

United Nations Conference on Succession of States in Respect of Treaties

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36th 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)*

the voting on the United States amendment, because it considered that the effect would be to limit the freedom of the other parties to opt out of the treaty, as compared with the freedom accorded to the newly independent State.

85. The CHAIRMAN said that, if there was no objection, he would take it that the Committee of the Whole approved, on second reading, the title and text of article 28 proposed by the Drafting Committee, as amended.

*It was so decided.*²⁹

*Article 29 (Newly independent States formed from two or more territories)*³⁰

86. Mr. YASSEEN (Chairman of the Drafting Committee) said that the Drafting Committee had made only minor changes to the text of the article proposed by the International Law Commission. In paragraph 2 of the Spanish version, the word "*esté*" had been replaced by the word "*estuviera*", as in previous articles. In the English and Spanish versions, the same change had been made in paragraph 2, subparagraph (a) and paragraph 3, subparagraph (a) as had been made in article 14, subparagraph (b).

87. The CHAIRMAN said that, if there was no objection, he would take it that the Committee of the Whole adopted, on second reading, the text and title of article 29 proposed by the Drafting Committee.

*It was so decided.*³¹

88. Mr. MARESCA (Italy) said he hoped that, in order to avoid repetition, the provisions of article 29 which appeared in subsequent articles could be set out only once in the convention, with a reference to the other articles to which they applied.

PROPOSED NEW ARTICLE 22 *bis* (A/CONF.80/C.1/L.28),
DRAFT PREAMBLE AND DRAFT FINAL CLAUSES

89. Mr. YASSEEN (Chairman of the Drafting Committee) said that the Drafting Committee had already held consultations with groups of delegations concerning the text of the proposed new article 22 *bis*. Owing to lack of time, it had decided to defer further consideration of that article, and the formulation of a draft preamble and draft final clauses, until the next session of the Conference.

The meeting rose at 6.35 p.m.

36th MEETING

Thursday, 5 May 1977, at 3.50 p.m.

Chairman: Mr. RIAD (Egypt)

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE (A/CONF.80/C.1/L.48, A/CONF.80/C.1/L.48/Add.1-3 and A/CONF.80/C.1/L.48/Add.4 and Corr.1)

1. The CHAIRMAN invited the Rapporteur to introduce the draft report of the Committee of the Whole (A/CONF.80/C.1/L.48, A/CONF.80/C.1/L.48/Add.1-3 and A/CONF.80/C.1/L.48/Add.4 and Corr.1).

2. Mr. TABIBI (Rapporteur) said that the draft report recorded the decisions taken during the session, and did not cover all the articles contained in the draft prepared by the International Law Commission. Nevertheless, in view of the lack of time and of the political, legal and practical complexities of the branch of law concerned, the result of the session was better than had been expected. The progress made was due not only to the scholarly work of the International Law Commission, but also to the efforts of the Expert Consultant and the Drafting Committee, and of the Vice-Chairman of the Committee of the Whole who had presided over the informal consultations group.

3. The report showed that the Committee of the Whole had proceeded mainly article by article in considering the International Law Commission's draft and the proposed amendments thereto, and had fully discussed and adopted 25 of the 39 draft articles as well as two proposed new articles. The report also noted that the Committee had entrusted the Drafting Committee with the preparation of a draft preamble and draft final clauses for submission direct to a plenary meeting of the Conference.

4. The report consisted of an introductory chapter, a chapter consisting of four sections which recorded the various forms of action taken by the Committee on the articles, and a chapter dealing with the proposals submitted so far in regard to the preamble and the final clauses. The report in its final form would be accompanied by two annexes, one reproducing the text of the articles adopted by the Committee of the Whole, and the other containing a check-list of the documentation submitted during the Conference.

5. The report, when adopted, would accompany the resolution of the Conference submitted to the General Assembly. It would clearly show governments and their delegations to the Assembly what had been accomplished during the present session and what remained to be done next year.

²⁹ For adoption of article 28 by the Conference, see 5th plenary meeting.

³⁰ For earlier discussion of article 29, see 32nd meeting, paras. 47-53, 33rd meeting, paras. 1-17 and 34th meeting, paras. 9-21.

³¹ For adoption of article 29 by the Conference, see 6th plenary meeting.

6. The CHAIRMAN said that, if there was no objection, he would take it that the Committee of the Whole adopted the draft report on its work contained in documents A/CONF.80/C.1/L.48, A/CONF.80/C.1/L.48/Add.1-3 and A/CONF.80/C.1/L.48/Add.4 and Corr.1.

It was so decided.

CONCLUSION OF THE WORK
OF THE COMMITTEE OF THE WHOLE

7. The CHAIRMAN, on behalf of the Committee, thanked the Rapporteur for the excellent work he had done; he also commended the efforts of the Vice-Chairman, the Executive Secretary, the Expert Consultant and all the secretariat personnel who had staffed the Committee. He expressed his gratitude to all delegations for the understanding and goodwill that had enabled the Committee's deliberations to proceed so far, despite the many differences of opinion.

8. Sir Ian SINCLAIR (United Kingdom), speaking on behalf of the Western European and Others Group, thanked the Chairman, the Vice-Chairman, the Rapporteur, the Expert Consultant, the General Committee, and the secretariat staff; by their zeal and devotion they had greatly assisted the Committee in dealing with the complex tasks before it.

9. Mr. YANGO (Philippines), speaking on behalf of the Asian Group, Mrs. BOKOR-SZEGÖ (Hungary), speaking on behalf of the socialist countries of Eastern Europe, Mr. YACOUBA (Niger), speaking on behalf of the African Group and Mr. FERNANDINI (Peru), speaking on behalf of the Latin American Group, endorsed the thanks expressed by the United Kingdom representative.

10. Mr. HERNDL (Austria) associated his delegation with the thanks expressed by the previous speakers.

11. Despite all the devotion and effort shown by the Committee, the task of considering the whole draft of articles had clearly been too big and too complicated to accomplish at a single session; the Conference would therefore have to hold a second session, at which, it was to be hoped, a convention on succession of States in respect of treaties could be adopted. Austria would be proud and happy to invite the Conference to Vienna again for that session.

12. After the expression of further thanks and courtesies by Mr. SNEGIREV (Union of Soviet Socialist Republics), Mr. MARESCA (Italy) and Mr. AMLIE (Norway), the CHAIRMAN declared that the Committee of the Whole had concluded its work.

The meeting rose at 4.55 p.m.
