also inconsistent with the avowed intention of excluding materials which a student will encounter elsewhere in his law course. In content, the chapter suffers from a failure to make much use of the *Tasmanian Breweries* case, in 1970, in which the High Court held that the Trade Practice Tribunal did not exercise the judicial power of the Commonwealth. The decision opens up new areas ripe for federal governmental intervention, making use of administrative authorities.

The book is an earnest contribution to the study of constitutional law: the authors have accomplished a difficult task well and their labours deserve success.

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Succession of New States to International Treaties, by OKON UDOKANG. (Oceana Publications (New York) Inc., 1972), pp. 1-525. Cloth U.S. $17.00. ISBN 0 379 00168 3.

The aim of the author is to expound and analyse the attitude of the Afro-Asian states to the problems of treaty succession. It could therefore be expected that the book would offer useful guidance to a country like Papua New Guinea which can expect to face similar problems.

It is doubtful whether much real assistance will be gained. While the author would deny that the "clean slate" doctrine is the right one to apply in the case of newly independent states, he is unable to see clear guidelines. He finds, for example, that "the law of state succession with respect to concessionary contracts remains undefined and subject to continuing debate and controversy between states". This is of little assistance to a legal officer given the task of advising on the matter. Nor does an examination of the material on which the author's conclusions are based provide the reader with much help in forming his own assessment of the issues. In the case of concession contracts the section on state practice traces episodes such as Indonesia's nationalisation of Dutch owned enterprises in 1958 but no effort is made to investigate the legal implications of the episode in terms of Indonesia's succession to concession agreements in principle or in respect of its obligations under the 1949 Financial and Economic Agreement between Indonesia and the Netherlands.

A further weakness in the work is that it does not appear to have been updated since it was written to take account of developments in many areas since 1965. Obviously the book could not take account of the draft articles on state succession drawn up by the International Law Commission in 1972. But there are other omissions. Dealing with the attitude of the Afro-Asian States to declaratory resolutions of the United Nations, the author draws special attention to the Declaration of Human Rights, 1948 and comments that "any attempt to define the legal content of human rights would probably not receive the consensus of all states". This sweeping statement ignores successful United Nations efforts spear-

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headed by the Afro-Asians to secure the adoption in 1966 of the two International Covenants on Human Rights. These treaties were drafted with the intention of fleshing out the broad principles of the 1948 Declaration and to date have been accepted by eighteen states. Many others have signed as a preliminary to ratification. The same criticism can be made in respect of an analysis of Afro-Asian attitudes to the law of treaties which does not take account of the views expressed by those states during negotiation of the 1969 Convention on the Law of Treaties.

Turning to the Chapters on succession to various types of treaties, similar inaccuracies and omissions are apparent. The section on GATT states that colonial powers applied the GATT to all non-metropolitan territories. This is not correct. Australia has not applied the GATT to Papua New Guinea and has had to secure GATT agreement to its extending mfn treatment to the territory. More important, the analysis of current GATT practice in dealing with the application of GATT to Afro-Asian States does not clearly explain the implications of recommendations which allow GATT members to continue indefinitely to extend mfn treatment on a basis of reciprocity to those new states which formerly came within the colonial application clause. One consequence of this device is that questions of treaty succession in this context become unimportant. The author mentions the dissatisfaction expressed by the developing countries in 1963 but does not go on to explain that a new Part IV of the GATT was adopted in 1965 in an effort to meet complaints. Nor is there any reference to the 1971 Protocol which allows developing countries to enter into preferential arrangements with one another.

The practice of the new states in the matter of bilateral treaties is seen as "grossly lacking in uniformity and generally marked by caution". This would seem to suggest that a state can exercise freedom of choice. The author does not reach any conclusion on the point and his explanation of factors which new states take into account makes no mention of the important point that very often administrative practice as well as specific constitutional measures contemplate continuity of domestic law existing at independence. In many cases treaty obligations have been embodied in this law so that there is a tendency on the part of new states to assume that the international obligation should continue. Given such a tendency there arises the vital further question. Is a state which indicates a desire to continue a treaty relationship exercising an option or declaring an existing situation? Readers will look in vain for answers to this question in *Succession of New States to International Treaties.*

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