

# **United Nations Conference on Succession of States in Respect of Treaties**

Vienna, Austria  
First session  
4 April – 6 May 1977

Document:-  
**A/CONF.80/SR.8**

**8th 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)*

Conference could now take any decision it deemed appropriate, by a two-thirds majority of the participants, but his delegation could not approve of that procedure.

42. Referring to the statement by the representative of Niger that the Conference had granted the right to vote to the United Nations Council for Namibia, he said that he could not agree, because States alone enjoyed the right to vote as was shown by rule 33 of the rules of procedure, which read: "Each State represented at the Conference shall have one vote". It would not be appropriate to grant a body such as the Council a right which was the prerogative of States.

43. Mr. KATEKA (United Republic of Tanzania) said that even if the draft report accurately reflected what had happened at the meetings of the Conference, as some delegations believed, it was still necessary to correct a mistake. He therefore suggested the addition, at the end of paragraph 14, of a sentence indicating that, at its seventh plenary meeting, the Conference had decided to correct the error in the wording of the supplementary item on its agenda.

44. Mr. SCOTLAND (Guyana) said that the arguments advanced against the proposal to amend the draft report were certainly logical, but other important elements should also be taken into account. The last sentence of paragraph 14 reproduced the substance of the statement made by the President at the fourth meeting of the Conference, but neither that paragraph nor the summary record of that meeting made it clear that the President's statement had been an interpretation of the decision taken at the third meeting of the Conference, which, besides other rights granted to the United Nations Council for Namibia, had concerned its right to submit proposals and amendments. His delegation therefore doubted whether it was advisable to enumerate the Council's rights, at the risk of not faithfully reflecting what had happened, and thought it might be better simply to indicate that the United Nations Council for Namibia had been allowed to take part in the work of the Conference.

45. The PRESIDENT said that, in the hope of facilitating the discussion, he would read out the statement he had made at the fourth meeting, which ran:

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.

He suggested that the full text of that statement, and of the statement he had made at the third meeting of the Conference, should be reproduced in the report.

46. Mr. SNEGIREV (Union of Soviet Socialist Republics) said that his delegation had been entirely in favour of the implementation of General Assembly resolution 31/149 and, consequently, of the full participation of the delegation of the United Nations Council for Namibia in the Conference within the context of the application of that resolution. He noted that the letters from the United Nations Council for Namibia, which the President had read out, referred both to "full" and to "active" participation by the Council and that no delegation had raised any objections when the Conference had decided by consensus to place on its agenda the question of "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)." His delegation thought that, if some delegations considered it necessary, it might be possible, not to reconsider a decision already taken, but to adopt a new decision.

47. Mr. KATEKA (United Republic of Tanzania) said he did not think the President's suggestion would solve the problem raised by the inaccurate wording of the supplementary item on the agenda of the Conference. It was the duty of the Conference to correct the error which had crept in.

48. The PRESIDENT pointed out that the statements to which he had referred related not to the wording of the agenda item, but to the decisions taken by the Conference. He suggested that consideration of that matter should be continued at the next meeting.

*The meeting rose at 12.50 p.m.*

## 8th PLENARY MEETING

*Friday, 6 May 1977, at 5.10 p.m.*

*President: Mr. ZEMANEK (Austria)*

### Draft report of the United Nations Conference on Succession of States in respect of Treaties (A/CONF.80/13) (concluded)

1. The PRESIDENT said that, following consultations between the regional groups, it had been agreed that the latter part of paragraph 14 of the draft report (A/CONF.80/13), starting with the words "At its third plenary meeting...", should be recast to form two new paragraphs reading:

15. At its third plenary meeting, held on 14 April 1977, the Conference decided to add a supplementary item to its agenda entitled "Consideration of 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). Under that item the President reminded the Conference that paragraph 3 of General Assembly resolution 31/149 entitled "Action by intergovernmental and non-governmental organizations with respect to Namibia", reads:

"Requests 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."

The Conference took a decision in favour of participation as requested by the United Nations Council for Namibia.

16. At the fourth plenary meeting, held on 27 April 1977, the President stated the following:

"The Conference will recall that under this item and upon the request of the delegation of the United Nations Council for Namibia referring to General Assembly resolution 31/149, it took a decision concerning that delegation's participation in the Conference. Now, in the context of the implementation of that decision, the delegation of the United Nations Council for Namibia has requested that the Conference should state explicitly that the delegation of the United Nations Council for Namibia has the right to submit proposals and amendments."

The Conference so decided.

2. Mr. OSMAN (Somalia) said that, at the 7th plenary meeting there had been some opposition to a proposal concerning full participation of the delegation of the United Nations Council for Namibia in the work of the Conference, with the right to submit proposals and amendments. The full participation of the lawful representative of the people of Namibia was a matter of the utmost importance and one that affected other issues in the world of today. He urged the Conference to consider the question realistically, in the light of the realities of the political situation in southern Africa.

3. Mr. SAHRAOUI (Algeria) pointed out that the last part of paragraph 15, as read out by the President, gave the impression that the Conference had taken a decision in favour of the participation of the Council for Namibia, at the request of the Council itself. In fact, the decision had been taken in conformity with General Assembly resolution 31/149. Similarly, the words "in the context of the implementation of that decision" in paragraph 2, were equally ambiguous. It would be preferable to say that the decision had been taken in accordance with the relevant resolution of the General Assembly.

4. Mr. FARAHAT (Qatar) supported the comments of the representative of Algeria. The last part of paragraph 15 should state that the Conference had taken a decision "in conformity with the above-mentioned resolution". However, he simply wished to clarify the text and it was not his intention to submit a formal amendment on that point.

5. The PRESIDENT said that, if there were no objections, he would take it that the Conference adopted the wording he had read out.

*It was so decided.*

*The draft report (A/CONF.80/13) as a whole, as amended, was adopted.*

### Closure of the session

6. Mr. SEPULVEDA (Mexico), speaking on behalf of the Latin American Group, said that, despite the difficulties that had been encountered, the Conference could meet any criticism successfully, for agreement had been reached on matters that were not only politically sensitive, but juridically complex. It could also be said that, in principle, considerable progress had been made with the remaining draft articles submitted by the International Law Commission. Consequently, he was moderately optimistic about the outcome of the next session.

7. The achievements at the present session could be attributed in large measure to the extremely able guidance of the President. Gratitude was also due to the Expert Consultant, to the Chairman and the Vice-Chairman of the Committee of the Whole, to all participants for their co-operation and to all members of the secretariat for their unfailing assistance.

8. Mrs. BOKOR-SZEGÖ (Hungary), speaking on behalf of the socialist countries of Eastern Europe, said that although the Conference had not been able to complete its consideration of the question of succession of States in respect of treaties, the draft articles prepared by the International Law Commission had served as a solid basis for the discussions in the Committee of the Whole and she was sure that, at a future session, the Conference would be able to reach agreement on a convention which would meet the needs of the international community as a whole. Her delegation was grateful to the President of the Conference, to the Chairman and the Vice-Chairman of the Committee of the Whole and to all members of the Secretariat for the untiring efforts they had made and the assistance they had provided to delegations during the consideration of the very complex topic of succession of States in respect of treaties.

9. Mr. YACOUBA (Niger), speaking on behalf of the African Group, expressed appreciation to the President of the Conference, the Chairman and the Vice-Chairman of the Committee of the Whole and the secretariat for the efforts they had made to facilitate the solution of the problems which his Group had encountered. He hoped that, at the next session of the Conference, a spirit of co-operation would continue to prevail among all groups so that it would be possible to adopt a convention acceptable to all countries.

10. Mr. YANGO (Philippines), speaking on behalf of the Asian Group, thanked the President of the Conference for work well done at the current session. He also expressed appreciation to the Chairman and

the Vice-Chairman of the Committee of the Whole and to all members of the secretariat for the efforts they had made to ensure the success of the Conference. Lastly, he expressed gratitude to the Government of Austria and to the people of Vienna for the warm hospitality with which they had received all participants.

11. Sir Ian SINCLAIR (United Kingdom), speaking on behalf of the Western European and Others Group, congratulated the President of the Conference on the qualities of leadership, courtesy and tact with which he had guided the Conference in its difficult task of considering the question of succession of States in respect of treaties. He thanked the Chairman and the Vice-Chairman of the Committee of the Whole, the Expert Consultant, the Chairman of the Drafting Committee and all members of the secretariat for the untiring efforts they had made to ensure the success of the work carried out at the current session. He also thanked the Government and people of Austria for the hospitality with which they had received everyone taking part in the Conference.

12. Mr. OSMAN (Somalia) thanked the President of the Conference and the Chairman and the Vice-Chairman of the Committee of the Whole for the masterly way in which they had guided the work of the Conference. He also expressed appreciation to all members of the secretariat for the assistance they had given to delegations in order to ensure the success of the work.

13. The Conference had indeed made a valuable contribution to the codification and progressive development of international law, which was, at present, however, still an international law that had been formulated and applied by the colonialist countries and had served imperialist interests. The International Law Commission was composed of only 25 members, who did not represent the sentiments and aspirations of the modern world, and parts of its commentaries to the draft articles on succession of States in respect of treaties were redolent of the colonial past. In the future, international law must be based on a different system and must not be made to serve colonialist theory. The Conference would not have discharged its responsibilities towards progressive countries if its efforts were designed only to develop the law which had made colonialism possible. He therefore expressed the hope that, at a future session, the Conference would be able to adopt a convention on succession of States in respect of treaties which would meet the needs of the entire international community.

14. Mr. NAMEK (Egypt), speaking on behalf of his delegation and of the Chairman of the Committee of the Whole, thanked the President of the Conference for his wise leadership and the staff of the secretariat for the untiring efforts they had made throughout the session. He also expressed appreciation to the

Government of Austria and the people of Vienna for their welcome and hospitality.

15. Mgr. SQUICCIARINI (Holy See) commended the President for the skill and wisdom with which he had guided the work of the Conference, thus enabling it to overcome the difficulties it had encountered.

16. Mr. MARESCA (Italy) said it was entirely appropriate that the Conference convened to prepare a draft convention laying down procedures which were regulated by the oldest and most fundamental branch of international law, namely diplomatic law, should have been held at Vienna, a city which in 1815 had been the birthplace of diplomatic law and had subsequently become the centre for its further development. After congratulating the President and the other officers of the Conference on the efficiency with which they had performed their duties, he thanked the city of Vienna and the Austrian Government for their hospitality and expressed the hope that the Conference would reconvene in Vienna to complete its work.

17. Mr. ARIFF (Malaysia) paid tributes to the President of the Conference, the Chairman, Vice-Chairman and Rapporteur of the Committee of the Whole, the Chairman of the Drafting Committee, the Expert Consultant and all members of the secretariat. While the Conference might not have achieved all that it had set out to do, it had accomplished outstanding results in the time available and had made great progress towards its goal. He had no doubt that the Conference would be fully equal to the task ahead.

18. Mr. HERNDL (Austria) said that, in an earlier statement in the Committee of the Whole, he had already paid a tribute to the officers of the Conference and to the secretariat, and had presented some thoughts concerning the work of the Conference. He wished to thank all delegations for their expressions of gratitude, made in the recommendation adopted at the 7th plenary meeting, and for also having recommended Vienna as the venue for a resumed session of the Conference in line with the invitation of the Austrian Government. He thanked participants for their friendly attitude towards Austria and expressed the hope that the Conference would reconvene in Vienna in 1978.

19. The PRESIDENT thanked all representatives who had congratulated him on his conduct of the Conference. His task as President had been greatly facilitated by the spirit of co-operation and understanding shown by all delegations and by the assistance rendered by the secretariat. He then declared closed the first session of the United Nations Conference on Succession of States in respect of Treaties.

*The meeting rose at 6.50 p.m.*