

United Nations Conference on Succession of States in Respect of Treaties

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3rd plenary meeting

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)*

Appointment of the Credentials Committee
[Agenda item 8]

8. The PRESIDENT said that, following consultations, the regional groups recommended that the Conference should appoint the representatives of the following nine countries as members of the Credentials Committee: Brazil, Chile, Germany (Federal Republic of), Nigeria, Philippines, Qatar, Sudan, Sweden and Union of Soviet Socialist Republics.

9. If there was no objection, he would take it that the Conference appointed the representatives of the countries he had mentioned as members of the Credentials Committee.

It was so decided.

The meeting was suspended at 11.10 a.m. and resumed at 12.40 p.m.

**Appointment of other members
of the Drafting Committee**
[Agenda item 9]

10. The PRESIDENT said that, in accordance with rule 47 of the rules of procedure (A/CONF.80/6), adopted by the Conference at its first meeting, the General Committee had met and had recommended that the Conference should appoint the representatives of the following 14 countries as members of the Drafting Committee: Australia, Cuba, Democratic Yemen, France, Guyana, Ivory Coast, Japan, Kenya, Spain, Swaziland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia. If there was no objection, he would take it that the Conference appointed the representatives of the countries he had mentioned as members of the Drafting Committee.

It was so decided.

Organization of work
[Agenda item 10]

11. The PRESIDENT said that the General Committee had also recommended that the Conference should adopt the proposals contained in the memorandum by the Secretary-General entitled "Methods of work and procedures" (A/CONF.80/3), which was based on experience gained in earlier codification conferences. He drew the attention of the Conference to two changes in the document, namely, the deletion of the words "or the Economic and Social Council" in paragraph 3 and the replacement of the words "at all events" by the word "preferably" in paragraph 8.

12. If there was no objection, he would take it that the Conference adopted the suggestions contained in

the Secretary-General's memorandum on methods of work and procedures, subject to the changes he had mentioned.

It was so decided.¹

The meeting rose at 12.50 p.m.

¹ The document on "Methods of work and procedures" as adopted by the Conference was circulated as document A/CONF.80/9.

3rd PLENARY MEETING

Thursday, 14 April 1977, at 12.50 p.m.

President: Mr. ZEMANEK (Austria)

**Question of adding a supplementary item
to the agenda of the Conference**

1. The PRESIDENT said that there was a matter pending before the Conference which was not included in its agenda (A/CONF.80/7). Although the rules of procedure (A/CONF.80/8) did not contain a provision concerning the supplementing of the agenda, such a step was not excluded. If there was no objection, he would take it that the Conference agreed to add to its agenda an item entitled "Consideration of the request of the United Nations Council for Namibia for active participation in the United Nations Conference on Succession of States in respect of Treaties (General Assembly resolution 31/149)".

It was so decided.

**Consideration of the request of the United Nations
Council for Namibia for active participation in the
United Nations Conference on the Succession of
States in respect of Treaties (General Assembly res-
olution 31/149)**

[Supplementary agenda item]

2. The PRESIDENT recalled that, on 20 December 1976, the General Assembly, by 120 votes to none, with 7 abstentions, had adopted resolution 31/149, entitled "Action by intergovernmental and non-governmental organizations with respect to Namibia". In paragraph 3 of that resolution, the General Assembly had requested all "conferences within the United Nations system to consider granting full membership to the United Nations Council for Namibia so that it may participate in that capacity as the Administering Authority for Namibia in the work of those [...] conferences".

3. In a letter of 6 April 1977 addressed to him and in an oral communication the following day, the delegation of the United Nations Council for Nam-

ibia had referred to that resolution and had requested the Conference to make the following arrangements in order to ensure its active participation therein: the delegation concerned should be seated with the delegations of States, albeit after them; it should have the right to make statements at meetings of the Committee of the Whole and of the Conference; and such statements should appear in the summary records and should be reflected, where necessary and appropriate, in the report of the Committee of the Whole to the Conference.

4. He had consulted the Chairmen of the regional groups on that matter and they, in turn, had consulted their groups. The regional Chairmen had now informed him that many delegations actively supported the request concerned and that in none of the groups was there any basic objection to it. Such being the case, he would take it that the Conference agreed to the request of the United Nations Council for Namibia.

*It was so decided.*¹

5. The PRESIDENT said that the secretariat would see to it that, as from the following meeting, the delegation of the United Nations Council for Namibia was seated in accordance with the decision of the Conference.

The meeting rose at 1 p.m.

¹ See also the 4th plenary meeting, para. 1, the 7th plenary meeting, paras. 23-48, and the 8th plenary meeting, paras. 1-5.

4th PLENARY MEETING

Wednesday, 27 April 1977, 5.50 p.m.

Chairman: Mr. ZEMANEK (Austria)

Consideration of the request of the United Nations Council for Namibia for active participation in the United Nations Conference on Succession of States in respect of Treaties (General Assembly resolution 31/149)

[Supplementary agenda item](concluded)

1. The PRESIDENT recalled that under the agenda item under consideration and upon the request of the delegation of the United Nations Council for Namibia referring to General Assembly resolution 31/149, the Conference had taken a decision concerning that delegation's participation in the Conference. In the context of the implementation of that decision, the delegation of the United Nations Council for Namibia had requested that the Conference should state

explicitly that it had the right to submit proposals and amendments. If there was no objection, he would take it that the Conference recognized that the delegation of the United Nations Council for Namibia had the right to submit proposals and amendments.

It was so decided.

2. Mr. STEEL (United Kingdom) said that if the draft decision which the Conference had just adopted had been put to the vote, his delegation would have been obliged to abstain. His delegation did not consider it appropriate to grant such a right to a subsidiary body of the General Assembly such as the United Nations Council for Namibia; it was a right which was appropriate only for the government of a State, particularly since the Conference was in fact preparing an instrument which concerned the succession of States. He wished to make it clear that his delegation's position was without prejudice to the attitude of the United Kingdom Government with regard to the United Nations Council for Namibia and the territory of Namibia itself.

3. Mr. HOFSTEE (Netherlands) said that if the Conference had voted on the draft decision, his delegation would have abstained for the same reasons as those which had prompted it to abstain in the General Assembly during the vote on resolution 31/149. However, that position in no way affected his Government's sympathetic attitude towards the United Nations Council for Namibia.

4. Mr. MUSEUX (France) informed the Conference that his delegation, too, would have abstained if a vote had been taken on the draft decision. His Government's position with regard to the United Nations Council for Namibia was well known, and his delegation shared the view expressed by the United Kingdom delegation that participation in a diplomatic conference should be reserved for the governments of States.

5. Mr. TREVIRANUS (Federal Republic of Germany) said that his delegation would also have had to abstain if the draft decision had been put to the vote for the reasons already mentioned by the representatives of the United Kingdom, the Netherlands and France. However, the Federal Government fully recognized the political mandate which had been given to the United Nations Council for Namibia and the role which it should play in the interests of the Namibian people. It was none the less true that the United Nations Council for Namibia had been invited to participate in the Conference as an observer in accordance with the provisions of paragraph 2(d) of General Assembly resolution 31/18 on the Conference, whereby the General Assembly requested the Secretary-General to invite the "specialized agencies, the International Atomic Energy Agency, as well as interested organs of the United Nations and interested regional intergovernmental organizations, to be represented at the Conference by observers". He