

**United Nations Conference on Succession of States  
in respect of State Property, Archives and Debts**

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**22nd meeting of the Committee of the Whole**

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fairly satisfactory, he suggested that the Committee should not linger over the question but proceed to a vote on the amendments as soon as possible.

34. Mr. CHO (Republic of Korea) said that he fully understood and accepted the idea that the extinction and arising of rights mentioned in article 20 were simultaneous and believed that the article already implicitly embodied that idea. He was inclined to favour retaining the article as it stood, especially for the sake of consistency with article 9, already adopted.

35. Mr. NATHAN (Israel) said that he supported the Netherlands amendment as a necessary clarification of the principle that no break occurred between the extinction of the rights of the predecessor State and the arising of rights for the successor State. Since the withdrawn French amendment to article 9 had been very much wider in scope and more complex than the Netherlands amendment to article 20, its rejection could not be regarded as setting a precedent. The introduction of the word "simultaneous" in article 20 would admittedly mean that that article and article 9 would not be perfectly balanced, but in his opinion that was not in itself a reason for rejecting the Netherlands amendment. As the representative of France had pointed out, the proper course would be to consider the Netherlands amendment on its merits and to review article 9 as appropriate to ensure that the two provisions were in harmony.

36. Mr. LAMAMRA (Algeria) said that he wished to correct the erroneous interpretations of his delega-

tion's oral amendment put forward by the representatives of Greece and France. Although they were mutually contradictory, each had been equally far removed from the true thinking behind the proposal.

37. The purpose of the proposed amendment was certainly not, as the representative of Greece had suggested, to imply that some kind of juridical gap or rupture occurred, even exceptionally, in the passing of rights. On the contrary, the passing of rights was fully continuous, so much so that there might even be concurrent possession of identical rights and identical archives on the part of the two States concerned.

38. He stressed that the true intention of the amendment was to establish absolute simultaneity as the rule and to regard any other situation as irregular. That was the reverse of the construction placed on the Algerian amendment by the representative of France.

39. After a procedural discussion, in which Mr. LAMAMRA (Algeria), Mr. MONNIER (Switzerland), Mr. PIRIS (France), Mr. TEPAVITCHAROV (Bulgaria), Mr. ROSENSTOCK (United States of America) and Mr. ASSI (Lebanon) took part, the CHAIRMAN suggested that a decision on article 20 and the proposed amendments thereto should be deferred pending the circulation of the Algerian delegation's amendment in written form.

*It was so decided.*

*The meeting rose at 1.05 p.m.*

## 22nd meeting

Thursday, 17 March 1983, at 10.15 a.m.

Chairman: Mr. ŠAHOVIĆ (Yugoslavia)

**Consideration of the question of succession of States in respect of State property, archives and debts, in accordance with General Assembly resolutions 36/113 of 10 December 1981 and 37/11 of 15 November 1982 (continued) (A/CONF.117/4, A/CONF.117/5 and Add.1)**

[Agenda item 11]

*Article 20 (Effects of the passing of State archives) (concluded)*

1. The CHAIRMAN said that the Committee had completed its consideration of article 20, and he hoped that it could proceed to take a decision on the amendment proposed by the Netherlands (A/CONF.117/C.1/L.33) and on the draft article as a whole.

2. Mr. LAMAMRA (Algeria) said that, as the Committee had relatively little time left in which to finish its work, and taking into account the need to maintain the logical consistency of the draft as a whole, his delegation withdrew the sub-amendment it had submitted orally at the 21st meeting with respect to the Netherlands amendment.

3. Mr. THIAM (Senegal) said that he welcomed the spirit of compromise shown by the delegation of Algeria

in withdrawing its sub-amendment. He believed that the withdrawal could be interpreted both as a gesture intended to dispel any fears of a protracted procedural debate and also as an acknowledgement of the clarifications provided in the course of the discussion by the Expert Consultant. He hoped that the Committee would now be in a position to restore the consensus it had achieved in regard to article 9.

4. The CHAIRMAN invited the Committee to vote on the amendment submitted by the Netherlands.

*The amendment was rejected by 32 votes to 21, with 8 abstentions.*

5. The CHAIRMAN invited the Committee to proceed to a vote on the text of draft article 20 as submitted by the International Law Commission.

*Draft article 20, as proposed by the International Law Commission, was adopted by 47 votes to 4, with 13 abstentions, and referred to the Drafting Committee.*

6. The CHAIRMAN said that a number of delegations wished to speak in explanation of vote.

7. Mr. MAAS GEESTERANUS (Netherlands) said that he had hoped to be given the opportunity to speak

in explanation of vote before the vote, but that his request for the floor seemed to have been ignored.

8. The fact that his delegation's amendment had been rejected did not convince him that the concept of simultaneity was implicit in article 20. On the contrary, a statement at the previous meeting had shown that at least one delegation believed that the extinction and arising of rights in the case of a succession of States were not coincident in time, and that there might in fact be a gap, or even an overlap, between the two events. Such an interpretation was unacceptable to his delegation.

9. The CHAIRMAN said that he had been under the impression that the representative of the Netherlands had merely wished to add his name to the list of delegations wishing to speak in explanation of vote after the vote. He apologized for the evident misunderstanding.

10. Mr. ECONOMIDES (Greece) said that his delegation had voted in favour of the Netherlands amendment and in favour of the International Law Commission's version of draft article 20 because it felt that, as in the case of article 9, the idea of simultaneity was inherent in the text. The Netherlands amendment had merely reinforced that underlying idea.

11. Mr. RASUL (Pakistan) said that his delegation had abstained in the voting on the Netherlands amendment, which it regarded as essentially a drafting change. It had voted for the text proposed by the International Law Commission on the grounds that it adequately conveyed the notion of the simultaneous extinction and arising of rights upon a succession of States.

12. Mr. MURAKAMI (Japan) said that his delegation had voted in favour of the Netherlands amendment but that he wished to affirm its understanding that the rejection of that amendment did not imply denial of the principle of simultaneity implicit in the International Law Commission's draft, for which it had also voted.

13. Mr. EDWARDS (United Kingdom) said that his delegation had voted in favour of the Netherlands amendment for the reasons it had outlined at the Committee's previous meeting. It had found it necessary to vote against the International Law Commission's wording because serious doubts remained as to whether the concept of simultaneity had indeed been preserved in that version of article 20. In addition, his delegation had general reservations regarding the terminology used by the Commission in the article.

14. Mr. OESTERHELT (Federal Republic of Germany) said that, in view of the discussion of the 21st meeting, and particularly the statement by the representative of Algeria on the interpretation of article 20, his delegation had been prepared to vote against the International Law Commission's version of the article. However, the withdrawal of the Algerian sub-amendment and the helpful statement made by the representative of Senegal had enabled his delegation to abstain in the voting on the Commission's text of the article as a whole. At the same time, his delegation had voted for the Netherlands amendment for the reasons it had given at the previous meeting.

15. Mr. ROSENSTOCK (United States of America) said that his delegation had felt that the notion of simul-

taneity was a necessary feature of article 20, but that the International Law Commission's text was insufficiently precise. It had thus had no alternative but to vote against the draft as submitted by the Commission.

16. Mr. PÉREZ GIRALDA (Spain) said that the Netherlands amendment would have improved the text of article 20 and that his delegation had therefore voted in its favour. His delegation considered that the idea of simultaneity was still implicit in the text and that, therefore, the wording should be more specific in that respect. In view of the doubts expressed in the discussion, however, his delegation had abstained in the voting on the International Law Commission's draft.

17. Mr. MIKULKA (Czechoslovakia) said that his delegation had voted for the International Law Commission's text and against the Netherlands amendment, which it found superfluous because in its understanding both article 9 and article 20 affirmed the principle of the simultaneity of the extinction and arising of rights upon a succession of States.

18. Mr. PIRIS (France) said that the interpretation of article 20 given by one delegation in its statement at the previous meeting had obliged him to vote against the International Law Commission's draft of the article. There was a broad consensus in the Committee of the Whole that the concept of simultaneity expressed in the Netherlands amendment, for which the French delegation had voted, was implicitly covered in article 20, as it had been in article 9.

19. Mr. NARINTHRANGURA (Thailand) said that the Netherlands amendment would have provided a useful addition to article 20 and would have clarified its scope. His delegations had therefore voted in favour of the amendment.

20. Mrs. PAULI (Switzerland) said that her delegation had voted for the Netherlands amendment and also for the International Law Commission's text of article 20, since, although the Netherlands amendment would have added a useful degree of precision, the idea of simultaneity was in any case implicitly contained in the text of article 20.

21. Mr. LAMAMRA (Algeria) said that his delegation welcomed the adoption of article 20 in the International Law Commission's version, since his delegation's interpretation of that wording coincided on the whole with the views expressed by the Expert Consultant in the context of article 9. He regretted that certain speakers had chosen to misrepresent his delegation's position, which was intended merely to safeguard the rights of successor States in particular cases of succession.

22. Mr. THIAM (Senegal) said that his delegation had abstained in the voting on the Netherlands amendment. While recognizing the spirit which had prompted the amendment, it felt that the International Law Commission's original text, as elucidated by the Expert Consultant, fully conveyed the idea of simultaneity, and that it would be best, in the interests of preserving the balance between the various Parts of the convention, to maintain the consensus achieved on article 9. He added in that connection that his delegation had welcomed the conciliatory and wise gesture of the Algerian delegation in withdrawing its sub-amendment.

*New article 19 bis* (Passing of State archives)

23. The CHAIRMAN recalled that the Committee had approved a corresponding article in Part II of the draft, namely article 8 *bis*, which had been referred to the Drafting Committee. He invited delegations to comment on the substance of the new article 19 *bis* (A/CONF.117/C.1/L.39) proposed by Algeria.

24. Mr. MEYER LONG (Uruguay) said that his delegation supported the new article, which would be in line with article 8 *bis* as already adopted.

25. Mr. PHAM GIANG (Viet Nam) said that in his delegation's view the adoption of the new article 19 *bis* would necessitate the addition of an analogous provision in Part IV of the draft, and he inquired whether the delegation of Algeria intended to submit such an article for inclusion in that Part. The topic covered by the new article was an important one for newly independent States, but his delegation had reservations concerning the wording chosen, which might prejudice the balance of the convention as a whole.

26. Mrs. THAKORE (India) addressed a similar question to the Algerian delegation.

27. Mr. LAMAMRA (Algeria) said that, in submitting the proposed article 19 *bis*, his delegation had intended to safeguard the logic and consistency of the draft convention. The proposed new article was designed as a parallel to the corresponding provision in Part II, but his delegation had decided that its inclusion was not essential. In the interests of saving time, therefore, it wished to withdraw the proposal.

28. Mr. ROSENSTOCK (United States of America) said that the question of ensuring uniformity in the text of the convention was one best left to the Drafting Committee and that the proposal submitted by Algeria was an important one which should not be allowed simply to lapse. He accordingly suggested that it should be referred to the Drafting Committee.

29. Mr. RASUL (Pakistan) said that his delegation had supported the inclusion of article 8 *bis* in the draft as it provided a general and innocuous rule which would apply to all Parts of the convention. If the proposed new article 19 *bis* was not adopted, his delegation would oppose the inclusion of the corresponding article 8 *bis*.

30. Mr. PIRIS (France) agreed with the representative of the United States that the problems raised by the new article 19 *bis* should be referred to the Drafting Committee which might usefully consider the possibility of combining the provisions of draft articles 8 *bis* and 19 *bis* with a corresponding provision on State debts.

31. Mr. ROSENSTOCK (United States of America) announced that his delegation would formally resubmit as its own proposal the amendment involving the addition of a new article 19 *bis* previously submitted and then withdrawn by Algeria.<sup>1</sup> He recommended that the text of the amendment should be referred to the Drafting Committee without further discussion.

32. Mrs. BOKOR-SZEGÖ (Hungary) said that, if the proposal should once more come before the Committee, members would surely have a right to discuss it if they so desired. To refer it directly to the Drafting Committee would be against the spirit and the letter of the rules of procedure.

33. Mr. OESTERHELT (Federal Republic of Germany) said that his delegation would have been prepared to vote for article 19 *bis*, just as it had voted for article 8 *bis*, because the article gave expression to the concept of continuity inherent in the act of passing of State property and archives. The amendment originally submitted by Algeria and now reintroduced by the United States was in line with the position his delegation had taken from the beginning. He would welcome it if a general provision to that effect were incorporated in the draft, and hoped that the Drafting Committee or the Committee of the Whole would take steps to ensure the harmony and internal consistency of all parts of the draft convention.

34. Mr. MEYER LONG (Uruguay) said that, while supporting the proposal for the insertion of a new article 19 *bis*, he disagreed with the idea that it should be merged with article 8 *bis* and a possible future article 31 *bis*. The division of the draft convention into clearly defined parts should be preserved.

35. Mr. ECONOMIDES (Greece) said that he was in favour of introducing a single unified rule concerning the matter under discussion and reserved the right to submit a proposal to that effect in the light of the recommendations of the working group established to consider the rationalization of the draft convention. For the time being, he supported the amendment just reintroduced by the United States of America as a logical consequence of the adoption of article 8 *bis*.

36. Mr. MIKULKA (Czechoslovakia) said that the subject matter of the amendment should not be regarded as a drafting point but as a question of substance. Paragraphs (1) and (2) of the International Law Commission's general commentary on Part III of the draft convention indicated that State archives constituted a very special case in the context of succession of States and explained in what way they differed from other forms of State property. It would be a mistake to reproduce, purely for the sake of ensuring a formal balance, the rule of article 8 *bis* dealing with State property, in the section devoted to State archives without inquiring whether or not such a rule would be appropriate in that context. Archives represented a specific sub-category of State property. A succession of States in respect of State archives entailed not only the passing of archives of the predecessor State to the successor State but also, in certain cases, gave rise to an obligation on the part of the predecessor State to furnish copies of State archives to the successor State. The proposal now sponsored by the United States overlooked that aspect of the problem and was therefore inappropriate and unacceptable.

37. Mr. PIRIS (France) remarked that in paragraph (1) of its composite commentary to articles 20, 21, 22 and 23, the International Law Commission spoke of a perfect correspondence between the sets of articles relating to State property and State archives, respec-

<sup>1</sup> The United States amendment was subsequently issued under the symbol A/CONF.117/C.1/L.42.

tively. He reserved the right to propose, at a later stage, the amalgamation of article 8 *bis* and the corresponding articles on State archives and State debts, if such articles were adopted. In response to the remarks made by one delegation, a minor drafting change might be made to the amendment in relation to the text of article 8 *bis*, so that it would end with the words "subject to the conditions and within the limits set forth in the provisions of the articles of this Convention".

38. Mr. MIKULKA (Czechoslovakia) remarked that the part of the commentary cited by the French representative applied to articles 20, 21, 22 and 23, but not to article 19 or to a new article 19 *bis*.

39. Mr. LAMAMRA (Algeria) suggested that, for the sake of clarity, the text of the new United States amendment should be circulated in writing.

40. After a procedural discussion in which Mr. ROSENSTOCK (United States of America), MR. HOSAIN (Bangladesh) and Mr. LAMAMRA (Algeria) took part, the CHAIRMAN suggested that the consideration of the proposal for a new article 19 *bis* should be deferred pending the distribution of the text sponsored by the United States delegation.

*It was so decided.*

#### Article 21 (Date of the passing of State archives)

41. Mr. TÜRK (Austria), introducing his delegation's amendment to article 21 (A/CONF.117/C.1/L.26), said that it might legitimately be asked why a similar amendment should not have been proposed in respect of article 10, which contained what appeared to be an identical provision so far as State property was concerned. As pointed out in paragraph (1) of the general commentary to Part III, archives constituted a very special case in the context of the succession of States. The passing of State archives differed from the passing of State property or State debts. Paragraph (2) of the commentary on articles 20, 21, 22 and 23 stated that archives were usually well identified as such and could be transferred immediately. However, as practitioners were well aware, the difficulties involved might be considerable and the risk of delay could not be discounted. That was why his delegation was proposing the addition of a general provision to the effect that the actual transfer of State archives should take place without delay. The reference to "previous specification" was introduced in his delegation's amendment in order to reflect what was, in fact, standard practice in the vast majority of cases, the words "if necessary" being intended to allow for some flexibility in that respect. If, as had been suggested, articles 10, 21 and 33 were eventually amalgamated—a course which the Austrian delegation would welcome—the text of the proposed paragraph 2 of article 21 would have to appear as a separate article in the part of the convention dealing with State archives. For the time being, however, the proposal should be regarded as an amendment to article 21.

42. Mr. ALI (Egypt) announced that an amendment to article 21 would be submitted by his delegation.<sup>2</sup>

43. Mrs. THAKORE (India), after referring to paragraphs (2) and (3) of the commentary to articles 20, 21, 22 and 23, expressed doubts as to the appropriateness of the phrase "unless otherwise agreed or decided" in the context of article 21. First, the phrase tended to weaken the rule of immediate transfer, which was of particular importance in cases where a succession of States was followed shortly by a further succession of States. Secondly, there was a risk that, where no immediate agreement or decision existed, archives might suffer dismemberment, dispersion or destruction. The problem was a serious one and her delegation would prefer the phrase to be deleted.

44. So far as the Austrian delegation's amendment was concerned, she would wish to hear the Expert Consultant's view as to whether that amendment conflicted in any way with the rule of immediate transfer embodied in the existing text of article 21. If it did not, she would support the amendment with the addition of the word "undue" between the words "without" and "delay".

45. Mr. HALTTUNEN (Finland) said that he welcomed the Austrian delegation's amendment, which contained a very essential reference to the prompt transfer of the State archives concerned. Article 21 as it stood did not draw a distinction between the passing of State archives and the actual transfer of the State archives concerned. In practice, a time lag often occurred between the two events, *inter alia* because of the need to specify the State archives or documents concerned. Any slight inconsistency that might result from the adoption of the Austrian amendment could be removed by inserting the words "title to" between the word "of" and the words "State archives" in the text proposed by the International Law Commission, which would become paragraph 1 of article 21. The Expert Consultant's view on that point would be most helpful, but in any event the matter was essentially of a drafting nature and could be referred to the Drafting Committee.

46. Referring to the Greek delegation's proposal relating to articles 10, 21 and 33 (A/CONF.117/C.1/L.4), he remarked that the proposal would avoid unnecessary repetition in the separate Parts of the convention and was therefore to be welcomed, subject, again, to the insertion of the words "title to" between the words "of" and "State property", since in the case of movable State property the passing of title and the actual transfer might occur at different times.

47. Mr. ZSCHIEDRICH (German Democratic Republic) said that his delegation was in favour of article 21 as it stood.

48. Nothing useful would be added to the article by adopting the Austrian delegation's amendment. It was clearly in the interests of the successor State that the actual transfer of the archives should take place without delay. However, although the commentary to the article noted that immediate transfer was feasible on occasion, history showed that a longer period, sometimes years, might elapse because of the special nature of archives. In such circumstances it did not seem necessary to include a special provision making a concern for the interests of the successor State into an obligation, especially as to do so would make it necessary, for the

<sup>2</sup> Subsequently issued under the symbol A/CONF.117/C.1/L.41.

sake of consistency, to envisage similar additions to the parallel articles on State property and State debts. It was sufficient to establish the principle set forth in article 21 and to leave the States concerned free to negotiate agreed arrangements for the physical transfer of the archives identified as subject to passing.

49. Mr. RASUL (Pakistan) said that his delegation understood article 21 as dealing only with the determination of the date on which the predecessor State's rights to the State archives in question were extinguished and title thereto vested in the successor State. As such it was intimately linked with article 20 but had no bearing on the quite distinct questions of the actual physical transfer of those archives and the possible delay involved. The Austrian delegation's amendment was therefore out of place in article 21 and he would not be able to support it.

50. The representative of India had proposed verbally that the words "unless otherwise agreed or decided" should be deleted. He recalled that that language had been adopted earlier for the parallel article 10 on State property. Further, the apprehensions voiced by the representative of India regarding possible delays in making the transfer of archives were not relevant to the context of article 21, as the agreement referred to related only to the date of the passing of State archives, or the extinction and arising of the rights to such archives, and not to their actual transfer.

51. Mr. MEYER LONG (Uruguay) said that the suggestions made by some delegations regarding the possible amalgamation of certain articles were not appropriate at that stage in the Conference's proceedings. It would not be reasonable to talk of merging or linking articles or establishing parallels and patterns until all elements to be included in the future convention had been agreed and could be viewed as a whole.

52. He suggested that the debate on article 21 should be suspended pending the circulation of the amendment announced by the delegation of Egypt.

53. Mr. ALI (Egypt) said that the amendment his delegation wished to propose for article 21 was identical to that which it had proposed to article 10 (A/CONF.117/C.1/L.17) and which had been adopted, namely, the replacement of the words "unless otherwise agreed or decided" by "unless otherwise agreed by the States concerned or decided by an appropriate international body". The arguments supporting such an amendment were as valid in the case of article 21 as they had been for article 10, since the provisions were in essence identical.

54. Mr. IRA PLANA (Philippines) said that his delegation had no difficulty in endorsing article 21 as it stood; it was well drafted and established a reasonable and acceptable formula.

55. He was also prepared to accept the Austrian delegation's amendment, which would add a useful complementary provision making it clear that the actual transfer of archives was distinct from their passing, but would welcome a fuller explanation of the meaning of the words "previous specification".

56. Mr. THIAM (Senegal) said that he doubted the wisdom of incorporating the new paragraph proposed

by Austria into article 21. The actual transfer referred to in that paragraph was an operation quite distinct from the "passing" of State archives provided for in the article as it stood. The date of passing referred to was that on which the archives were considered in law as required to pass to the successor State. That date was quite different from the date of their effective transfer, which could not take place until after certain practical conditions had been met.

57. The Austrian delegation's amendment was therefore inappropriate and the Commission's original article should be retained unamended.

58. Mr. ECONOMIDES (Greece) pointed out that his delegation's proposed amendment to articles 10, 21 and 33, to which reference had been made, had been withdrawn on the understanding that all such identical provisions would be considered together, with a view to their rationalization.

59. He regarded the Austrian delegation's amendment as logical, realistic and useful and his delegation would support it.

60. Mr. HOSSAIN (Bangladesh) said that it did not seem necessary to add the new paragraph 2 proposed by Austria, especially in the light of the explanation of article 21 provided by the Commission in paragraphs (2), (3) and (4) of its commentary.

61. He was happy to endorse article 21 as it stood but was also ready to accept the Egyptian amendment, which would align article 21 with the related provisions of articles 10 and 11, already adopted.

62. Mr. ROSENSTOCK (United States of America) said that he also could accept the Egyptian proposal, which he regarded as a consequential amendment in the light of the adoption of the same language in articles 10 and 11. He thought it should be possible to take action on the proposal without a written text.

63. Mr. NATHAN (Israel) said that the Austrian amendment was both useful and necessary. The Commission, as was clear from its commentary on the article, appeared to take the view that the passing of archives implied the passing of title to those archives, as distinct from their physical transfer. Indeed, it could not be otherwise for practical reasons peculiar to archives which made it difficult to provide for actual physical transfer on the very date of succession. Two situations had to be covered: first, the passing of legal title and, second, the physical transfer of the items concerned. If the Austrian amendment were adopted, the words "title to" would have to be inserted into the existing text of article 21, as recommended by the delegation of Finland.

64. He felt that the words "without delay" were rather too categorical in view of the complex practical arrangements necessarily implied in the physical transfer of archives. The Drafting Committee might be requested to find some more elastic formula, such as "with the least possible delay" or "without undue delay".

65. Mr. MUCHUI (Kenya) said that, as a co-sponsor of the Egyptian delegation's earlier amendment to articles 10 and 11, his delegation strongly favoured maintaining consistency and balance between the various

provisions concerned and therefore fully supported a similar amendment in article 21. In fact, he had thought that that amendment would be made automatically as a consequence of the earlier decision.

66. While appreciating the concerns underlying the Austrian delegation's amendment, he believed that it should be considered in the light of both article 21 and article 20. Article 20 made it clear that the passing referred to in article 21 related to the passing of legal title to State archives from the predecessor to the successor State. After legal title had passed, the actual physical transfer should then, if possible, take place immediately. The Commission's commentary noted that in many cases such immediate transfer was in fact feasible, and no one disputed that every effort should be made to ensure that it was carried out with the least possible delay. However, he questioned whether it was appropriate or even prudent to provide specifically for the timing of that transfer; it would be preferable to leave the two States concerned free to determine appropriate arrangements in the light of circumstances.

67. Mr. PIRIS (France) said that he fully agreed with the intention behind the Austrian delegation's amendment and incidentally behind that of the International Law Commission, as shown in its commentary. It was inevitable that the physical transfer of archives should take a certain time, since it required the prior sorting and identification of the State archives which passed. The Austrian amendment was therefore useful, even if

it might be considered that the idea was already implicit in the International Law Commission's draft.

68. His delegation concurred with the representatives of the German Democratic Republic and Israel in considering the term "without delay" too categorical and in preferring a more flexible formula, such as "as soon as possible".

69. Lastly, it supported the amendment proposed by Egypt, in the interests of harmonizing article 21 with other articles of the draft convention. A corresponding change should also be made in article 22.

70. Mr. MEYER LONG (Uruguay) said that he also supported the amendment proposed orally by the representative of Egypt. He felt that, if that amendment was adopted, the Austrian delegation's amendment would no longer be necessary, for the text of article 21 as amended by Egypt would then dispose of the Austrian delegation's preoccupation and leave the parties free to determine the mode and timing of the transfer of archives.

71. Mrs. PAULI (Switzerland) said that her delegation considered the Commission's draft article adequate in itself, but regarded the new paragraph 2 proposed by Austria as a useful complement, as it provided a valuable clarification of the actual process of transfer of archives. Her delegation would therefore support that amendment. It could also accept the Egyptian delegation's proposal.

*The meeting rose at 12.20 p.m.*

## 23rd meeting

Friday, 18 March 1983, at 10.05 a.m.

Chairman: Mr. ŠAHOVIĆ (Yugoslavia)

**Consideration of the question of succession of States in respect of State property, archives and debts, in accordance with General Assembly resolutions 36/113 of 10 December 1981 and 37/11 of 15 November 1982 (continued) (A/CONF.117/4, A/CONF.117/5 and Add.1)**

[Agenda item 11]

*New article 19 bis (Passing of State archives) (continued)*

1. The CHAIRMAN suggested that, in view of the link existing between the proposed new article 19 *bis* and other articles on the draft, the Committee might save time, as well as giving itself an opportunity for reflection, by deferring a decision on the proposal until it was in a position to consider article 31, the corresponding provision on State debts in Part IV.

2. Mr. MEYER LONG (Uruguay) stressed that his delegation regarded the various Parts of the draft convention as autonomous and independent; even though they necessarily had certain common and parallel features, they might equally well have been drafted as separate conventions. Accordingly, he considered that the Committee was in no way bound to take ac-

count of the articles of other Parts when considering the provisions specific to one aspect of the subject matter.

3. Mr. LAMAMRA (Algeria) said that he agreed with the representative of Uruguay that the Parts of the draft convention were conceptually and organically independent of each other; it would be dangerous to attempt to create any artificial link among them. However, he had understood the Chairman's suggestion as relating only to the Committee's method of work and agreed that it would be useful to have further time to study the proposed new article. Rather than waiting until it was in a position to consider article 31, the Committee might postpone a decision on article 19 *bis* until it had completed its consideration of the remainder of the Part relating to State archives, so that the provisions on archives could be referred to the Drafting Committee as a coherent whole.

4. Mr. RASUL (Pakistan) said that he could not concur with the representatives of Algeria and Uruguay in their approach to the draft convention. In his view, the adoption of the new article 8 *bis* in Part I made it logically necessary to insert analogous articles in the following two Parts, and he would oppose the inclusion of any article in one Part which did not have its equivalent in the other Parts.