast that record with the attitude of the same ten states toward the Law of the Sea Conventions, to which only three of the ten have acceded.[16]

IV. TREATIES NECESSITATING STRUCTURAL CHANGES IN MUNICIPAL LAW

The third category of treaties raises special problems of acceptance. In the first place, accession to treaties falling under this category create obligations of an internal nature. The state party to the convention undertakes to accord a certain standard of treatment to persons within its national jurisdiction. Such an undertaking may be seen by the national decision makers as a challenge to the concept of national sovereignty.

Secondly, acceptance of these treaties usually implies that the accepting state must alter some aspects of its municipal legal system in order to carry out its obligations under the treaty. The decision to accede to such a treaty may, therefore, be seen as a surrender of some amount of sovereignty. In most of these treaties though, especially in the human rights field, measures for giving effect to the treaty are left to the discretion of the particular state. Others, however, like the Genocide Convention, require party states to enact the necessary legislation to give effect to the provisions of the convention. Under the International Convention on the Elimination of All Forms of Racial Discrimination, for example, party states undertake to ensure, among other things, that all public authorities will act in conformity with the goals of the convention. They must further undertake to change any laws contrary to the spirit of the convention. Such treaties, therefore, create obligations whose execution may lead to political and legislative difficulties in the municipal legal order.

The African states have generally been slow to accept treaties falling under this category. With the exception of the 1951 Conven-

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FOR MEETING OF THE OAU COMMISSION ON REFUGEES HELD IN ADDIS ABABA 17-23 June 1968.

14. 597 U.N.T.S. 3.

15. Burundi, Chad, Lesotho, Malawi, Mali, Niger, Nigeria, Rwanda, Swaziland, and Zambia. Status of Multilateral Treaties, *supra* note 7, at 206.

16. Malawi has acceded to all the four conventions, Nigeria to three, Swaziland to one. *Id.* at 371-91.

tion Relating to the Status of Refugees, their acceptance record is not spectacular. The plight of refugees in Africa had been of particular concern to many African states. Most were faced with complex problems of integrating these refugees; and acceptance of the 1951 convention was seen as an inducement to create machinery to integrate the refugees and also to facilitate the flow of aid from international humanitarian agencies.

The prevalence of this national interest approach is accentuated by the fact that no single African state has signed the 1961 Convention on the Reduction of Statelessness.[18] Since the goal of the convention is to prevent the adoption of national measures which lead to loss of nationality and to oblige parties to the convention to grant nationality to certain stateless aliens, its acceptance may appear to endanger the internal value structure of the accepting state by adding to the already complicated ethnic composition of most of the African states.

V. MEASURES TO INCREASE TREATY ACCEPTANCE

Widespread acceptance of a particular treaty depends on its structure and substance, on the municipal legal order of the accepting state, and on the role of the international organization under whose auspices it is adopted.

A. *Structural and Substantive Provisions of the Treaty*

The structure of a treaty and its substantive provisions ordinarily influence the response it is accorded by national decision makers. Consequently, care should be taken during the negotiating and drafting stages of preparing a treaty to ensure that the final text is drafted to leave no doubt as to the treaty's scope and the implications of acceding to it.

Several measures to widen treaty acceptance have been suggested elsewhere and will not be repeated here.[19] In addition to these measures, it is suggested that treaties, like domestic statutes, ought to be drafted in such a manner that they can be more readily understood. A brief abstract of the main provisions of the treaty and its legislative history might be useful. In some countries, the question of treaty acceptance may lead to considerable political controversy within the municipal political order. Even where treaty acceptance does not require legislative approval, the executive may find it politically necessary to submit the treaty to the legislature for discussion. This is usually the case where the treaty calls for extensive change

17. General Assembly Resolution 2106 (XX) of December 21, 1965. Text of the convention may be found in 20 U.N. GAOR, Supp. 14, at 47, U.N. Doc. A/6014 (1965).

18. U.N. Doc. A/Conf.9/15 (1961). Status of Multilateral Treaties, *supra* note 7, at 107.

19. UNITAR STUDY, *supra* note 11, at 41-92.

in municipal law or where it creates municipal causes of action. In such a situation, the executive ought to be able to explain fully the meaning and implications of the treaty.

Moreover, a system of weighted obligations ought to be introduced in multilateral treaties, providing that obligations under a particular treaty ought to be measured against the ability of countries at various levels of administrative and economic development to carry out their treaty obligations. While it is true that most multilateral treaties have attempted to meet this problem by allowing states to make reservations to those provisions of a treaty they are unable or unwilling to carry out, these reservations generally relate to the less important provisions of a treaty.[20]

B. *National Measures to Facilitate Acceptance*

Generally speaking, the African states do not face problems of acceptance peculiar to Africa. Although the decision to accept a treaty is based on maximization of the particular country's international position, it may additionally be influenced by a realization that a reputation of constant non-acceptance of treaties can weaken a country's international position and undermine its credibility in the eyes of other members of the international community.

As the UNITAR study noted, the question of administrative arrangements in the municipal legal system, the question of implementation legislation, and the problem of the absence of specialized personnel all may determine a state's ability to arrive at an early decision on whether to accede to a treaty. This decision becomes even more difficult when acceptance of the treaty requires changes in the municipal legal order, imposes financial obligations on the state, or creates municipal causes of action.

In most former English colonies, for example Tanzania, a treaty must be given domestic legal force by means of legislative enactment.

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20. In the past the State Department has observed that:

> It is the express policy of the United States in its current FCN treaty program to follow two basic models of treaties, one designed for developed or semi-developed states and the other for states at a low level of administrative and economic development.

Hearings on Treaties of Friendship, Commerce, and Navigation with Israel, Ethiopia, Italy, Denmark, Greece, Finland, Germany, and Japan Before the Subcommittee of the U.S. Senate Committee on Foreign Relations, 83d Cong., 1st Sess. (1953). The State Department approach suggested here could be applied to the structuring of multilateral treaties. Such an approach would provide a high level of predictability with regard to the chances of a particular treaty gaining wide acceptance and would ensure that heavy burdens would not be imposed on states at a low level of development. A treaty regulating exploitation of ocean resources beyond the limits of national jurisdiction might, for example, allow a coastal state at a low level of economic development to appropriate a certain percentage of such resources for national development while denying a developed coastal state such a right.

In a country where there is a strong opposition element in the national legislature, this requirement may negatively effect the executive in deciding whether to accept a treaty. This writer was informed by a representative of one country that whenever there was a possibility that the executive would be unable to push implementing legislation through the national legislature, the executive in most cases decided not to accede to the treaty, since subsequent inaction would weaken the country's international standing.

One way of circumventing this problem is to include members of the opposition element in the delegation to the conference at which the treaty is negotiated and adopted. If possible, these delegates should be nominated by the government with the full approval of the various political groups they represent. Alternatively, the opposition groups themselves could be invited to nominate conference representatives. The opposition element would then attend the conference fully briefed on the provisions it would like to see in the treaty. If the government delegates took the opposition's viewpoint into account, the government should then be able to convince the oppositon leadership not to impede unnecessarily implementation of the treaty.

The executive may additionally adopt the strategy of wide publicity for the proposed treaty so that the public may express its views through the mass media. The government would then be in a position to attend the adoption conference with something resembling a national mandate. This strategy may be particularly necessary for treaties which have significant political and economic overtones, for example, those dealing with the breadth of the territorial sea or the control of ocean resources beyond the limits of national jurisdiction. If the outcome of the conference bears close resemblance to the public position on the issue, the government should be in a strong position to accept the treaty without the fear of a subsequent rebuff in the legislature.

In some African countries the legislature has delegated to the executive the authority to implement treaties, enabling the executive to accede to treaties more easily. Tanzania offers an interesting case in point. Tanzanian law provides that any treaty to which Tanzania becomes a party must be put before the National Assembly to give it domestic legal force.[21] The executive has developed the practice, however, of implementing some agreements, for example commercial and economic co-operation agreements, without legislative approval. The legislature has retained its competence to examine agreements which may give rise to municipal causes of action or which call for extensive local transactions. The legislature also enacts subsequent

21. *See generally* E. SEATON & S. MALITI, TANZANIA TREATY PRACTICE (1971).

implementing legislation for this type of treaty.[22]

In some cases, treaty acceptance has been facilitated by means of enabling legislation giving the executive power to put a treaty provision into effect without legislative approval.[23] Such legislation enables the executive to implement its international obligations expeditiously and makes it easier for the state to accede to international agreements. This practice could usefully be adopted by other African states, especially in those states where a single political party dominates the legislature.

C. *International Organizations Under Whose Auspices the Treaty is Adopted*

The international organization under whose auspices a particular treaty is adopted can play a crucial role in the fate of the treaty. The UNITAR study, referred to above, outlined several methods which the United Nations employs to facilitate wider acceptance of multilateral treaties.[24] These techniques have been applied equally to all members of the United Nations. No special method has seemed appropriate for African states. However, in view of the relatively recent appearance of the African states on the international scene and the obvious preoccupation of Africa's few expert personnel with other pressing matters of state, a strong case may be made for more emphasis on the "promotional approach" in Africa. Thus, the Department of Public Information of the U.N. Secretariat, together with the Treaty Division of the U.N. Office of Legal Affairs, could explore the possibility of establishing a strong regional center in Africa to disseminate treaty information. The center would be responsible for regularly disseminating information to African governments on the status of various treaties for which the Secretary-General acts as a depositary, as well as informing these governments of the nature of reservations to treaties and transmitting the accompanying statements on such reservations.[25]

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22. The 1967 Treaty for East African Co-operation establishing the East African Community and the Tanzania-Zambia Railway Authority Agreement were, because of their far-reaching implications for the domestic legal and political process, submitted to the National Assembly for implementation.

23. Section 12 of the East African Income Tax Management Act 1952 and Section 6 of the Customs Tariff Act 1968 empower the Tanzanian minister in charge of income tax matters and customs to exempt certain foreign persons from paying income tax and customs duties without legislative approval. The policy behind these statutes is to enable the minister to carry out certain international obligations without recourse to the legislature.

24. Among such methods are promotion, reporting, servicing, and revision of treaties; *see supra* note 11, at 15-17.

25. Although the U.N. Secretary-General publishes his annual Status of Multilateral Treaties, *supra* note 7, this report has a very limited readership and does not reach many influential opinion leaders in the African states.

Such a center could be built around the existing Information Division of the U.N. Economic Commission for Africa. The various sub-regional United Nations information centers in Africa could also be utilized for the purpose of disseminating the information. Moreover, the United Nations could also explore the possibility of cooperation or joint action with the Legal Office of the OAU Secretariat.

Another method included under the "promotional approach" could be the convening of more regional seminars of African legal officers. The UNITAR/UNESCO Seminar for Young African Specialists in Public International Law held in Dar es Salaam in 1967 and the UNITAR Regional Symposium in Internatonal Law for Africa held in Accra in 1971 were welcome innovations in this respect. At these seminars care should be taken to select fairly senior legal officers in foreign ministries or justice departments whose responsibilities include making decisions on treaties.

Finally, the training of legal personnel responsible for treaty matters and international law in general should be given high priority. The UN/UNITAR Fellowship Program in International Law, with its emphasis on a period of practical training in the legal offices of the United Nations and the other specialized agencies, is a positive development in this direction. This positive approach could be complemented by the creation of a viable African Institute of International Law,[26] and also by the creation and funding of chairs of International Law in Selected African Universities by the United Nations and UNESCO.[27] Long-term and short-term refresher courses for African legal officers could be organized by these universities.

The Organization of African Unity (OAU) and the various sub-regional organizations in Africa might also play a useful promotional role in facilitating wider acceptance of multilateral treaties. The OAU played a very important role in securing wide acceptance of the 1951 Refugees Convention, for example. The organization could play a similar role in those treaties which, like the Refugees Convention, evince a wide community of interest among African states. Wider acceptance of treaties dealing with economic matters like the 1958 Convention on the Recognition and Enforcement of Foreign Arbital Awards and the 1966 World Bank Convention on the Settlement of Investment Disputes could be stimulated by OAU activity in their behalf.

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26. In this connection, more support should be given by the U.N. and other international organizations to the African Institute of International Law established at Lagos with regard to both recruitment of teaching staff and research facilities. A rejuvenated and more active Institute could play a useful role in a number of areas including the publication of a comprehensive African Yearbook of International Law.

27. Discussion on this question has been going on for a considerable time between various African governments, universities, and UNESCO.

These two treaties, especially the latter, are of great importance to the African states. Because of the implications of the World Bank Convention, however, some African states have been slow in accepting it. The OAU Legal Office together with the Commission of African Jurists could play a useful role in researching the implications of treaties of this type on national decision-making and could also look into the possibility of a collective African approach. A state party to the World Bank Convention, because of the guarantees which the convention provides to the foreign investor, may be in a position to attract foreign investment at the expense of a state which is not party to the Convention. This would consequently appear to be one area in which the OAU and the African Development Bank together could play a useful role in promoting some kind of collective approach. It is, therefore, suggested that the OAU encourage the Commission of African Jurists to pioneer studies on all aspects of international law which are relevant to Africa. The Legal Department of the OAU should also be strengthened. These two institutions might jointly bring out certain publications, especially an African Treaty Series, which would provide more information to African governments and scholars on the status of those treaties which are of interest to African states.

Sub-regional organizations could also play a part in facilitating treaty acceptance. The various states comprising these organizations may find it useful to work collectively, or at least to consult with each other to discuss the implications on all other member states of one state becoming a party to a particular treaty. Members of the East African Community have already found it useful to adopt a common approach to certain types of treaties.[28]

VI. CONCLUSIONS

This survey of the problems of treaty acceptance in Africa and possible solutions to some of these problems indicates that the African states desire to play a positive role in the structuring of a new international legal order. This has been amply demonstrated in their less than two decades of independence in such arenas as the U.N. General Assembly, the U.N. Sixth Committee, the International Law Commission, and in major U.N. conferences on the law of treaties, trade and development, and the human environment. They will no doubt participate actively at the coming Conference on the Law of

28. Since 1967, the East African countries of Kenya, Uganda and Tanzania have collectively negotiated their agreements with the European Economic Community. Tanzania and Zambia have also found it useful to coordinate their negotiations with China over the Tanzania-Zambia Railway and with the World Bank over the Tanzania-Zambia Road. A similar approach has also been taken by some of the French speaking countries in their negotiations with the European Economic Community.

the Sea and subsequent conferences.[29] Together with the rest of the developing world, they are seeking the creation of an international law of protection and cooperation.

The extent to which they are willing to accept the new legal norms embodied in the various multilateral treaties and make efforts to implement them in their domestic legal structures depends on whether they feel that these new norms are founded on values consistent with their national aspirations. Thus, where these states feel that their aspirations are being recognized, they have been more than willing to become parties to multilateral treaties. Their acceptance record with respect to the 1951 Convention Relating to the Status of Refugees is a case in point. Consequently, the developed states may have to concede that contemporary international law reflected in these multilateral treaties must reflect values in addition to those founded on Western Christian civilization.[30] They may also have to concede that the low level of administrative, social, and economic development of theseAfrican states prevents these states from being able or willing to meet some international treaty obligations. These realities must be taken into account in treaty-making.

Pointing out these problems is not to suggest that the developed countries have a duty to go more than halfway in their dealings with the developing world. Rather, it is suggested that the international legal system, as it is presently structured, is too heavily weighted in favor of the developed countries. By making the minimum concessions suggested here, the developed countries may assist in correcting the existing imbalance.

Admittedly, the developed countries have, during the past two decades, made some concessions. They have, however, been rather slow to make meaningful concessions in basic areas. The history of the three UNCTAD conferences illustrates the point. Meaningful dialogue and proper negotiation over the whole range of international agreements comprising today's conventional law, with a view to arriving at principles and policies mutually beneficial to the developed and the developing countries, is essential. In the final analysis, the African treaty record will depend primarily on the extent to which treaty law accounts for the aspirations of the African states.

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29. For a more detailed discussion of the role which the African states have played in the development of contemporary international law, *see generally* T. ELIAS, AFRICA AND THE DEVELOPMENT OF INTERNATIONAL LAW (1972).

30. The reluctance of the developing states in general and African states in particular to accept international law as presently structured was one of the most controversial issues at the first U.N. Regional Symposium in International Law for Africa held in Accra, Ghana in 1971. For a detailed report of the conflicting viewpoints which emerged at that symposium, *see* Mutharika, *Report on State Succession in Matters other than Treaties,* in UNITAR REPORT ON THE UNITED NATIONS REGIONAL SYMPOSIUM IN INTERNATIONAL LAW FOR AFRICA, 1-14 (1971).