

United Nations Conference on Succession of States in Respect of Treaties

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6th 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)*

Articles 20 to 23

Articles 20 to 23 were adopted without a vote.

Article 24

31. Mr. MUSEUX (France) said that his delegation had voted against article 24 in the Committee of the Whole because it found the article unnecessary, though it did not dispute the substance. Article 24 settled a non-existent problem, whereas the real problems raised by the relations between the predecessor State and third States were left unsolved.

32. Mr. HELLNERS (Sweden) said he was not opposed to article 24, but he, too, thought it unnecessary. Besides, it was somewhat ambiguous.

33. Mr. KRISHNADASAN (Swaziland) said that his delegation was still opposed to the article.

Article 24 was adopted without a vote.

Articles 25 to 27

Articles 25 to 27 were adopted without a vote.

Article 28

34. Mr. MUSEUX (France) requested that the word "reasonable", qualifying the word "notice" in paragraphs 1(b), 2 and 3, should be voted on separately. His delegation would vote against retaining that adjective, because it was unnecessary and could cause confusion. The notice required for terminating the provisional application of a treaty was duly defined in paragraph 3: it was 12 months from the date on which the notice was received by the other State or States provisionally applying the treaty. There were three possible cases. A shorter period might be provided for in the treaty, as was mentioned in the first clause of paragraph 3; the States concerned might agree on another solution, as provided in the second clause; otherwise, 12 months' notice would be required. Hence there was no point in qualifying the notice as "reasonable", since that adjective implied a certain flexibility which was out of place.

35. The PRESIDENT said that if there was no objection, he would take it that the Conference agreed that the word "reasonable" appearing in paragraphs 1(b), 2 and 3 of article 28 should be voted on only once.

It was decided, by 47 votes to 11, with 17 abstentions, to retain the word "reasonable".

36. Mr. KRISHNADASAN (Swaziland) requested that paragraph 1(b) be voted on separately.

Paragraph 1(b) was adopted by 68 votes to 3, with 7 abstentions.

37. Mr. MUSEUX (France) said that his delegation had voted against retaining that provision because the text adopted by the Committee of the Whole at the 35th meeting—which was the direct opposite of

that proposed by the United Kingdom and supported by the French delegation—was wrong in substance and too inflexible. There was no justification for maintaining a limited treaty provisionally in force for a newly independent State if one of the States parties to the treaty did not wish it.

38. Mr. USHAKOV (Union of Soviet Socialist Republics) said he voted in favour of retaining paragraph 1(b) because that provision was necessary. In the Committee of the Whole, however, he had voted against including the words "all of" before the words "the parties" and "the contracting States", since in view of the definition of reasonable notice appearing in paragraph 3, those words would complicate the application of article 28. The definition did not refer to "all of" the other States provisionally applying the treaty.

Article 28 as a whole was adopted by 70 votes to none, with 7 abstentions.

The meeting rose at 1.05 p.m.

6th PLENARY MEETING

Thursday, 5 May 1977, at 5.10 p.m.

President: Mr. ZEMANEK (Austria)

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] (concluded)

ARTICLES 16 TO 29 ADOPTED BY THE COMMITTEE OF THE WHOLE (A/CONF.80/11)¹ (concluded)

Article 29

1. Mr. KRISHNADASAN (Swaziland) said that he would not ask for a separate vote on paragraph 3 of article 29, but he wished to associate himself with the statement, made by the Swedish representative on article 18.²

Article 29 was adopted without a vote.

2. The PRESIDENT said that the Conference had concluded its consideration of the articles adopted by the Committee of the Whole.

Report of the Committee of the Whole (A/CONF.80/C.1/L.48, A/CONF.80/C.1/L.48/Add. 1-3, A/CONF. 80/C.1/L.48/Add. 4 and Add. 4/Corr. 1)

The Conference took note of the report of the Committee of the Whole.

¹ See above 5th plenary meeting, foot-note 7.

² See above, 5th plenary meeting, para. 27.

**Tribute to the memory of
Ambassador Edvard Hambro**

3. The PRESIDENT, paying a tribute to the memory of the late Ambassador Edvard Hambro, said that his international career had begun by participation, as a member of the Norwegian delegation, in the San Francisco Conference on International Organization which had adopted the Charter of the United Nations. Subsequently, he had held the posts of Chief of the Legal Section in the United Nations Secretariat and Registrar of the International Court of Justice. As Permanent Representative of Norway to the United Nations, he had served as President of the General Assembly in 1970. He was widely known as a legal scholar, who had written several standard works of reference. His combination of diplomatic experience and legal knowledge had made him a valuable member of the International Law Commission.

On the proposal of the President, the members of the Conference observed one minute's silence in tribute to the memory of Ambassador Edvard Hambro.

4. Mr. AMLIE (Norway) thanked the President and the participants in the Conference for their tribute to his fellow countryman.

The meeting rose at 5.20 p.m.

7th PLENARY MEETING

Friday, 6 May 1977, at 10.45 a.m.

President: Mr. ZEMANEK (Austria)

Report of the Credentials Committee (A/CONF.80/12)

1. Mr. SETTE CÂMARA (Brazil), Chairman of the Credentials Committee, said that the report of the Credentials Committee (A/CONF.80/12) required no introduction. He wished to point out, however, that after the meeting of the Credentials Committee on 3 May 1977, the Secretariat had received credentials in good and due form for the delegations of the following countries: Chile, Libyan Arab Jamahiriya, Mongolia, Romania and Sri Lanka.

2. Mr. NATHAN (Israel) pointed out that the Credentials Committee had accepted his delegation's credentials after finding them to be in due form and in conformity with rule 3 of the rules of procedure. His delegation therefore objected to the reservations made by the representatives of Qatar and the Sudan, which were recorded in paragraph 5 of the report under consideration. Such reservations were inadmissi-

ble; they were not relevant and were intended only to introduce political elements into the work of the Conference.

3. Under rule 4 of the rules of procedure, the Credentials Committee was required to examine the credentials of representatives and report to the Conference. The purpose of that examination was to ensure that the credentials satisfied the procedural requirements stated in rule 3 of the rules of procedure. Consequently, reservations of a political nature, such as those contained in paragraph 5 of the report, had absolutely nothing to do with the Credentials Committee's terms of reference and had no place in its report.

4. The delegation of Israel was participating as of right in the Conference, by virtue of the invitation which the Secretary-General of the United Nations had sent to the State of Israel in accordance with General Assembly resolution 31/18, in which the Secretary-General had been requested to invite all States to participate in the Conference. Consequently, his delegation's right to take part in the work of the Conference could not be called in question.

5. Referring in particular to the reservations made by the representative of Qatar, he said that his delegation did not claim to represent "Palestine". It represented the State of Israel and the Jewish, Arab and other inhabitants of that State. His delegation also rejected all the other allegations contained in the reservations made in the Credentials Committee. The Government of Israel had already stated its views on those matters in the General Assembly, the Security Council and other bodies. Moreover, the Conference was not competent to discuss them.

6. Although his delegation would not request that a separate vote be taken on paragraph 5 of the report, it nevertheless categorically rejected the reservations recorded in that paragraph.

7. Mr. AL-WITRI (Iraq) supported the reservations made on behalf of the delegations of the Arab countries and the Palestine Liberation Organization. His Government did not recognize the entity called Israel, which had been created in defiance of the right to self-determination of the Palestinian people, which had thus been prevented from exercising a right recognized by the Charter of the United Nations and by contemporary international law.

8. Mr. NATHAN (Israel), speaking on a point of order, said that, since the State of Israel was a Member of the United Nations, it could not be described as "an entity called Israel". He asked that the representative of Iraq be invited to withdraw his remark.

9. The PRESIDENT, referring to rule 18 of the rules of procedure, said that he could call a speaker to order only if his remarks were not relevant to the subject under discussion. In the present instance that