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Succession of States in respect of bilateral treaties:
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obligations under the inheritance agreement signed by Malaya and the United Kingdom.¹¹⁶

9. Cyprus

50. *Italy-United Kingdom Treaty of 1873*.¹¹⁷ In a note of 4 October 1967, the Cypriot Government stated that this Treaty as amended and others "continue to bind the Republic of Cyprus reciprocally to Italy by virtue of the 'devolution clause' of Article 8 of the Treaty concerning the Establishment of the Republic of Cyprus and the inheritance rules of Public International Law." The note requested a formal reply, but there is no indication of the terms of the reply.¹¹⁸

51. *United Kingdom-United States Treaty of 1931*.¹¹⁹ This Treaty is listed under "Cyprus" in United States, *Treaties in Force*, which also reproduces the provision of the Treaty concerning the establishment of Cyprus, relating to Cyprus' treaty rights and obligations.¹²⁰

10. Nigeria

52. *General*. The Extradition Decree 1966 applies (a) to those countries with which an agreement has been made by Nigeria for surrender (and in respect of which an order is made), and (b), subject to the provisions of the Decree, to every separate country within the Commonwealth. The Decree repeals the Imperial and related Nigerian legislation and contains no express provision keeping orders made under the Extradition Acts 1870-1935 in effect.¹²¹

53. Nigeria concluded a devolution agreement with the United Kingdom.¹²² According to an official Nigerian publication, there are 334 international agreements deemed to be binding on Nigeria by virtue of the agreement.

The State practice of Nigeria is to study each treaty or other

international agreement with a view to its adoption, with or without modification, or to re-negotiate it with the other contracting party or parties.¹²³

The publication lists treaties which have been so studied and adopted. The only extradition treaties which are accordingly listed as recognized as binding "by virtue of the United Kingdom's signature or ratification", are the Liberian and United States treaties with the United Kingdom.¹²⁴

54. *Liberia-United Kingdom Treaty of 1892*;¹²⁵ *United Kingdom-United States Treaty of 1931*.¹²⁶ The first two orders made under the Decree referred to above were in respect of Liberia and the United States.¹²⁷ Both stated that the relevant Treaty with the United Kingdom "has been recognized as binding on Nigeria, subject to the modifications" specified in the order, and accordingly applied, provided that the Decree was to apply to extradition to and from Liberia and the United States. The modifications were mainly¹²⁸ consequential on the changes in the status of the parties; thus, in the United Kingdom-United States treaty the phrase "High Contracting Parties" was to be read as meaning Nigeria and the United States. The orders are consistent with the official list of treaties.

55. *Federal Republic of Germany-United Kingdom Agreement of 1960*¹²⁹ and *Israel-United Kingdom Agreement of 1960*.¹³⁰ By their terms, both these Agreements, which were signed before Nigeria became independent, were applicable to Nigeria. Similarly, the Orders in Council issued, before independence, to give effect to the Agreements applied to Nigeria. The Orders were not, however, brought to the attention of the Nigerian Government until shortly after Nigeria became independent.

56. The Agreement with Israel was ratified before independence but did not enter into force until after independence. That with the Federal Republic of Germany came into force before independence.

57. The United Kingdom pointed out to the Nigerian authorities that both Agreements,

which were signed before independence, were applicable as far as the United Kingdom Government were concerned to all those territories which made up the pre-independence

¹¹⁶ United Nations Legislative Series, *Materials on Succession of States* (United Nations publication, Sales No.: E/F.68.V.5), pp. 229 and 230; M. M. Whiteman, *Digest of International Law*, vol. 2 (1963), p. 999 and vol. 6 (1968), pp. 763 and 764. See also United States, *Treaties in Force* (1970), p. 149.

¹¹⁷ See foot-note 85 above.

¹¹⁸ M. Giuliano, F. Lanfranchi and T. Treves, *Corpo-indice degli accordi bilaterali in vigore tra l'Italia e gli Stati esteri* (1968), pp. 97 and 98.

¹¹⁹ See foot-note 29 above.

¹²⁰ United States, *Treaties in Force*, (1970), pp. 58 and 59. For the treaty, see United Nations, *Treaty Series*, vol. 382, p. 8; and United Nations Legislative Series, *Materials on succession of States* (United Nations publication, Sales No.: E/F.68.V.5), p. 21.

¹²¹ Note, however, that orders can be made in respect of agreements in force on the date of the coming into force of the Decree.

¹²² United Nations, *Treaty Series*, vol. 384, p. 207; United Nations Legislative Series, *Materials on Succession of States* (United Nations publication, Sales No.: E/F.68.V.5), p. 119.

¹²³ Nigerian Federal Ministry of Justice, *Nigeria's Treaties in Force for the Period 1st October 1960 to 30th June [31st July] 1968* (1969), p. 5; see also statement by the Nigerian Minister of Justice, Mr. T. O. Elias, in *Yearbook of the International Law Commission*, 1962, vol. I, pp. 4 and 5; Nigerian Government notice No. 1881; p. 42 of the report by L. A. Shearer mentioned in foot-note 107 above.

¹²⁴ *Ibid.*, p. 12. The list also includes several judicial assistance agreements.

¹²⁵ *British and Foreign State Papers*, vol. 84, p. 103.

¹²⁶ See foot-note 29 above.

¹²⁷ Legal Notices 32 and 33 of 1967. See also United States, *Treaties in Force* (1970), p. 169.

¹²⁸ Cf. the modification to article X of the Liberian treaty.

¹²⁹ United Nations, *Treaty Series*, vol. 385, p. 39.

¹³⁰ *Ibid.*, vol. 377, p. 331.