

United Nations Conference on Succession of States in Respect of Treaties

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1st meeting of the Committee of the Whole

Extract from Volume I of the *Official Records of the United Nations Conference on Succession of States in Respect of Treaties (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

SUMMARY RECORDS OF MEETINGS OF THE COMMITTEE OF THE WHOLE

1st MEETING

Tuesday, 5 April 1977, at 4 p.m.

Chairman: Mr. RIAD (Egypt)

In the absence of the Chairman, Mr. Zemanek, President of the Conference, took the Chair.

Election of the Vice-Chairman of the Committee of the Whole and of the Rapporteur

1. The TEMPORARY CHAIRMAN declared open the first meeting of the Committee of the Whole, and invited nominations for the post of Vice-Chairman.

2. Mr. PASZKOWSKI (Poland) nominated Mr. Jean-Pierre Ritter (Switzerland).

Mr. Ritter (Switzerland) was elected Vice-Chairman by acclamation and took the Chair.

3. Mr. SEPÚLVEDA (Mexico) nominated Mr. Abdul Hakim Tabibi (Afghanistan) for the post of Rapporteur.

4. Mr. TEPAVAC (Yugoslavia), Mr. KAMIL (Indonesia), Mr. PANCARCI (Turkey) and Mr. ARIFF (Malaysia) supported the nomination.

Mr. Tabibi (Afghanistan) was elected Rapporteur by acclamation.

5. Mr. TORNARITIS (Cyprus) said that, since his delegation would be unable to attend all the meetings of the Conference, it wished to express forthwith its satisfaction with the appointments made to the posts of Chairman, Vice-Chairman and Rapporteur of the Committee.

6. It also wished to congratulate the International Law Commission on the draft articles it had prepared for the Conference.

Consideration of the question of succession of States in respect of treaties in accordance with resolutions 3496 (XXX) and 31/18 adopted by the General Assembly on 15 December 1975 and 24 November 1976 [Agenda item 11]

7. The CHAIRMAN invited the Committee to consider the draft articles on succession of States in re-

spect of treaties adopted by the International Law Commission at its twenty-sixth session.¹

8. If there was no objection, he would invite the Committee to begin by discussing article 1, on the understanding that any general statements by delegations would be made during consideration of article 2.

9. Mr. SETTE CÂMARA (Brazil) said that at the meeting of the General Committee it had been decided that general statements would be made during consideration of article 2. But it was customary, at codification conferences, to leave the discussion of articles containing definitions of terms until the end of the session, because many amendments affecting them might be adopted during the discussions. He would like to know, therefore, whether it was intended to have the statements of principle made at the end of the Conference.

10. The CHAIRMAN said that, as he understood it, delegations would be invited to submit statements during consideration of article 2 but it was not intended to postpone consideration of that article. Having consulted the Secretariat, he understood that article 2 would be submitted for adoption not immediately after its discussion, but later in the session.

11. Sir Ian SINCLAIR (United Kingdom) said that his delegation shared the Chairman's interpretation. In its view, consideration of article 2 might provide a useful opportunity for delegations to make general statements relating to the draft articles, but article 2 need not be adopted immediately following its discussion. Indeed, it would be difficult for the Committee of the Whole to adopt that article until it had considered all the other articles of the draft convention and examined the definitions of the terms proposed.

The meeting rose at 4.25 p.m.

¹ *Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 10 (A/9610/Rev.1), chap. 11.* (The report of the International Law Commission on the work of its twenty-sixth session also appears in the *Yearbook of the International Law Commission, 1974*, vol. II, part one, pp. 157 *et seq.*) The Conference had before it a reprint of chapter II of that report (A/CONF.80/4) and a working paper (A/CONF.80/WP.1) containing the draft articles adopted by the International Law Commission in English, French, Spanish and Russian. In this volume, for practical reasons, Conference document A/CONF.80/4 is used as the reference for the draft articles adopted by the International Law Commission and for the commentaries on them.