

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

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25th meeting of the Committee of the Whole

Extract from Volume I of the *Official Records of the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

25th meeting

Monday, 21 March 1983, at 10.20 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 24 (Preservation of the unity of State archives) (continued)

1. Mr. RASUL (Pakistan) said that he was not entirely satisfied with the explanations given by the Expert Consultant at the previous meeting. His delegation had understood that the article applied before the transfer of State archives to the successor State and thus might offer to the predecessor a pretext, on the ground of the preservation of the unity of archives, for depriving the successor State of certain archives that might be of great interest to that State. If, however, the Expert Consultant could state that that interpretation was not correct and could instead confirm the Indian representative's interpretation (24th meeting) of article 24, namely, that the provision it contained did not affect the transfer of State archives to the successor State and applied only after the transfer had taken place, the delegation of Pakistan would consider withdrawing its amendment (A/CONF.117/C.1/L.9).
2. Mr. SUCHARIPA (Austria) said that he had understood the Expert Consultant to confirm the Austrian delegation's view that article 24 should only be taken to mean that some parts of the State archives of a given State might in themselves constitute an indivisible unity which should be preserved. The safeguard provided in that respect was intended to benefit both predecessor and successor States. The article was of fundamental importance and supplied a balancing element without which Part III as a whole would hardly be acceptable to his delegation.
3. Referring to the Swiss delegation's revised amendment (A/CONF.117/C.1/L.29/Rev.2), he said that the introduction of the archival concept of "joint heritage", well known to archivists all over the world, represented a very useful addition to the International Law Commission's text. At least two of the delegations attending the Conference—the Hungarian delegation and his own—could testify that the concept of joint heritage was not an esoteric idea but could indeed serve practical purposes, for if it had not been applied to the archives which had been common to both countries under the Austro-Hungarian monarchy, both parts resulting from the division of those archives would have lost all their value. He fully supported the Swiss amendment.
4. Mr. KADIRI (Morocco) said that his delegation on the Sixth Committee of the General Assembly had repeatedly argued in favour of including a section devoted specifically to State archives in the proposed draft convention. It therefore welcomed all the articles contained in section I of Part III of the draft, and, in particular, noted with deep satisfaction that the International Law Commission, in paragraph (5) of its commentary on articles 20, 21, 22 and 23, considered the passing of State archives as occurring "by right", entirely free and without compensation. Article 24 was a safeguard clause for the application of the substantive rules laid down in that section. He was unconvinced by the arguments in favour of deleting article 24 advanced by the representative of Pakistan at the preceding meeting and was pleased to note that Pakistan's amendment to that effect appeared to have been withdrawn. The Swiss delegation's amendment appeared at first glance to be of considerable interest but further explanation of its precise scope and significance would be helpful.
5. Mr. PIRIS (France) said that he, too, was pleased to note that the representative of Pakistan seemed willing to withdraw his proposal, which the French delegation would have been unable to support since article 24 laid down a principle which was absolutely fundamental. However, as the Expert Consultant himself had conceded at the previous meeting, it might be possible to improve the International Law Commission's text and he accordingly suggested that the reference to the unity of State archives at the end of the article might be replaced by a reference to the unity of "groups of State archives." The Swiss amendment, which sought to introduce the valuable principle of joint heritage, already endorsed by UNESCO, was acceptable to his delegation subject to two subamendments, namely, the replacement of the words "these States shall" by the words "these States should" and the deletion of the words "management and" in the final passage of the proposed new paragraph 2.
6. Mr. DJORDJEVIĆ (Yugoslavia) said that his delegation was prepared to accept the text of article 24 as it stood in view of the importance of the principle of the preservation of the unity of archives. However, it was also important to ensure that the adoption of that principle should not be used by the predecessor State as a pretext for failure to fulfil its obligations towards the successor State and he suggested that perhaps certain guarantees of the successor State's interests should be included in the convention.
7. With regard to the Swiss delegation's amendment, he remarked that article 24 as it stood appeared to be sufficiently wide in scope to cover the case envisaged by the Swiss delegation, while articles 25, paragraph 4, and 26, paragraph 4 provided for appropriate forms of co-operation between the predecessor State and the successor State in specific cases. Moreover, the wording of the Swiss amendment was not wholly satisfactory in that it introduced new terms whose precise interpretation might give rise to difficulties. For all those reasons, he preferred the existing text of arti-

cle 24 and could not support either of the two amendments before the Committee.

8. Mr. de OLIVEIRA (Angola) agreed with previous speakers who had pointed out that the text of article 24 was open to different interpretations. If it meant that all archives were governed by the principle of unity, the article was indeed superfluous and he would support its deletion. If, on the other hand, the object of the article was to safeguard the unity of certain archives only, then the text might perhaps be made clearer by referring to "the unity of archive collections" instead of to the unity of "State archives". In his opinion, the matter could safely be entrusted to the Drafting Committee. The idea embodied in the Swiss amendment was an interesting and potentially a useful one; however, he had some doubts as to the legal value of the concept of "joint heritage", and also wondered whether it was appropriate to include two provisions having different scopes of application in the same article.

9. Mr. OESTERHELT (Federal Republic of Germany) said that his delegation considered article 24 to be not only useful but necessary, a view confirmed by the statements made at the preceding meeting by the Expert Consultant and the representative of UNESCO. The Swiss amendment represented a successful attempt to underline and strengthen the rule proposed by the International Law Commission by applying it to a particular set of circumstances. His delegation was therefore prepared to vote in favour of both the Commission's text and the Swiss amendment and would also accept the modifications to that amendment proposed by the French delegation.

10. Mrs. BOKOR-SZEGÖ (Hungary), while fully endorsing the Austrian representative's remarks concerning the excellent experience of co-operation between Austria and Hungary in the matter of archives in the period following the First World War, stressed the need to apply the principle of unity of archives differently to specific categories of succession of State. In particular, in the case of newly independent States, archives subject to the principle of indivisibility should pass into the custody of the successor State.

11. Mr. MUCHUI (Kenya) expressed support for article 24 as it stood. He was unconvinced by the need for the Swiss amendment which, in his view, might lend itself to serious misinterpretation and, in particular, might be applied in a manner prejudicial to newly independent States.

12. Mr. RASUL (Pakistan) reiterated that part of his earlier statement in which he had said that his delegation would consider withdrawing its amendment if the Expert Consultant confirmed that the provision in article 24 did not affect the transfer of State archives to the successor State and applied only after the transfer had taken place. Some previous speakers appeared to have assumed that the amendment was already withdrawn; he wished to make it clear that such was not the case.

13. Mr. KIRK (United Kingdom) said that his delegation regarded the principle underlying article 24, that of the preservation of the unity or indivisibility of State archives, as a fundamental principle of archive administration, universally accepted by archivists. It there-

fore supported the text of article 24 as proposed by the International Law Commission, subject to possible drafting improvements which could be undertaken in the Drafting Committee.

14. The amendment proposed by Switzerland was a useful and interesting proposal and his delegation supported it, believing that it would introduce a measure of balance into the enunciation of the principle in article 24 as it stood. He hoped that, in the light of the Swiss amendment, the representative of Pakistan would consider withdrawing his proposal which was unacceptable to the United Kingdom delegation.

15. Mr. KOLOMA (Mozambique) noted that the Swiss delegation's amendment was based on the assumption of the existence of the archival concept or principle of common heritage in respect of archive collections and provided that that principle should guide States involved in a succession in circumstances in which such collections could not be divided up among several States without substantially diminishing their value. In his delegation's view, the amendment raised two main concerns. First, although the concept of joint heritage might be a part of archival science or indeed of modern international law, his delegation had serious doubts about its general acceptance by the international community. Second, cases in which that concept would be applied had not been specified and no objective criteria for identifying such cases had been established either in the amendment itself or in the draft convention. It was not clear whether it would be the predecessor State, the successor State or the two jointly which would determine which cases would be considered in that light.

16. If the concept of "joint heritage" was generally acceptable to the Conference, then his delegation would propose that it should be given formal endorsement in the draft convention, together with a list of specific cases or a number of criteria determining its practical application for the use of both the predecessor and successor States. Unless that was done, those States would necessarily face practical difficulties in identifying the cases to which the concept should be applied.

17. If appropriate improvements were made to the Swiss amendment, his delegation would be ready to revise its position in relation to it. In the meantime, it supported the draft article as proposed by the Commission.

18. Mr. de VIDTS (Belgium) said that his delegation favoured retaining article 24 as it stood, since it took account of changes which had been taking place in the approach to archival questions in cases of succession of States. Because it considered it essential that the unity of archives should be preserved—which was precisely the object of the article—his delegation was unable to support the proposal for the deletion of the article made by Pakistan.

19. The Belgian delegation supported the amendment proposed by Switzerland because it was useful in providing guidelines for situations in which several States had an equal claim to certain archives, ensuring that the management of the archives would be carried out effi-

ciently and with due respect for the rights and needs of the States concerned.

20. Mr. ABED (Tunisia) said that he welcomed the Commission's efforts to provide safeguards for the indivisibility of archive collections, but considered that the provisions of article 24 needed very careful consideration, especially as the article had only been adopted by the Commission in second reading and, in spite of the useful explanations provided by the Expert Consultant, the value of the concept or principle of the unity of archives as stated in article 24 was still doubtful. Although it was a vital principle in itself, its use in article 24 might in some cases give grounds for disputes between the States concerned. For the sake of greater precision, it might be useful to include a reference to collections of archives, as suggested by the representative of France. That suggestion should be referred to the Drafting Committee with a view to finding the appropriate formulation.

21. His delegation regretted that it could not accept the amendment proposed by Switzerland, as the vague provisions which it contained would not simplify matters in any constructive way.

22. Mrs. VALDÉS (Cuba) said that her delegation regarded the provisions of article 24 as very important. The principle of the indivisibility of archives was a very useful one and should be maintained. The Cuban delegation could not therefore support Pakistan's proposal that the article should be deleted.

23. In her delegation's opinion, the text proposed by Switzerland was narrower in scope than the article proposed by the International Law Commission. Furthermore, the additional paragraph proposed by Switzerland would offer the predecessor State in certain circumstances a pretext for withholding certain State archives on the grounds that they were part of its heritage, and as a consequence difficulties might arise, especially where newly independent States were concerned. The Cuban delegation would therefore be unable to support the Swiss amendment; it would support article 24 as it stood in the Commission's draft.

24. Mr. KEROUAZ (Algeria) said that his delegation favoured maintaining article 24 as drafted. It represented a general safeguard clause, protecting the unity of State archives. The outstanding drafting points on which his delegation had reservations could easily be settled by the Drafting Committee.

25. He could certainly not support the proposal by the Pakistan delegation that the draft article should be deleted. He also questioned the juridical value and utility of the Swiss amendment. The text proposed by Switzerland appeared to be dangerous, in allowing too much latitude for interpretation, possibly tending to undermine the generally accepted principle of the indivisibility of archives, especially in cases of succession involving newly independent States. The Swiss text did not seem to take account of certain situations, covered by subsequent articles of the Commission's draft, in which the State archives in question had belonged not to the predecessor State but to the territory affected by the succession and were thus fully the property of the successor State.

26. His delegation wished to reserve its final position on the Swiss amendment until it had been able to consider that amendment carefully in the light of the provisions of article 26.

27. Mr. ECONOMIDES (Greece) said that his delegation favoured retaining article 24 as it stood and shared the view of other delegations that its provisions were of vital importance. Accordingly, it could obviously not support the amendment proposed by Pakistan.

28. The Swiss delegation proposed a useful complement to the draft article and his delegation was ready to support it. However, it might be possible to draft the additional paragraph in simpler and more flexible terms; it might be sufficient simply to state in such a paragraph that, in order to conform with the provisions of paragraph 1, the States concerned should be guided by the concept of common heritage whenever appropriate or necessary. That concept was the essence of the proposed additional paragraph, as his delegation understood it, and did not require any great elaboration.

29. Mr. ASSI (Lebanon) said that his delegation's difficulty with respect to article 24 was that it was not clear how it would operate in practice. Although his delegation could not approve of the splitting-up of archives if, as a result, their historical and cultural value was diminished, it was not clear whether the predecessor or successor State, or both by agreement, could guarantee that that eventuality did not take place. In the majority of cases the division of archives seemed to be the rule. Although the predecessor State in some cases might usefully continue to hold the archives for the sake of their preservation, the best arrangement was that all archives associated historically, culturally or for the purposes of administration with the territory subject to succession should pass to the successor State, the predecessor State retaining copies of those which needed to be preserved in a certain group.

30. His delegation saw the justification for the Pakistan proposal to delete the article. It preferred, however, to support the Swiss amendment. At the same time he pointed out that to call for the unity of archives to be respected without providing any practical ways and means of doing so would only create more complications and problems. The principle of the indivisibility of archives was an important one, but it was important also to give guidelines and to provide for practical arrangements and to identify the entity which would be responsible for making such arrangements. The problem might be referred to the Drafting Committee with a view to finding a generally acceptable formula.

31. Mr. MORSHED (Bangladesh) said that in his view the concept of the unity of archives was well reflected in the Commission's draft of article 24. While his delegation understood the basic idea behind the Swiss amendment, it believed that the proposed additional paragraph would introduce an element of specificity and a number of new elements which would conflict with the Commission's general concern to avoid stipulating the details of the process of the passing of archives. In general, therefore, his del-

egation was not convinced of the usefulness of the amendment.

32. Mr. ZSCHIEDRICH (German Democratic Republic) said that article 24 was of particular importance to his delegation. Archives were constantly growing with the accretion of new components which were related to those already existing and formed an inseparable whole with them. That fact was confirmed by the principle of provenance, as applied in archive science, which was designed to prevent the splitting up of archive groups. The value of such archives lay in their unity and in the fact that they could be used as a single whole. Article 24 thus had great practical value from that point of view. His delegation could not therefore support the proposal by Pakistan that the article should be deleted.

33. Thanks to modern technology and easy methods of reproduction, the indivisibility of State archives did not present any serious problems. His delegation was accordingly not convinced of the need for the additional paragraph proposed by the delegation of Switzerland, since in its view article 24 as it stood fully covered the important concept of the preservation of the unity of archives. He supported the comments made by the representative of Yugoslavia on the Swiss amendment.

34. As the representative of Mozambique had pointed out, the inclusion of the phrase "the archival concept of joint heritage" might give rise to difficulties in practice. In general, the amendment would introduce further complications and problems instead of establishing clear rules to regulate the question. It would therefore be better to retain article 24 as it stood.

35. Mr. BA (Mauritania) said that the principle of the unity of certain archives, in the sense that certain groups of archives had an internal logic and by reason of their homogeneity must be retained as an indivisible whole, had been generally accepted in the debate. His delegation believed that the concept of unity should be embodied in article 24, but regarded the drafting of that article as it stood as rather ambiguous. He suggested that the Drafting Committee might be asked to draft it in clearer and more precise terms.

36. His delegation could not support the Pakistan proposal to delete the article.

37. The concept of "joint heritage" mentioned in the Swiss amendment was rather vague and the proposed provision might serve as an escape clause for the predecessor State, which might use that concept as grounds for holding up the transfer of the whole or part of the archives which should pass to the successor State. His delegation would therefore oppose the Swiss delegation's amendment.

38. Mr. KOREF (Panama) said that his delegation was in favour of maintaining article 24 but considered that its drafting might be improved, especially the Spanish version. The idea reflected in it was very clear and concise and any amendment would only lead to confusion. His delegation therefore would not support any amendment to the article, especially as article 26 would probably clarify and resolve many possible doubts and hesitations.

39. Mr. HAWAS (Egypt) said that his delegation saw no need for the introduction of the new paragraph pro-

posed by the Swiss delegation, as the scope of article 24 as it stood was broad enough and the amendment would introduce a rather imprecise and indefinite element which might lead to further complications.

40. As his delegation saw it, there were three points to be considered in connection with article 24. The first was that the article should scrupulously avoid giving the impression that the passing of State archives could in any way be hindered or help up. He believed that the article could not be interpreted as restricting such passing, as it was based on the assumption that the general provisions of Part III of the draft convention, governing the passing of State archives from the predecessor to the successor State, invariably applied. Second, in referring to the principle of the unity of archives, it was important to make clear that the principle related only to a part or parts of the archives in question. The article as it stood might give the impression that the whole of the State archives subject to passing was likely to be involved, thus placing an obstacle in the way of the passing of those archives to the successor State. Some new wording should be found by the Drafting Committee to replace the last five words of the article, making it clear that the unity in question related only to those parts of the State archives which were by their nature indivisible.

41. The third point had already been raised by the representative of Lebanon, who had asked how it would be determined which entity would keep and care for the archives. As he had suggested, that responsibility would most naturally fall on the successor State, while the predecessor State would naturally be entitled to retain copies of such parts of the archives as it might need to preserve the unity of certain groups or collections.

42. Mr. MOKA (Congo) said that, in the light of the explanation provided by the Expert Consultant and of the discussion which had taken place, his delegation would support article 24 as drafted by the International Law Commission. In its existing form, the text would preserve the indivisibility of archive collections. His delegation would accordingly not support the amendments of Switzerland and Pakistan as it was not persuaded of their utility and indeed considered that they would not contribute to clarifying the issues.

43. Mr. A. BIN DAAR (United Arab Emirates) said that his delegation recognized the importance of preserving the unity of State archives where that was necessary. It nevertheless had some difficulty in giving its full support to article 24 as it stood; its wording could be interpreted by either the successor State or the predecessor State in a manner contrary to the principle of unity, where that was applicable, or to the interest of the successor State whose receipt of certain archives could be prejudiced on the pretext of the unity of archives in cases where the predecessor State might have its own reasons for applying the principle. The concern of the delegation of Pakistan was therefore legitimate. It would be preferable to reflect such concern in article 24 rather than to delete the article altogether; in that connection he thought that a solution might be sought along the lines suggested by the representative of Egypt.

44. His delegation had certain misgivings regarding the concept of joint heritage in respect of State ar-

chives, as set out in the revised amendment of the delegation of Switzerland. The notion of joint heritage could in practice give rise to disputes when the question arose as to how the concept should be interpreted by the States concerned.

45. Mr. TARCICI (Yemen) considered that the revised amendment could be interpreted in such a way as to pervert the meaning of article 24 as drafted by the International Law Commission. It might, however, be revised to take account of the views expressed by the representatives of Algeria, Lebanon, Egypt and the United Arab Emirates.

46. Mr. MIKULKA (Czechoslovakia) said that his delegation could accept article 24 as drafted by the International Law Commission as the provision represented a useful and necessary safeguard. The problem of the unity of State archives was not affected by the articles contained in Part III. The International Law Commission's text was well balanced and neutral in character. Such was not the case with the Swiss amendment, which went further than the International Law Commission's text in so far as it sought to introduce the concept of priority of solutions favouring the preservation of the unity of State archives compared to other solutions. It also seemed to his delegation that the Swiss amendment, contrary to the International Law Commission's text, laid down rules of behaviour for predecessor and successor States which were not relevant to the problem of succession of States *per se*. As regards the concepts of national heritage and the archival concept of joint heritage, his delegation shared the objections of the delegations of Yugoslavia and the German Democratic Republic.

47. Mr. BEDJAUI (Expert Consultant) said it was more appropriate to refer to the integrity or unity of State archive collections rather than to the unity of State archives. Archives did not constitute a single unit and, as conceived by the International Law Commission, article 24 neither said nor implied that State archives were indivisible. The State performed many functions, including *inter alia* its parliamentary, diplomatic and economic activities, and archives were created for each one of those activities. There was accordingly no such thing as a unity of State archives but only a unity of each archive collection. Archivists moreover spoke of the dismemberment of archive collections, as for example by extraction or insertion.

48. It had been the Commission's clear intent that the passage of State archives for the predecessor to the successor State should not be prevented on the pretext of alleged unity. By inserting article 24 as a safeguard clause, the Commission had wished to forestall any possible disputes. The principle of unity should not be regarded as binding exclusively on the predecessor State; it also bound the successor State which had an equal claim.

49. The amendment of Switzerland was well drafted but raised the problem of the linkage between article 24 as it stood, which would become paragraph 1, and the proposed new paragraph 2. Paragraph 1 would stipulate that a solution should not be prejudged but, in paragraph 2, a solution—namely that relying on the concept of national heritage—would be suggested. The concept of national heritage had been discussed during an ar-

chivists' conference under the auspices of UNESCO, when the view had been expressed that such an archival collection should be kept intact in the national archives of one of the States, which would have responsibility for it and own it, and that the other State, its archivists and researchers would have full access to it. Notwithstanding the undoubted merits of the Swiss proposal, he had doubts regarding the desirability of including in article 24 a provision with such highly technical implications.

50. Mrs. PAULI (Switzerland) said that the purpose of her delegation's amendment was that the concept of common heritage should be mentioned in the convention. The concept should not, however, be regarded as an obstacle in the way of any succession in matters of archives; it would apply only in cases where archives could not be divided without prejudice. In that connection the concept of common heritage could be useful but its application should by no means be automatic or compulsory. Her delegation retained an open mind as to the wording of its amendment and, in that connection, accepted the suggestions of the representative of France. She requested that her delegation's amendment should be put to the vote.

51. Mr. RASUL (Pakistan) said that his delegation had repeatedly expressed the apprehension that the predecessor State might take advantage of article 24 in order to deprive the successor State of its rights to the State archives to which it was entitled. The representative of Lebanon had correctly understood that the issue was one of implementation and had pointed out that the predecessor State could hinder the passing of State archives to the successor State. The Pakistan delegation viewed the article in the same light as the representative of Egypt, subject to the three points which the latter had made.

52. His delegation was prepared to withdraw its amendment in the light of the Expert Consultant's observation to the effect that article 24 in no way hindered the passing or transfer of State archives to the successor State. It would therefore support the retention of the article but, in conformity with the views expressed by other delegations, would welcome drafting changes which would make it conform with the intent of the International Law Commission as explained by the Expert Consultant.

53. Mr. PAREDES (Ecuador) said that the words "collections of" should be added both in the title and in the final phrase of article 24.

54. Mr. PIRIS (France) said that he had been about to propose an identical amendment to that proposed by the representative of Ecuador.

55. Mr. HAWAS (Egypt) supported the amendments proposed by the representatives of Ecuador and France.

56. Mr. MORSHED (Bangladesh) said that the amendment proposed by Ecuador corresponded with the views expressed by the Expert Consultant and would presumably therefore be acceptable to most delegations.

57. Mr. TÜRK (Austria) supported the proposed amendment. He added that the Drafting Committee should ensure the concordance of the texts in the var-

ious languages, especially as the words “archive collection” were not an adequate translation of the French term “*fonds d’archives*”.

58. Mr. KADIRI (Morocco) proposed that the title and the last phrase of the French version of article 24 should be amended to read “*sauvegarde de l’intégrité des fonds d’archives d’Etat*”.

59. Mr. MNJAMA (Kenya) suggested that the words “of record classes or series” should be added before the words “of State archives”.

60. Mr. TÜRK (Austria) said that his delegation could accept both the Swiss and the Moroccan amendments, the latter being purely a drafting change.

61. Mrs. PAULI (Switzerland) recalled that she had endorsed the French representative’s proposal to change the word “shall” to “should” and omit the words “management and” in her delegation’s text.

62. Mr. ECONOMIDES (Greece) suggested that a vote should be taken on the Swiss delegation’s amendment, subamended as proposed by France, and that the Drafting Committee should be asked to consider whether “unity” or “integrity” was the better word.

63. Mr. LAMAMRA (Algeria) supported the Moroccan delegation’s oral amendment which would have the advantage of making the text of article 24 conform with the title.

64. Mr. HAWAS (Egypt) agreed with that view and suggested that the Committee should take a vote upon the Moroccan delegation’s oral amendment. The Kenyan representative’s suggestion should be referred to the Drafting Committee.

65. Mr. BA (Mauritania) considered that “integrity” was a more precise term than “unity”.

66. The CHAIRMAN called for a vote on the Swiss delegation’s revised amendment (A/CONF.117/C.1/L.29/Rev.2) as orally subamended in the last phrase to read: “. . . these States should be guided by the archival concept of joint heritage for the purpose of the utilization of such collections.”

The amendment was rejected by 32 votes to 17, with 14 abstentions.

67. Upon the proposal of Mrs. BOKOR-SZEGŐ (Hungary), a vote was taken on the Moroccan delegation’s oral amendment.

The Moroccan amendment was adopted by 54 votes to none, with 10 abstentions.

Article 24, as amended, was adopted by 65 votes to none, with 1 abstention.

68. The CHAIRMAN announced that the Drafting Committee would be requested to ensure the concordance of the text in the various languages.

69. Mrs. BOKOR-SZEGŐ (Hungary) said that her delegation had abstained in the vote on the Moroccan amendment because the expression “*fonds d’archives*” appeared nowhere in the convention, which spoke only of “*archives*”.

70. Mr. WHOMERSLEY (United Kingdom) explained that his delegation had abstained in the vote on the Moroccan amendment but had voted in favour of the article as a whole. It considered that “integrity” and “unity” were synonymous in English. Since the amendment had related to the French version, his delegation wished the question of the necessary changes in the English text to be considered by the Drafting Committee.

71. Mr. TÜRK (Austria) said that his delegation had voted in favour of article 24, a key provision of section 1 of Part III of the draft. It regretted the rejection of the Swiss amendment, which would have been a useful addition to the article.

72. He hoped that the Drafting Committee would pay special attention to the English version of the Moroccan amendment.

73. Mr. HAWAS (Egypt) said that his delegation had voted in favour of article 24 as amended by the Moroccan representative and hoped that the Drafting Committee would find suitable wording in English.

74. His delegation had voted against the Swiss delegation’s amendment despite its merits because it believed that the convention was not the right place for such a provision, which if adopted would have given rise to problems of interpretation.

The meeting rose at 1 p.m.

26th meeting

Monday, 21 March 1983, at 3.10 p.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 24 (Preservation of the unity of State archives) (concluded)

1. Mr. RASUL (Pakistan) said that, at the previous meeting, his delegation had voted against the Swiss

amendment (A/CONF.117/C.1/L.29/Rev.2) for the reasons it had given in the course of the discussion. It had voted in favour of article 24, as proposed by the International Law Commission and amended by Morocco, in the light of the explanations given by the Expert Consultant and the points made by the representative of Egypt at the same meeting.

2. Mr. MORSHED (Bangladesh) said that his delegation had voted against the Swiss amendment in the light of the explanations given by the Expert Consultant. It had voted in favour of the existing text of article 24, as amended by Morocco.