

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

Vienna, Austria  
Resumed session  
31 July-23 August 1978

Document:-  
**A/CONF.80/SR.11**

## **11<sup>th</sup> Plenary Meeting**

Extract from volume II 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)*

**Organization of the work of the Conference  
at its resumed session (A/CONF.80/17)**

13. The PRESIDENT said he assumed that participants would wish to discuss the contents of the document "Methods of work and procedures adopted by the Conference as may be applicable to its resumed session" (A/CONF.80/17) in their respective regional groups. He suggested that a chairman or, at least a provisional speaker should be nominated for each group.

*The meeting rose at 11.55 a.m.*

**10th PLENARY MEETING**  
*Monday, 31 July 1978, at 3.25 p.m.*

*President: Mr. ZEMANEK (Austria)*

**Election of one Vice-President (continued)**

1. The PRESIDENT said that, if there were no objection, he would take it that the Conference approved the proposal by the Chairman of the Group of Latin American States that the representative of Trinidad and Tobago be elected a Vice-President of the Conference in place of the representative of Barbados.

*It was so agreed.*

**Organization of work**  
[Agenda item 10]

2. The PRESIDENT drew attention to the memorandum by the Secretary-General "Methods of work and procedures adopted by the Conference as may be applicable to its resumed session" (A/CONF.80/17). He had been informed by the chairmen of four regional groups that it was their hope that the utmost effort would be made to complete the work of the Conference in three weeks. He had replied that the secretariat and the Bureau certainly shared that hope, but that control over the duration of the Conference was entirely in the hands of delegations.

3. Mr. RYBAKOV (Union of Soviet Socialist Republics) said that, in principle, his delegation approved the ideas concerning the methods of work of the Conference that were set out in the memorandum by the Secretary-General. It would indeed be the most rational course for the Drafting Committee of the Committee of the Whole to commence work forthwith on the remaining articles of the draft, particularly articles 30 to 39. His delegation strongly favoured the suggestion made by the President at the 9th plenary meeting that delegations should hold consultations in advance of official meetings on the questions that were still outstanding. He hoped that all delegations would continue to adhere to the trend of the overwhelming

majority of participants in the 1977 session to retain as far as possible the text of the draft articles prepared by the International Law Commission (see A/CONF.80/4). If that were done, the Conference should have no difficulty in completing successfully the task entrusted to it by the General Assembly. To assist in the achievement of that aim, his delegation would not insist on the amendments to the draft articles which it had proposed during the 1977 session. While it was no secret that the success of the Conference depended on the solution of certain difficult problems that were still under discussion, his delegation believed that the main lines of the future Convention had already been laid down, in particular through the adoption of the "clean slate" principle in relation to newly independent States that emerged as a result of the process of decolonization. His delegation had serious doubts as to the advisability of encumbering the International Law Commission's draft with references to matters that had more to do with the law of treaties or questions that had long been the subject of unsuccessful debate at other international conferences, than with succession of States.

4. The PRESIDENT said that, if there was no objection, he would take it that the Conference wished to take note of the memorandum submitted by the Secretary-General in document A/CONF.80/17.

*It was so agreed.*

*The meeting rose at 3.35 p.m.*

**11th PLENARY MEETING**  
*Monday, 7th August 1978, at 3.45 p.m.*

*President : Mr. ZEMANEK (Austria)*

**Tribute to the memory of His Holiness, the late Pope  
Paul VI**

1. The PRESIDENT said that delegations had come together to pay a tribute to the memory of His Holiness, the late Pope Paul VI. The outstanding feature of the papacy of Paul VI was his concern for peace and social justice in the world, in which he was following a long tradition which had culminated in his predecessor's remarkable encyclical *Pacem in terris*. The early years of his papacy had been dedicated to the conclusion of Vatican Council II and the implementation of its decisions, but as early as 1967 he had manifested his concern for the necessity of peaceful development in his encyclical *Populorum progressio*. In that year he had established the observance of the first of January as a "day of peace" for which he issued a yearly message dealing with subjects such as the promotion of human rights and reconciliation. His last message, in 1978, had been "No! to force and violence! Yes! to peace!". He had called upon all human beings of good will, regardless of their faith, to establish

true peace founded on justice, human dignity and brotherly love. Peace was in his view a dynamic process for which man required education. His messages for the day of peace were supplemented by unprecedented journeys round the world, including a visit to United Nations Headquarters in New York. He had deemed it both his privilege and his duty as a spiritual authority to appeal to the individual, and not merely to deplore the shortcomings of others but to ask himself what he personally was doing for the cause of peace and social justice.

*On the proposal of the President, members of the Conference observed one minute's silence in tribute to the memory of His Holiness, the late Pope Paul VI.*

2. Monsignor CAGNA (Holy See) said he wished to thank the President and participants in the Conference for their tribute to Pope Paul VI, who throughout the 15 years of his difficult pontificate had worked untiringly and prayed for peace and understanding among all the nations of the world and for their integral development and welfare.

*The meeting rose at 3.55 p.m.*

## 12th PLENARY MEETING

*Thursday, 17 August 1978, at 3.30 p.m.*

*President: Mr. ZEMANEK (Austria)*

### Credentials of representatives to the resumed session of the Conference: Report of the Credentials Committee (A/CONF.80/18/Rev.1)

1. Mr. SETTE CÂMARA (Brazil), Chairman of the Credentials Committee, introduced the report of the Credentials Committee (A/CONF.80/18/Rev.1). The nine members of the Committee, which had been established by the Conference at its 2nd plenary meeting,<sup>1</sup> on 29 April 1977, in accordance with rule 4 of the rules of procedure (A/CONF.80/8), had met again on 16 August 1978 to examine the credentials of the representatives at the resumed session of the Conference. The Committee had had before it a memorandum by the Executive Secretary of the Conference dated 15 August 1978, concerning the status of the credentials of the representatives of the 94 States participating in the resumed session.

2. Paragraph 3 (a) of the report listed 74 States which had communicated formal credentials to the Executive

Secretary, in accordance with rule 3 of the rules of procedure; those credentials had been issued either by the head of State or Government or by the Minister for Foreign Affairs. Paragraph 3 (b) listed six States the designation of whose representatives had been communicated to the Executive Secretary of the Conference by a cable from the Foreign Minister concerned. Paragraph 3 (c) listed 10 States the designation of whose representatives had been communicated to the Executive Secretary of the Conference by note verbale or letter from the Embassy or Permanent Mission of the State concerned. Paragraph 3 (d) listed four States from which no communications had been received, but whose representatives had assured the Executive Secretary of the Conference that communications would be forthcoming.

3. Since the preparation of the report, Switzerland, which was one of the States listed in paragraph 3 (d), and Saudi Arabia, which was one of the States listed in paragraph 3 (c), had submitted credentials to the Executive Secretary.

4. The Credentials Committee had decided to accept the credentials of the representatives referred to in paragraph 3 (a). On the proposal of its Chairman, it had decided, in the light of past practice and as an exceptional measure, to accept the communications received or to be received with regard to the delegations referred to in paragraph 3 (b), (c) and (d) in lieu of formal credentials, it being understood that such credentials would be submitted as soon as possible.

5. The representatives of three States participating in the work of the Credentials Committee had made statements which were recorded in paragraphs 5 and 6 of its report.

6. Mr. NATHAN (Israel) said that the Credentials Committee had accepted his delegation's credentials after confirming that they were formal credentials in accordance with rule 3 of the rules of procedure. His delegation therefore objected to the reservations made by the representative of Qatar, as recorded in paragraph 5 of the report under consideration. Such reservations were inadmissible; they were irrelevant and were designed solely to introduce politics into the work of the Conference.

7. Under rule 4 of the rules of procedure, the Credentials Committee had to examine the credentials of representatives and report to the Conference. That examination consisted of verifying that the credentials in question met the procedural requirements set forth in rule 3 of the rules of procedure. Reservations of a political nature, such as those which appeared in paragraph 5 of the report under consideration, were therefore altogether extraneous to the terms of reference of the Credentials Committee and had no place in its report.

8. His delegation was fully entitled to participate in the Conference by virtue of the invitation extended to the State of Israel by the Secretary-General of the United Nations in accordance with General Assembly resolution 31/18, in which the Secretary-General had been requested

<sup>1</sup> *Official Records of the United Nations Conference on Succession of States in Respect of Treaties, vol. I Summary records of the plenary meetings and of the meetings of the Committee of the Whole* (United Nations publication, Sales No. E.78.V.8), p. 4, 2nd plenary meeting, paras. 8-9.