

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

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8th 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)*

8th plenary meeting

Wednesday, 6 April 1983, at 3.20 p.m.

President: Mr. SEIDL-HOHENFELDERN (Austria)

In the absence of the President, Mrs. Tychus-Lawson (Nigeria), Vice-President, took the Chair.

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]

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 D (Entry into force) (continued)

1. The PRESIDENT said that at the previous meeting the delegation of the Netherlands had proposed an amendment¹ to the Drafting Committee's text of article D to the effect that the convention should enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession. It was to be noted that the amendment was exclusively concerned with the number of ratifications and she thought that the Conference could consider it before it was circulated as a document.

2. Mr. BEN SOLTANE (Tunisia) said that the article as submitted to the Conference by the Drafting Committee was quite acceptable to his delegation. The convention under consideration should be regarded as a continuation of the 1978 Vienna Convention on the Succession of States in respect of Treaties,² and the number of 15 ratifications required under article 49 of that instrument should be regarded as a satisfactory precedent for the convention on succession of States in respect of State property, archives and debts.

3. Mr. do NASCIMENTO e SILVA (Brazil) pointed out that, in the discussions which had preceded the adoption of the 1978 Vienna Convention, differing opinions had been expressed as to the number of ratifications needed for its entry into force and that the number of 15 had in itself been a compromise. It would be desirable to avoid a repetition of the controversies which had arisen at that time. The reason for not requiring a large number of ratifications was that there was a strong possibility that the long period between adoption of the convention and ratification by the necessary number of States might render the convention itself nugatory. He drew attention to paragraph 63 of the International Law Commission's introduction³ to the draft articles which stated *inter alia* that, if the majority of States became parties to the convention

within a reasonable period of time, the establishment of a convention would have proved worth while. The converse, he felt, was also true.

4. Mr. PIRIS (France) recalled, in connection with the argument advanced by the representative of Brazil, that the United Nations Convention on the Law of the Sea 1982, required 60 ratifications for its entry into force precisely because it was generally regarded as a very important instrument. It was also necessary to bear in mind the fact that earlier international conventions, such as the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations had been concluded at a time when the membership of the United Nations had been much smaller. It was essential that a convention whose aim was to develop international law should enjoy the support of the greatest possible number of States. The proposed requirement of 15 ratifications would represent a mere 10 per cent of the total membership of the organization, not to count other countries, including Switzerland and the People's Democratic Republic of Korea, which were not Members of the United Nations but were participating in the Conference. His delegation was therefore in favour of the amendment proposed by the representative of the Netherlands.

5. Mr. HAWAS (Egypt) said that it might be best to postpone further consideration of article D, which evidently dealt with a point on which there was some disagreement.

6. Mr. BINTOU'A-TSHIABOLA (Zaire) said that the question of the number of ratifications to be required was an important one and agreed with the previous speaker that it would be better to postpone taking a decision on it.

7. The PRESIDENT said that, if she heard no objections, she would assume that the Conference wished to defer further consideration of article D.

It was so decided.

Article E (Authentic texts)

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

8. Mrs. de MARGERIE (France) said that it would be preferable if the French text used the words "*font également foi*", and expression which had been employed in a number of conventions and which would in no way alter the meaning of the article as adopted.

9. The PRESIDENT said that, if she heard no objections, she would assume that the Conference accepted the revision proposed by France.

It was so decided.

The meeting rose at 3.40 p.m.

¹ Subsequently issued under the symbol A/CONF.117/L.4.

² *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.

³ *Yearbook of the International Law Commission, 1981*, vol. II (Part Two) (United Nations publication, Sales No. E.82.V.4 (Part II)), p. 16.