

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

Vienna, Austria
1 March - 8 April 1983

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A/CONF.117/SR.5

5th plenary meeting

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)*

Appointment of the Credentials Committee (concluded)

[Agenda item 8]

2. The PRESIDENT said that after long negotiations an agreement had been reached in respect of the membership of the Credentials Committee. He now proposed that that Committee should be composed of the following States: Belgium, Brazil, Japan, Kenya, Kuwait, Nicaragua, Senegal, Union of Soviet Socialist Republics and United States of America.

It was so decided.

The meeting rose at 10.15 a.m.

4th plenary meeting

Thursday, 17 March 1983, at 12.25 p.m.

President: Mr. SEIDL-HOHENFELDERN (Austria)

Organization of work

[Agenda item 10]

1. The PRESIDENT said that, at its meeting earlier that day, the General Committee had considered the progress made in the work of the Conference and ways and means of ensuring that the Conference would successfully complete its work on time. In the light of the General Committee's deliberations and in order that the work of the Conference might be expedited, he suggested that: (a) informal consultations should be encouraged between regional and other groups before major issues were considered by the Committee of the Whole and after decisions had been taken indicating that major differences remained on those major issues, so as to enhance the possibility of a generally agreed text being adopted in the final stages of the Conference; (b) the Secretariat should be requested to enquire about the possibility of scheduling meetings on Easter Monday, 4 April 1983, should the Conference decide that it would be necessary to meet on that day; (c) all delegations should be requested to exercise self-restraint in the length of their statements; (d) the Committee of the Whole should exercise discretion in suspending its meetings for short coffee breaks, so that such breaks would be utilized only for purposes of negotiation and reaching an agreement on contentious points; (e) evening meetings should be envisaged, particularly for the Drafting Committee; and (f) the possibilities provided by the rules of procedure to shorten lengthy and repetitious debates should be fully utilized.

2. In the absence of any comment, he would take it that the Conference agreed with those suggestions.

It was so decided.

The meeting rose at 12.30 p.m.

5th plenary meeting

Monday, 28 March 1983, at 10.10 a.m.

President: Mr. SEIDL-HOHENFELDERN (Austria)

Organization of work

[Agenda item 10]

1. The PRESIDENT said that, in accordance with rule 47, paragraph 1 of the rules of procedure, the General Committee had decided to recommend that Cuba should be appointed to the Drafting Committee to replace Venezuela which had announced its desire to withdraw.

2. If there was no objection, he would take it that the Conference approved the General Committee's recommendation.

It was so decided.

The meeting rose at 10.15 a.m.

6th plenary meeting

Tuesday, 5 April 1983, at 3.15 p.m.

President: Mr. SEIDL-HOHENFELDERN (Austria)

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
[Agenda item 11]

REPORTS OF THE DRAFTING COMMITTEE
(A/CONF.117/10 and Add.1-3)

REPORT OF THE COMMITTEE OF THE WHOLE
(A/CONF.117/11 and Add.1-12)

1. The PRESIDENT drew attention to the strict timetable which the Conference would have to follow if it was to conclude its work successfully on time. Accordingly he urged delegations to exercise self-restraint as regards the length and number of their statements.

2. He recalled that the Committee of the Whole, at its 12th meeting on 9 March 1983, had agreed, following the usual practice of codification conferences, to entrust to the Drafting Committee the task of preparing a draft preamble and draft final clauses and that such drafts should be reported directly to the Conference at a plenary meeting. In addition, the Committee of the Whole, at its 39th meeting held on 29 March 1983, had agreed that the Drafting Committee should submit directly to the Conference its reports on the articles referred to it by the Committee of the Whole, with the exception of three articles which had been the subject of specific requests addressed to the Drafting Committee requiring consideration by the Committee of the Whole. That procedure was in conformity with paragraph 2 of rule 47 of the rules of procedure which provided that the Drafting Committee should "report as appropriate either to the Conference or to the Committee of the Whole".

3. Thus, in the first report of the Drafting Committee (A/CONF.117/10), articles A to E constituted the final clauses adopted by the Drafting Committee and submitted to the plenary Conference in accordance with the usual practice and pursuant to the decision taken by the Committee of the Whole on 9 March. In addition, the report contained the titles and texts of articles 1 to 12, 12 *bis*, 13, 14, 16 to 22, 24, 24 *bis*, 25, 26 and 28 to 39 as adopted by the Drafting Committee and referred directly to the plenary pursuant to the above-mentioned decision of the Committee of the Whole,

4. As to the procedure to be followed, it was his intention to give the floor to the Rapporteur of the Committee of the Whole to introduce that Committee's

report and then to the Chairman of the Drafting Committee to introduce the first report of the Drafting Committee. He would then submit each article to the Conference, in numerical order, for its decision. The articles retained their numbering for the moment, to facilitate their identification at the plenary stage, but it went without saying that such articles as article 12 *bis* and 24 *bis* would be numbered in the correct order in the final text of the convention, and other articles would be renumbered accordingly. The titles of the various Parts and sections of the convention, as well as the title of the convention, would not be submitted for decision until after all the articles and the preamble had been adopted.

5. The majorities required for decisions of the Conference were specified in rule 34 of the rules of procedure. Decisions of the Conference on all matters of substance would be taken by a two-thirds majority of the representatives present and voting; decisions of the Conference on matters of procedure would be taken by a majority of the representatives present and voting; and, if the question should arise as to whether a matter was one of procedure or one of substance, the President of the Conference would rule on the question. An appeal against such a ruling would be put to the vote immediately and the President's ruling would stand unless overruled by a majority of the representatives present and voting.

6. He invited the Rapporteur of the Committee of the Whole to introduce the report of that Committee.

7. Mrs. THAKORE (India), Rapporteur of the Committee of the Whole, said that the Committee's report (A/CONF.117/11 and Add.1-12) followed closely the pattern of the reports of previous codification conferences; it was a comprehensive document, containing a record of the discussions on the basic proposal, namely, the draft articles on succession of States in respect of State property, archives and debts adopted by the International Law Commission at its 33rd session (A/CONF.117/4).¹ The report reproduced the texts of all the amendments submitted to the draft articles and the Committee's final decisions thereon. The report showed that the Committee of the Whole had discussed the draft mainly article by article, in the numerical order of the articles and the related amendments. As a result of the Committee's decision to take up Part I (General provisions), namely articles 1 to 6,

¹ See sect. B of vol. II.