

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

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7th 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)*

events and that the State property would pass together with any obligations attaching thereto. In the Committee of the Whole his delegation had abstained in the voting on article 9 for the reasons it had stated at the time. He recalled that those reasons related to the unsatisfactory nature of the terms “extinction” and “arising” of rights.

88. Mr. RASUL (Pakistan) said that his delegation had regarded the amendment proposed by the United States as being of little importance and had therefore abstained in voting on that amendment. It had however voted in favour of the article as amended.

89. Mr. GUILLAUME (France) said that his delegation had voted in favour of the article for the reasons stated by the United Kingdom and subject to the same reservations.

90. Mr. OESTERHELT (Federal Republic of Germany) said that his delegation shared the views expressed by the United Kingdom. It also wished to draw attention to its earlier statements on article 9 in the discussions in the Committee of the Whole.

91. Mr. AL-KHASAWNEH (Jordan) said that his delegation had voted in favour of article 9 but that it did not consider that the notions of concomitance or simultaneity should be read into the article.

92. Mr. TARCICI (Yemen) said that the Arabic text should only be considered as having been formally adopted after the Arabic-speaking delegations had met to consult on the most appropriate wording in Arabic.

The meeting rose at 6.10 p.m.

7th plenary meeting

Wednesday, 6 April 1983, at 10.55 a.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 (continued)

[Agenda item 11]

ARABIC VERSION OF THE DRAFT CONVENTION

1. Mr. SHASH (Egypt), speaking on behalf of the Arabic-speaking group of delegations, proposed that, in order to save the time of the Conference and still produce a text acceptable in all languages, the Arabic-speaking group should review the Arabic version of the draft convention in collaboration with the Secretariat.

2. Mr. JOMARD (Iraq), supporting the proposal of the Egyptian representative, said that the text of the Arabic version of the draft convention contained a number of errors. He himself had submitted a number of corrections and had prepared some text for the secretariat of the Conference. The secretariat had, however, retained the original Arabic text. Account should be taken of the corrections submitted by the Arabic-speaking delegations. He would submit his comments again to the Secretariat.

3. The PRESIDENT took note of the statements made by the representatives of Egypt and Iraq.

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

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

Article 10 (Date of the passing of State property)

The title and text of article 10 were adopted without a vote.

Article 11 (Passing of State property without compensation)

4. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the Drafting Committee, as a consequence of its decision relating to draft articles containing definitions and taking into account an oral amendment to article 11 which had been referred to it, had decided to replace the phrase “State property from the predecessor State” in the English version of the article by the phrase “State property of the predecessor State”.

The title and text of article 11 were adopted without a vote.

Article 12 (Absence of effect of a succession of States on the property of a third State)

The title and text of article 12 were adopted without a vote.

Article 12 bis (Preservation and safety of State property)

5. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the Committee had decided to rearrange the order of certain phrases in order to improve the clarity of the article and achieve a greater degree of precision in its wording. Thus, in the English version, the final phrase “which, according to the provisions of the articles of the present Part, passes to the successor State” had been revised to read “which passes to the successor State in accordance with those provisions”. Corresponding revisions had been made in the other language versions. He wished, however, to emphasize that those changes did not alter the substance of the article. In addition, in the French and Spanish versions of the title the words “sauvegarde” and “salvaguardia” had been replaced by “préservation” and “conservación” respectively, in

order more faithfully to reflect the original English version. Similarly the words “*propres*” and “*adecuadas*” which had appeared in the French and Spanish versions, respectively, had been deleted, since an equivalent did not appear in the original English version. The Drafting Committee had made similar changes in the analogous article 24 *bis*.

6. The PRESIDENT said that he had been requested to put article 12 *bis* to the vote although it had been adopted in the Committee of the Whole without a vote.

The title and text of article 12 bis were adopted by 59 votes to none, with 7 abstentions.

7. Mr. MONNIER (Switzerland), speaking in explanation of vote, said that his delegation had abstained in the vote on article 12 *bis* which, in its view, should not appear in the Convention. It presumed the possibility of illegal behaviour on the part of the predecessor State, which was not in harmony with the duty imposed by international law on all States to carry out their obligations in good faith.

8. Mr. NATHAN (Israel) said that his delegation had also abstained in the vote on article 12 *bis*. He referred the Conference to the views expressed by his delegation during the discussion on that article in the Committee of the Whole (42nd meeting).

9. Mr. KIRSCH (Canada) asked how it had been calculated that the number of delegations voting in favour of article 12 *bis* was 59.

10. Mr. ROMANOV (Executive Secretary of the Conference) read out rule 35 of the rules of procedure in which it was stated that representatives who abstained from voting should be considered as not voting. The number of those representatives present and voting was therefore the same as the number of those who had voted in favour of the article, namely 59.

11. Mr. A. BIN DAAR (United Arab Emirates) expressed his surprise that article 12 *bis* had been put to the vote. As he understood it, the Committee of the Whole had adopted that article by consensus. The Conference should have been asked if there was any objection to the article being so adopted in the plenary meeting.

12. The PRESIDENT observed that a number of draft articles immediately following article 12 *bis* were still under consideration with a view to the development of compromise texts. He therefore suggested that the Conference should defer its consideration of those articles and proceed to consider draft article 18.

It was so decided.

Article 18 (Scope of the present Part)

The title and text of article 18 were adopted without a vote.

Article 19 (State archives)

13. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, referred to his general remarks at the previous meeting on the subject of the definition of terms. The Drafting Committee had added the expression “of the predecessor State” after the words “State archives”.

The title and text of article 19 were adopted by 68 votes to none.

14. Mr. BROWN (Australia) inquired whether it was necessary to vote on an article to which there was no opposition.

15. The PRESIDENT observed that a vote had been taken on article 19 in the Committee of the Whole.

16. Mr. HAWAS (Egypt) said that his delegation had voted in favour of article 19, bearing in mind that it was a compromise text. He referred to the reservations his delegation had expressed at the time of the adoption of the article in the Committee of the Whole, mainly with regard to the phrase “according to its internal law”.

17. Mr. OESTERHELT (Federal Republic of Germany) referred the Conference to the views expressed by his delegation during the discussion of article 19 in the Committee of the Whole. It was his delegation’s understanding that the phrase “preserved by it . . . as archives” must be interpreted in the light of the internal law of the predecessor State.

18. Mr. RASUL (Pakistan) referred the Conference to the views expressed by his delegation during the discussion of the article in the Committee of the Whole (19th meeting).

19. Mr. A. BIN DAAR (United Arab Emirates) said that his delegation had voted in favour of article 19. He referred the Conference to the views expressed by his delegation during the discussion of the article in the Committee of the Whole (27th meeting).

20. Mr. GUILLAUME (France) referred the Conference to the views expressed by his delegation during the discussion of article 19 in the Committee of the Whole (19th meeting).

21. Mr. MONCEF BENOUNICHE (Algeria) also referred the Conference to the views expressed by his delegation during the discussion of article 19 in the Committee of the Whole (18th, 19th and 20th meetings).

22. Mr. BARRERO-STAHN (Mexico) said that his delegation had voted in favour of article 19. He referred the Conference to the views expressed by his delegation during the discussion of the article in the Committee of the Whole (18th meeting).

23. Mr. EDWARDS (United Kingdom) said that his delegation had voted in favour of article 19. He referred the Conference to the views expressed by his delegation during the discussion of that article in the Committee of the Whole (18th, 19th and 27th meetings) and particularly to his delegation’s understanding that the preservation of the State archives under article 19 would be governed by the internal law of the predecessor State.

24. Mr. KOLOMA (Mozambique) said that his delegation had voted in favour of article 19 for the sake of compromise and had already, at the 18th meeting of the Committee of the Whole, expressed its reservations on the two points mentioned by the representative of Egypt. It had particularly strong reservations with regard to the reference in the article to the internal law of the predecessor State, and to the inclusion in the text of the expression “as archives”.

25. Mr. MAAS GEESTERANUS (Netherlands) suggested that, if the articles not to be discussed at the current meeting were those for which the President was hoping that a compromise wording would be found, the articles on the settlement of disputes might also be included with them.

26. Mr. SHASH (Egypt) said that, while his delegation had accepted without comment the President's proposal to postpone the discussion on a number of articles, it should not be assumed that his delegation was ready to discuss them at a later stage with a view to reaching a compromise.

Article 20 (Effects of the passing of State archives)

27. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, pointed out that, as he had indicated at the previous meeting, the changes made in article 9 also applied to article 20.

The title and text of article 20 were adopted by 72 votes to none.

28. Mr. GUILLAUME (France) said that his delegation had voted in favour of article 20 in the light of the statements made and the interpretations given during the consideration of the article in the Committee of the Whole. He also referred the Conference to the views expressed by his delegation during the consideration in the Committee of the Whole of articles 6, 8, 9, 12, 12 bis, 20, 21, 24 bis and 32 (1st, 2nd, 4th, 7th, 9th, 21st, 22nd, 33rd, 35th and 42nd meetings). Those views should be taken as reflecting his delegation's position on those articles in the plenary meeting.

29. Mr. MUCHUI (Kenya) said that his delegation had had no alternative but to vote in favour of article 20 because it had been involved in the negotiations which had resulted in the present text of the article. The Kenyan delegation considered however that the replacement of the words "in accordance with" by "subject to" had been most unfortunate and was acceptable only as a means of ensuring the maintenance of the compromise agreed upon. The phrase gave the impression that some of the provisions in the articles of Part III provided for exceptions to the general rule in article 20, although that was not in fact the case. That comment of his delegation did not apply to article 32, where the change had been justifiably introduced, but it did apply to article 9.

30. Mr. HAWAS (Egypt) said that his delegation had voted in favour of article 20 but regretted that a comma had been inserted immediately before the words "subject to" as it had also been in article 9. The text of article 20 as agreed upon in the negotiations which had taken place had included no such comma. He referred the Conference to the view expressed by his delegation during the discussions at the 42nd meeting of the Committee of the Whole and in the Group of 77 that the amendments to article 32 which had been agreed upon should be restricted to that article and should not apply also to articles 19 and 20 since, for the reasons already given by the representative of Kenya, they were not relevant there.

31. Mr. HAYASHI (Japan) said that, following General Assembly practice, his delegation had not considered it necessary to repeat in plenary meeting res-

ervations which it had expressed in the Committee of the Whole. However, since many other delegations had already done so, his delegation wished to confirm that the reservations it had expressed in the Committee of the Whole (21st and 22nd meetings) applied to all the relevant articles when they were discussed in plenary meeting.

32. Mr. EDWARDS (United Kingdom) said that his delegation had voted in favour of article 20. He referred the Conference to the views expressed by his delegation when that article had been discussed in the Committee of the Whole (20th meeting), as well as to those it had expressed the previous day during the discussions of article 9 at the 6th plenary meeting.

33. Mr. BEN SOLTANE (Tunisia) said that his delegation had voted in favour of article 20 as a compromise. In the opinion of his delegation, the phrase "subject to the provisions" had the same meaning as "in accordance with the provisions".

34. Mr. OESTERHELT (Federal Republic of Germany) referred the Conference to the views his delegation had expressed during the discussions in the Committee of the Whole on articles 9, 20 and 32 regarding the notion of "continuity" inherent in the concept of "passing" and regarding the protection of the rights of third States in respect of property and archives passing (2nd, 9th, 10th, 22nd and 34th meetings). Those views reflected the position which his delegation took on those articles in the plenary meeting of the Conference.

35. Mr. KADIRI (Morocco) said that his delegation had voted in favour of article 20 as it had in the Committee of the Whole. In his delegation's view the expression "subject to" used in article 20 should be understood as meaning "in accordance with".

36. Mr. THIAM (Senegal) said that his delegation fully supported the statement made by the representative of Tunisia. He referred the Conference to the views expressed by his delegation during the discussion of article 20 in the Committee of the Whole (20th and 22nd meetings).

Article 21 (Date of the passing of State archives)

The title and text of article 21 were adopted without a vote.

Article 22 (Passing of State archives without compensation)

37. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the changes made in article 11, to which he had already drawn attention, had also been made in article 22.

The title and text of article 22 were adopted without a vote.

Article 23 (Absence of effect of a succession of States on the archives of a third State)

The title and text of article 23 were adopted without a vote.

Article 24 (Preservation of the integral character of groups of State archives)

38. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the Committee

had focused its attention on rendering effectively into English the intended meaning of the original French phrase “*la sauvegarde de l'intégrité des fonds d'archives d'Etat*” which appeared both in the title and text of article 24. The Committee had adopted the following text as the English equivalent: “preservation of the integral character of groups of State archives”.

39. Mr. CHOI (Republic of Korea) said that his delegation had abstained in the vote on article 24 in the Committee of the Whole for the reasons it had given at the Committee's 26th meeting. In a spirit of compromise, however, it would not object to the adoption of the article without a vote in plenary meeting.

The title and text of article 24 were adopted without a vote.

40. Mr. GUILLAUME (France) said that his delegation, which had joined the consensus on article 24, wished to reiterate its position that the principle embodied in that article was not affected by the provisions of other articles of the draft convention.

41. Mr. RASUL (Pakistan) said that his delegation had also joined the consensus on the article. Recalling that his delegation had submitted a proposal that article 24 be deleted, he referred the Conference to all the statements made by his delegation during the discussion of that article in the Committee of the Whole (24th, 25th and 26th meetings).

42. Mr. KADIRI (Morocco) observed that, in the Committee of the Whole, his delegation had submitted an oral amendment (25th meeting) to the International Law Commission's text of article 24. In his delegation's view, respect for the principle of the integral character of groups of State archives was essential to the preservation of the value of archives as titles, as evidence and as legal and historical records.

Article 24 bis (Preservation and safety of State archives)

43. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the changes made in article 12 *bis*, to which he had already drawn attention, had also been made in article 24 *bis*.

The title and text of article 24 bis were adopted without a vote.

44. Mr. GUILLAUME (France) said that, in view of the vote on article 12 *bis*, his delegation had not opposed the consensus on article 24 *bis*. Had a vote been taken on article 24 *bis*, however, his delegation would have abstained, as it had done in the vote on article 12 *bis*.

45. Mr. RASUL (Pakistan) drew attention to the statement made by his delegation in the Committee of the Whole in explanation of its vote in that Committee on article 24 *bis* (42nd meeting).

46. Mr. KEROUAZ (Algeria) referred to the reservations expressed by his delegation in the Drafting Committee concerning article 24 *bis*.

47. Mr. EDWARDS (United Kingdom) said that the position of his delegation with regard to article 24 *bis* was the same as that indicated by the representative of France.

48. Mr. MONNIER (Switzerland) said that his delegation had not opposed the consensus on article 24 *bis*. However, had the article been put to the vote, his delegation would have abstained, as it had done in the vote on article 12 *bis*, for the reasons it had given after that vote.

49. Mr. A. BIN DAAR (United Arab Emirates) referred the Conference to the views expressed by his delegation prior to the adoption of article 24 *bis* in the Committee of the Whole (*ibid.*).

50. Mr. NATHAN (Israel) said that, had article 24 *bis* been put to the vote, his delegation would have abstained, for the reasons it had given at the time of the vote on article 12 *bis* (*ibid.*).

51. Mr. MAAS GEESTERANUS (Netherlands) said that his delegation had not wished to oppose the consensus on article 24 *bis*. However, had a vote been taken on that article, it would have abstained, for the reasons it had explained at the 38th and 42nd meetings of the Committee of the Whole.

Article 30 (Scope of the present Part)

52. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the changes made in article 7, which he had explained at the previous meeting, applied also to article 30.

The title and text of article 30 were adopted without a vote.

Article 32 (Effects of the passing of State debts)

53. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the changes made in article 32 had already been explained in respect of articles 9 and 20.

The title and text of article 32 were adopted without a vote.

54. Mr. HAWAS (Egypt) said that his delegation had joined in the consensus on article 32, but it wished to refer the Conference to the views expressed by his delegation both on its own behalf and on behalf of the Group of 77, during the discussion on the consensus text of article 32 in the Committee of the Whole (39th meeting).

55. Mr. RASUL (Pakistan) referred the Conference to the statements made by his delegation in connection with articles 8 *bis*, 19 *bis*, 31 *bis* and 32 in the Committee of the Whole (9th, 22nd and 39th meetings).

56. Mr. KADIRI (Morocco) reiterated his delegation's understanding that the words “subject to” in the article had the meaning of “in accordance with”.

57. Mr. GUILLAUME (France) asked whether the alignment of the text of article 32 with the text of articles 9 and 20 also involved the insertion of the words “of the predecessor State” before the word “entails”.

58. Mr. MIKULKA (Czechoslovakia) and Mr. KOLOMA (Mozambique) considered that the insertion of those words in article 32 would be justified.

59. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the Drafting Committee had devoted considerable attention to the question of definitions. The definitions of State property and

State archives referred explicitly to the internal law of the predecessor State, whereas the definition of State debt did not. It was nevertheless clear that such State debts as did pass would be those of the predecessor State.

60. Mr. GUILLAUME (France) said that, while he did not wish to challenge the decision just taken on article 32, he had been labouring under a misapprehension concerning the text adopted; in order to avoid a recurrence of such misunderstandings, he suggested that the text of the draft articles should be read out before they were adopted.

61. Mr. KEROUAZ (Algeria) said that his delegation wished to confirm its understanding that article 32 excluded the passing of odious debts to the successor State; that interpretation brought article 32 fully into line with article 36.

62. Mr. ABED (Tunisia) said that his delegation interpreted the expression "subject to" as meaning "in accordance with". He considered it desirable to reach a formal agreement on the meaning of that expression.

63. Mr. ROSENSTOCK (United States of America) said that the International Law Commission in its wisdom had refrained from formulating a specific provision relating to odious debts. The changes made in article 32 had not been for the purpose of making provision for the treatment of odious debts, which were outside the framework of the draft convention.

64. Mr. OESTERHELT (Federal Republic of Germany) referred the Conference to the statement made by his delegation at the 31st meeting of the Committee of the Whole. The International Law Commission, for good reasons, had decided not to include in the draft convention a provision concerning so-called "odious debts". In his delegation's view, the Commission's decision should not be called into question. It was its understanding that the draft convention contained no provision relating to odious debts.

65. Mr. GUILLAUME (France) associated himself with the views expressed by the representatives of the United States of America and the Federal Republic of Germany.

66. Mr. MONCEF BENOUNICHE (Algeria) said that his delegation had made its views clear on several occasions; it wished to reserve its position concerning the interpretation given by certain delegations to the provisions of certain articles of the draft convention. His delegation's silence should in no way be taken as implying agreement with those interpretations.

Article 33 (Date of the passing of State debts)

The title and text of article 33 were adopted without a vote.

67. Mr. MIKULKA (Czechoslovakia) said that his delegation interpreted the fact that the words "of the predecessor State" appeared after "State debts" in article 33 as meaning that those words were included by inference in article 32.

Article 34 (Absence of effect of a succession of States on creditors)

68. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that the title of the article

had been altered to take account of the deletion by the Committee of the Whole of the original paragraph 2. For the new title, the Drafting Committee had drawn inspiration from the title of article 12. The text of the article now corresponded to that of the original paragraph 1.

The title and text of article 34 were adopted without a vote.

69. Mr. HAWAS (Egypt), explaining the position of his delegation, said that it had joined in the consensus in order that article 34 might be adopted without a vote. It wished, however, to express its regret that it had not proved possible to include the original paragraph 2 in article 34 in an acceptable form. His delegation believed that the content of that paragraph could have been incorporated in the draft convention within the framework of international law.

70. Since it had not been possible to reach agreement on paragraph 2, his delegation had accepted the article in its present form as the best possible alternative, bearing in mind the importance of including in the draft convention a safeguard clause to protect creditors.

71. Mr. OESTERHELT (Federal Republic of Germany) referred the Conference to the statement his delegation had made at the 38th meeting of the Committee of the Whole. It was the understanding of his delegation that article 34 referred *a fortiori* to agreements between the parties to a succession of States.

72. Mr. BARRERO-STAHN (Mexico) said that his delegation would have preferred article 34 to have remained in the form in which it had been proposed by the International Law Commission. It was for that reason that, in the Committee of the Whole, his delegation had voted against the amendment to delete paragraph 2, including its subparagraphs (a) and (b).

73. Mr. RASUL (Pakistan) observed that it was his delegation which had proposed the deletion of the former paragraph 2(a) of article 34. He referred the Conference to the statements made by his delegation during the discussion of article 34 in the Committee of the Whole (35th, 38th and 39th meetings).

74. Mr. KADIRI (Morocco) said that, although his delegation had not objected to the adoption of article 34 by consensus, it wished to place on record its view that the protection of creditors was essentially a question of international commercial law and could in no way be considered a matter for regulation by public international law.

75. Mr. ASSI (Lebanon) said that, had a vote been taken on article 34, his delegation would have had to abstain, since the deletion of the original paragraph 2 adversely affected the understanding of what remained of the article.

76. The PRESIDENT invited the Chairman of the Drafting Committee to introduce the concluding part of the draft convention, containing the final provisions.

77. Mr. SUCHARITKUL (Thailand), Chairman of the Drafting Committee, said that articles A, B, C and D, dealing with signature, ratification, accession and entry into force, respectively, had been prepared by the Drafting Committee on the basis of a proposal by Brazil

(A/CONF.117/C.1/L.24) and of a background document prepared by the Secretariat which set forth the precedents for final clauses in seven previous codification conventions.

78. The four articles now submitted were similar to the corresponding ones in Part VII (Final provisions) of the 1978 Vienna Convention on Succession of States in Respect of Treaties.¹ The letters A, B, C and D identifying the four articles were, of course, provisional; those articles would be given appropriate numbers when the whole convention was adopted with a single numeration.

Article A (Signature)

The title and text of article A were adopted without a vote.

Article B (Ratification)

The title and text of article B were adopted without a vote.

Article C (Accession)

The title and text of article C were adopted without a vote.

79. Mr. GUILLAUME (France) noted that it would be possible to sign the future convention only until 30 June 1984. According to article C, accession would be possible only thereafter. That being so, he asked the secretariat whether accession to the Convention would be possible after 30 June 1984 but before the instrument's entry into force.

80. Mr. FLEISCHHAUER (Legal Counsel, Representative of the Secretary-General of the United Nations) explained that there would be no gap, namely, no period during which neither signature nor accession was possible. Upon expiry of the time limit for signature, accession to the convention would immediately be possible.

Article D (Entry into force)

81. Mr. MAAS GEESTERANUS (Netherlands) noted that the figure of 15 instruments of ratification or accession mentioned in paragraph 1 of article D as the requirement for entry into force of the convention followed the precedent of article 49 of the 1978 Vienna Convention on Succession of States in Respect of Treaties.

82. His delegation found that number of instruments of ratification or accession unduly small for the purposes of the present convention and, as an oral amendment² it proposed that, in the concluding portion of paragraph 1 of article D, the word "fifteenth" should be replaced by "thirty-fifth", thus bringing the provision into line with the corresponding provisions of the 1969 Vienna Convention on the Law of Treaties and the 1975 Vienna Convention on the Representation of States in their Relations with International Organizations. It was worth noting that the relevant articles of the 1961 Vienna Convention on Diplomatic Relations

and the 1963 Vienna Convention on Consular Relations required a minimum of 22 ratifications or accessions. The most recent world-wide codification convention, the 1982 Convention on the Law of the Sea, specified that 60 instruments of ratification or accession were required for its entry into force.

83. It should be borne in mind that the present draft convention contained a number of provisions which could affect the rights of third parties, as had been explained by the Expert Consultant. Bearing in mind that States not parties to the Convention might thus be affected by it, the requirement of 15 ratifications or accessions appeared unduly low and his delegation urged that it should be replaced by the much more appropriate requirement of 35 such instruments.

84. Mr. KADIRI (Morocco) said that in his delegation's view the requirement of 15 ratifications or accessions was entirely satisfactory. It had been adopted in the perspective of a dynamic codification and progressive development of international law, so as to facilitate the early entry into force of the Convention, which would thus become positive law within a reasonable lapse of time.

85. His delegation drew attention to the fact that the requirement of 35 ratifications or accessions adopted in connection with the 1969 Vienna Convention on the Law of Treaties had delayed its entry into force by 11 years—a delay which had certainly not assisted the development of the international law of treaties.

86. Mr. SUÁREZ de PUGA (Spain), supporting the amendment proposed the Netherlands delegation, said that the figure of 35 ratifications or accessions was more in conformity with international custom than that of 15. It would, moreover, have the advantage of strengthening the authority of the Convention.

87. Mr. MONCEF BENOUNICHE (Algeria) said that his delegation strongly supported the remarks of the Moroccan representative. The requirement of 15 ratifications or accessions was quite sufficient. As for the concern expressed by the Netherlands representative regarding the position of third party States, it could easily be allayed by drawing attention to the presence in the draft convention of various safeguard clauses which protected the rights of those States.

88. Mr. SHASH (Egypt) said that the requirement of 15 ratifications or accessions was quite sufficient. The adoption of the proposed formula would speed up the process of codification and progressive development of international law.

89. The instrument now under discussion was a twin convention to the 1978 Vienna Convention. It was therefore logical to require for the entry into force of both of them the same number of instruments of ratification or accession.

90. He appealed to all delegations to urge their government to ratify the proposed convention as early as possible, so that it might enter into force at an early date and contribute to the codification and progressive development of international law.

¹ *Official Records of the United Nations Conference on Succession of States in Respect of Treaties*, vol. III (United Nations publication, Sales No. E.79.V.10), p. 185.

² Subsequently issued under the symbol A/CONF.117/L.4.