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Summary record of the 1602nd meeting

Topic:
Succession of States in respect of matters other than treaties

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1602nd MEETING

Tuesday, 3 June 1980, at 10.10 a.m.

Chairman: Mr. C. W. PINTO

Members present: Mr. Barboza, Mr. Bedjaoui, Mr. Boutros Ghali, Mr. Calle y Calle, Mr. Díaz González, Mr. Evensen, Mr. Francis, Mr. Jagota, Mr. Quentin-Baxter, Mr. Riphagen, Mr. Šahović, Mr. Schwebel, Mr. Sucharitkul, Mr. Tabibi, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta, Mr. Yankov.

Succession of States in respect of matters other than treaties (A/CN.4/322 and Add.1 and 2,¹ A/CN.4/333)

[Item 1 of the agenda]

DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR

ARTICLE B' (Transfer of a part of the territory of one State to another State)

1. The CHAIRMAN invited the Special Rapporteur to introduce his twelfth report on the succession of States in respect of matters other than treaties (A/CN.4/333), and more specifically the alternative version of draft article B' (*ibid.*, paras. 54 and 61), which read:

Article B'. Transfer of a part of the territory of one State to another State

Where a part of the territory of one State is transferred by that State to another State:

1. The passing of the State archives connected with the administration and history of the territory to which the succession of States relates shall be settled by agreement between the predecessor State and the successor State.

2. In the absence of agreement,

(a) the following archives pass to the successor State:

(i) archives of every kind belonging to the territory to which the succession of States relates,

(ii) the State archives that concern exclusively or principally the territory to which the succession of States relates, if they were constituted in the said territory;

(b) the following archives remain with the predecessor State: the State archives concerning exclusively or principally the territory to which the State succession relates, if they were constituted in the territory of the predecessor State.

3. The State to which these State archives pass or with which they remain shall, at the request and at the expense of the other State, make any appropriate reproduction of these State archives.

SIMPLIFIED VARIANT:

Article B'. Transfer of a part of the territory of one State to another State

Where a part of the territory of one State is transferred by that State to another State:

1. The passing of the State archives connected with the administration and history of the territory to which the succession

of States relates shall be settled by agreement between the predecessor State and the successor State.

2. In the absence of agreement, the State archives concerning exclusively or principally the territory to which the State succession relates pass to the successor State, if they were constituted in the territory of the predecessor State.

3. The State to which these State archives pass or with which they remain shall, at the request and at the expense of the other State, make any appropriate reproduction of these State archives for that other State.

2. Mr. BEDJAOUI (Special Rapporteur) said that the Commission had decided that the study of the topic of succession of States in respect of matters other than treaties would be limited exclusively to succession of State property and State debts and to a special category of State property—State archives. At its previous session, the Commission had adopted in first reading the text of draft articles 1 to 23 and A and B.² Article A defined the meaning of “State archives”, whereas article B dealt with the disposition of State archives in cases where the successor State was a newly independent State.

3. In its resolution 34/141 of 17 December 1979, the General Assembly had noted with appreciation that the Commission had completed the first reading of the draft articles and had recommended them to States for comment, and had recommended that the Commission should continue its work with a view to completing at its current session the study of the question of State archives. The Special Rapporteur's twelfth report (A/CN.4/333) had been prepared in the light of that resolution. It took into account the debates in the Commission, in UNESCO and in the General Assembly, in particular the Sixth Committee. So far as UNESCO was concerned, he had supplemented the information given in his eleventh report (A/CN.4/322 and Add.1 and 2), taking into account the first session (5–9 May 1980) of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. State archives not only were used in the administration and management of a territory but were a precious part of a country's cultural and historic life. The United Nations had likewise dealt with the question of State archives in certain studies to which his twelfth report gave the prominence which they ought to have received in his earlier report.

4. At the thirty-fourth session of the General Assembly, in 1979, some members of the Sixth Committee had expressed certain views on the draft articles which the Commission would not be able to take into account until the second reading. It had been proposed, for example, that the title of the draft articles should be further amended so as to be more consistent with the content of the draft as a whole. Among the titles suggested were “Succession of States in respect of

¹ Reproduced in *Yearbook* . . . 1979, vol. II (Part One).

² See *Yearbook* . . . 1979, vol. II (Part Two), pp. 15 *et seq.*, document A/34/10, chap. II, sect. B.

State property, debts and archives” and “Succession of States in respect of certain matters other than treaties” (A/CN.4/333, paras. 25–27). Several members of the Sixth Committee had queried whether State archives were State property. In the course of the second reading the Commission would be able to consider the definition of the meaning of “State archives” and also the proposals for improving the text of draft article B (Newly independent State). For the time being, the Commission’s task was to supplement the draft articles already adopted on archives by provisions dealing with each of the other types of succession of States.

5. Referring to the two versions of draft article B’ (Transfer of a part of the territory of one State to another State) that were proposed in his twelfth report, he said that, as he had indicated in his eleventh report (A/CN.4/322 and Add.1 and 2, paras. 92 *et seq.*), the practice of States in the event of succession in consequence of the transfer of part of a State’s territory to another State was somewhat suspect, inasmuch as it relied on peace treaties that were generally concerned with providing political solutions that reflected relationships of strength between victors and vanquished rather than equitable solutions. It had long been the traditional custom that the victors took the archives of the territories conquered by them and sometimes even removed the archives of the predecessor State.

6. The value of the archives as evidence of ownership had been recognized in very early times. In France, King Philippe Auguste had in 1194 founded his *Trésor des Chartes*, in which he assembled documents relating to his kingdom, and as new provinces were added to the Crown, their archives were added to the treasury. Not infrequently, the victors had removed archives by force. For example, in 1415 the Swiss Confederates had removed the archives of the earlier possessions of the Hapsburgs that had been preserved in the Castle of Baden. As those archives concerned not only the territories of the Confederates but also a large area of south-western Germany, the Austrian Hapsburgs had been able to recover in 1474 documents not relating to those territories. In effect, therefore, it was the law of the jungle that had prevailed, even though there had been some intention to respect the law, since archives had been regarded as evidentiary title to ownership.

7. In the course of time, archives had also been considered as an instrument of administration. It had then become apparent that in the event of a transfer of territory the successor State would have to be left with a territory that would be as viable as possible in order to avoid the dislocation of management and administration. Two situations were possible, depending on whether one or more successor States were involved. Where there was only one successor State—the case discussed in paragraphs 96 to 98 of the eleventh report—the administrative archives relating to the territory affected by the succession of States passed to the successor State. Where there was more

than one successor State—the case discussed in paragraphs 99 to 101—it was customary to respect the unity of the stock of archives by maintaining it intact in the territory where the archives were physically present, though the successor State controlling that territory had a duty to make copies for the other successor States. There was, however, a distinction between administrative archives and historic or cultural archives, and that distinction would hamper the operation of the principle.

8. Normally, only the administrative archives should pass in their entirety to the successor State. By virtue of the principle of the integrity of the stock of archives, the others should remain in the possession of the predecessor State, unless they had been constituted in that part of the territory that was affected by the succession. There was, however, an abundant State practice in conflict with that rule. In that connexion, he stressed that in modern times the situation contemplated in article B’ should concern only a small part of territory. It followed that the problem of the transfer of the archives should arise only in respect of administrative archives, even though in such a situation there might be historical or cultural, notably ecclesiastical, archives. If the administrative archives had been removed, they had to be restored; he referred to the examples cited in his eleventh report (paragraphs 112 to 118).

9. It could happen that some archives had been constituted outside the territory affected by the succession, a case that generally occurred where the predecessor State was a highly centralized State. In such a case, he considered that it would be wrong to truncate the stock of archives that might be physically located in the capital of the predecessor State. Adjustments were always possible where the archives were of the administrative kind; besides, in many cases there were copies of the archives in the ceded territory. He referred to paragraphs 119 to 121 of his eleventh report, where various examples were given of archives established outside the territory.

10. In general, the practice of States had taken into account the connexion between archives and the territory affected by the succession. For the purpose of determining what was the nature of that connexion, States had relied on the notions of territorial origin or territorial or fundamental connexion; such concepts were not always easy to translate into practice.

11. In some circumstances, the passing of State archives to the successor State involved certain obligations on the part of that State, inasmuch as territorial changes often led to shifts of population. It could happen, for example, that the inhabitants of the territory affected by the succession settled in the territory of the predecessor State. It was in the light of such considerations that he had provided that the successor State had a duty to deliver to the predecessor State copies of the administrative archives which the latter might need.

12. The relatively rare case of State libraries was illustrated by the example cited in his eleventh report (paragraph 132) of treaty provisions whereby libraries were restored at the same time as archives.

13. Thus, in earlier times, the practice of States regarding succession to State archives had followed the rule "might is right". In modern times, it was inconceivable that a transfer should take place except by agreements between the predecessor State and the successor State and with the approval of the population of the territory transferred. Similarly, in preference to the cession of a large tract of land, the modern approach was rather to envisage frontier adjustments. State practice showed, however, that peace treaties were nearly always an opportunity for the victor to impose his choice on the vanquished, and the past practice of States not only did not reflect any concern with equity but also was somewhat rigid.

14. For the purpose of deriving from that practice a rule concerning succession to State archives, the material provision concerning succession in respect of State property was that in article 10.³ It was possible to lay down a number of general principles. In the first place, State archives situated in the transferred territory passed to the successor State. Secondly, it was sound practice that the passing of those archives should be settled by agreement between the predecessor and successor States. Thirdly, it should be admitted that, in the absence of agreement, at least the archives connected with the predecessor State's activities in the territory would pass to the successor State, in so far as the archives had been constituted in the territory. Fourthly, the situation to be dealt with was the modern one where the territory to be transferred was comparatively small. Accordingly, the archives in question were archives formed in the territory by the predecessor State and passed to the successor State, subject to the proviso that the successor State had a duty to make copies for the purpose of the administration of that part of the population that left the territory. The archives that were not physically present in the territory and that had a direct connexion with the administration of the territory should remain in the possession of the predecessor State out of respect for the principle of the integrity of the stock of archives, though the predecessor State would have a duty to provide copies of the archives to the successor State. Historic or cultural archives, if present in the transferred territory, were presumably a self-contained stock and passed to the successor State. Conversely, historic or cultural archives relating to the territory that were physically located in the predecessor State, in particular in that State's capital, would presumably form part of a stock it would be wrong to truncate for the purpose of their passing to the successor State. Those were the reflections that had guided him in the drafting of article B'.

15. As State archives were movable State property, it would be necessary to compare the terms of the proposed article with those of draft article 10. In each of those provisions, priority was given to the agreement between the parties. Article 10 provided that, where there was no agreement, the decisive criterion would be the connexion between the movable property in question and the predecessor State's activity in respect of the territory; similarly, draft article B' provided that in such a case the decisive criterion would be the more or less identical one of the association of the archives with the territory. The documents in question were those produced, created or "hidden" in or by the territory. He had had to adjust the criterion applied in article 10 to the special nature of archives. In draft article B', the coverage of the criterion had been enlarged in so far as it concerned all the archives situated in the territory and not only those relating to the predecessor State's activity with respect to the territory. At the same time, the criterion was limited, in the sense that archives connected with the predecessor State's activity in the territory would not pass if they had been constituted not in the territory in question but, for example, in the predecessor State's capital. The explanation was that many countries managed or administered a territory from their capital and kept in the capital administrative archives relating to the territory. Where such a territory was affected by succession, the archives in question could hardly be transferred to the successor State without damage to the archival stock. As there were bound to be local copies of those archives, the criterion of article 10 had been adapted accordingly. That was also the solution suggested by practice, though on occasion the rule had been seriously infringed.

16. If the members of the Commission considered his draft article B' too long, it might be simplified in the manner suggested in the proposed variant. According to subparagraph 2 (a) (i) of draft article B', in the absence of agreement, archives of every kind belonging to the territory to which the succession of States related would pass to the successor State. He considered that, since it was so obvious that such archives—more often local than State archives—should pass to the successor State, the provision in question might well be omitted. Subparagraph 2 (a) (ii) provided that, in the absence of agreement, State archives concerning exclusively or principally the territory affected by the succession of States would, if constituted in that territory, pass to the successor State. That was an essential rule and would, of course, have to be retained. Subparagraph 2 (b) might perhaps be omitted, since all it did was to lay down the converse rule, which was that archives remained with the predecessor State if constituted in that State's territory. Paragraph 3, on the other hand, was indispensable, for it dealt with certain practical difficulties arising notably in the case of population transfers.

³ *Ibid.*

17. The CHAIRMAN thanked the Special Rapporteur for his oral introduction of the twelfth report. He invited members' comments on the report, and specifically on the two versions of draft article B'.
18. Mr. FRANCIS said that the preoccupation of UNESCO and the General Assembly with State archives that was disclosed by the twelfth report was an indication that the Commission was not working in a vacuum. The Sixth Committee of the General Assembly had stressed two points in particular, first, that the definition of "State archives" could be clarified and, secondly, that the Commission should endeavour to complete its work on the issue at the current session. He therefore agreed entirely with the Special Rapporteur that the Commission should concentrate on settling the provisions concerning the disposition of State archives in the various situations of succession of States other than that of a newly independent State, which was covered in draft article B. The general context of the draft articles on State archives should be decided at the second reading.
19. Referring to the two versions of draft article B' proposed by the Special Rapporteur, he said that he preferred the first, primarily because he was strongly in favour of the terms of subparagraph 2 (a) (i). He would merely propose that the words "subject to the provisions of subparagraph 2 (a) (ii)" should be added at the beginning of subparagraph 2 (a) (i), to dispel any possible confusion and provide the necessary link between the two subparagraphs.
20. Mr. EVENSEN said that he, too, preferred the first version of draft article B'. So far as matters of substance were concerned he agreed entirely with the Special Rapporteur, but he did have a few points of drafting to raise.
21. In the first place, he wondered why the words "administration and history" had been included in paragraph 1 of the draft article, since they seemed to imply a restriction which was not in keeping with the definition of State archives laid down in article A. Those words seemed neither necessary nor useful in the context of a reference to an agreement between the parties. Moreover, although the words were not used in subsequent paragraphs of the draft article, he wondered whether they were incorporated by implication.
22. Secondly, he shared some of Mr. Francis's misgivings regarding paragraph 2 of the draft article. Specifically, he considered that, if subparagraph 2 (a) (i) was meant to be a general provision, it would make subparagraph 2 (a) (ii) somewhat superfluous, which was perhaps not the intent. He proposed therefore that the order of those two subparagraphs should be reversed.
23. Thirdly, the Special Rapporteur had mentioned that, in many instances, the archives with which draft article B' was concerned would be local archives rather than State archives; possibly that point should be covered in the draft article.
24. Lastly, he had some doubts about the use of the word "constituted" in subparagraph 2 (a) (ii), although he understood the intent, namely, that the reference was to archives physically present in the territory.
25. Mr. QUENTIN-BAXTER pointed out that, in the simplified version of article B', the wording of the last line of the English text of paragraph 2 should be brought into line with the wording of the French text of that paragraph, which referred to "the territory to which the succession of States relates", not to "the territory of the predecessor State".
26. As the Special Rapporteur had pointed out, the draft article relating to the transfer of part of a territory were designed to deal only with the smallest of boundary adjustments. The Commission's philosophy on that subject had, moreover, always been that the question of the movement of a sector of population from one State to another was not simply a matter for agreement between the two States concerned, because it involved the important principle of the right to self-determination. Indeed, the Commission had always taken the view that a substantial transfer of territory affecting a local population was governed by draft article E (A/CN.4/322 and Add.1 and 2; para. 204) paragraph 5 of which related to the case in which part of the territory of a State separated from that State and united with another State. In such a case, account had to be taken both of the interests of the transferred population and the interests of the States concerned.
27. Thus, draft article B' related to little more than the question of boundary adjustments, while cases involving units of population were covered by draft article E, which fully respected the principle of the right of the transferred population to self-determination, referring as it did to the separation of a territory and its uniting with another State. The comments made by Mr. Francis and Mr. Evensen seemed to relate more to draft article E than to draft article B', and the Commission should therefore be able to deal fairly rapidly with article B', which covered the case in which two States negotiated on equal terms to reach agreement on a change in the international boundary which they shared. Such agreement would probably take the form of a bilateral treaty.
28. In that connexion, he said that even though the residual case in draft article B' was less important than any of the other specific cases which the Commission would have to consider, provision must be made for it. He was nevertheless not sure that reference had to be made in draft article B' to documents constituted in the territory to which the succession related. Reference would, however, have to be made to documents having a bearing on the international boundary because, as was well-known from case law, the title which a State obtained was no better than the title which the other State was able to convey. Paragraph 1 should therefore refer not to documents which were primarily administrative or historical in nature but rather to

documents which had some bearing on the actual boundary between the two States concerned.

29. Mr. ŠAHOVIĆ said he could endorse the Special Rapporteur's recommendations regarding the answers to be given to the general questions arising out of the discussions at the General Assembly's thirty-fourth session.

30. In general, he could accept the rules proposed by the Special Rapporteur in draft article B', though he considered that the article might need some redrafting.

31. He thought that, before the provision was referred to the Drafting Committee, attention should be drawn to the need to harmonize the language of article B' with that of the provisions approved by the Commission, at its previous session, for dealing with the problems of principle arising in connexion with article A (definition of State archives). In addition, he considered that, for the sake of the uniformity of the terminology, the Commission should have a general conspectus of the draft articles as a whole.

32. The terms of draft article B' and of the simplified version of that article gave rise to some difficulties which might perhaps necessitate the redrafting of the provision in the light of the discussions in the Commission and its Drafting Committee. For example, the expression "State archives" should be used in a stricter sense. Paragraph 1 spoke of "State archives connected with the administration and history of the territory to which the succession of States relates", whereas subparagraph 2 (a) (i) referred to "archives of every kind belonging to the territory"—a much broader concept. Perhaps the provision would be clearer if express reference was made to the definition of State archives given in draft article A.

33. The proposals made in paragraph 59 of the Special Rapporteur's twelfth report (A/CN.4/333) seemed at first sight both sound and logical. At the same time he considered, however, that the question should be reviewed in the light of the fundamental principles, of the content of the rule and of the remainder of the article in its simplified version. In the passage in paragraph 3 that referred to the "State to which these State archives pass or with which they remain", the use of the verb "remain" might strike the reader as surprising if the provisions of subparagraph 2 (b) were dropped.

34. In his opinion, draft article B' might be referred to the Drafting Committee forthwith.

35. Mr. THIAM said that the Special Rapporteur's concern had been to maintain a balance between the rights of the predecessor State and those of the successor State. In so far as draft article B' clearly described the position of each State, he (Mr. Thiam) considered the draft article sufficiently explicit and balanced.

36. He had some hesitation, however, with regard to the use of the word "belonging" in subparagraph 2 (a)

(i), for draft article B' dealt with the succession to State archives, not with succession to the local archives of a territory, which, as such, were bound to share the fate of that territory in the event of transfer. It would accordingly be more methodical and preferable to omit that subparagraph and to refer to the disposition of that kind of archive in the commentary rather than in the body of the provision itself.

37. Sir Francis VALLAT said that, although he generally agreed with the approach adopted in draft article B', he thought that further consideration would have to be given to the use in article A of the words "belonged to the predecessor State" because it was not at all clear whether the word "belonged" was used in that draft article in the same sense as in draft article B, paragraph 2 (a) (i), which referred to archives of every kind "belonging" to the territory to which the succession of States related. It was his guess that the meaning of that word, which would have to be defined by the Drafting Committee, was intended to be different in the two draft articles, especially since it did not seem to denote either ownership or possession.

38. Referring specifically to draft article B', he said that he understood the point made by Mr. Quentin-Baxter concerning the distinction which the Commission had maintained between boundary adjustments and the transfer of part of the territory of a State and agreed with Mr. Quentin-Baxter that draft article E, paragraph 5, extended the provisions of the foregoing paragraphs 1 to 4 to the case where part of the territory of a State separated from that State and united with another State. He noted, however, that the distinction between a small boundary adjustment and a large one was not based on any conceptual foundation and must therefore be difficult to apply in practice, whereas there was a conceptual difference between draft articles B' and E, in the sense that there was a difference between a transfer of territory and the separation of part of a territory. In one case, the initiative was taken by the State concerned, whereas in the other the initiative was taken by the people of the territory concerned. That was where the principle of the right to self-determination came into play. Moreover, since draft article B' probably related to something more than minor boundary adjustments, it would have to refer to archives constituted in the territory to which the succession of States related.

39. He had doubts similar to those expressed by Mr. Francis and Mr. Evensen concerning the use in draft article B', paragraph 1, of the words "State archives connected with the administration and history of the territory ...", the use in paragraph 2 (a) (i), of the word "archives" and the use in paragraph 2 (a) (ii) of the words "State archives". From the drafting point of view, it would, in his opinion, be better to adhere to the term "State archives" defined in article A. Indeed, since that article referred only to State archives, the following articles could not properly deal with other types of archives, such as papers which might have

been collected locally and which belonged to a municipal authority.

40. Lastly, he said that, in his view, draft article B' could be referred to the Drafting Committee.

41. Mr. USHAKOV said that most of the difficulties arising in connexion with the succession to State archives were due to the indivisible nature of certain archival stocks, which were, as a consequence, distinguishable from the other movable State property; in most cases, movable State property was divisible and capable of being evaluated for the purposes of compensation, where applicable.

42. The Special Rapporteur's commentary on draft article B' explained that, in the context of that article, the transfer of part of a State's territory to another State corresponded essentially to a frontier adjustment carried out by agreement between the States concerned. That explanation should be taken into account when the Commission came to draft the article. It was hardly necessary, for example, that paragraph 1 should refer specifically to "State archives connected with the administration and history of the territory", since the transfers in question were the subject of an agreement between the States which settled the question what archives would pass to the successor State. The provisions of paragraph 3 of article B might be a useful guide in that connexion, in order that provision should be made also for archives connected with the history or culture of the transferred part of a territory.

43. He suggested that draft article B' might be referred to the Drafting Committee, which would surely be able to work out the appropriate language.

The meeting rose at 1 p.m.

1603rd MEETING

Tuesday, 3 June 1980, at 3.45 p.m.

Chairman: Mr. C. W. PINTO

Members present: Mr. Barboza, Mr. Bedjaoui, Mr. Calle y Calle, Mr. Francis, Mr. Jagota, Mr. Quentin-Baxter, Mr. Riphagen, Mr. Šahović, Mr. Sucharitkul, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta, Mr. Yankov.

Succession of States in respect of matters other than treaties (*continued*) (A/CN.4/322 and Add.1 and 2,¹ A/CN.4/333)

[Item 1 of the agenda]

DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR (*continued*)

ARTICLE B' (Transfer of a part of the territory of one State to another State)² (*concluded*)

1. Mr. BARBOZA said that the reason why, at its thirty-first session, the Commission had not included among the draft articles submitted to the General Assembly³ the article concerning succession to State archives in the case of the transfer of a part of the territory of one State to another State had not only been lack of time but also that some of its members had felt that the article was superfluous. However, he considered that the draft as it stood was somewhat incomplete and, as he had said in the Sixth Committee,⁴ the criteria for the transfer of movable State property would require some adaptation before they could be applied to State archives. Draft article B' was proof that adaptation was necessary. Like the Special Rapporteur, he thought that the title of the draft article should be reconsidered at the second reading, as should the definition of State archives, since any defects in the articles dealing with the subject would only become apparent during the discussion.

2. A comparison of article B' and article 10⁵ showed the difference in the criteria for the transfer of property and for the transfer of archives. Article 10, paragraph 2 (b) provided merely for the passing of "movable State property of the predecessor State connected with the activity of the predecessor State in respect of the territory ...". The Special Rapporteur had, in his introduction, clearly shown that the criteria in article B', subparagraph 2 (a) (ii), were broader since it provided that all the archives concerning exclusively or principally the territory would pass to the successor State, but that provision was also narrower in that it stipulated that archives passed to the successor State only if they were constituted in the territory.

3. The Special Rapporteur had proposed a simplified version of article B', but he (Mr. Barboza) preferred the first version of article B'—although he realized that it posed a delicate legal problem—because the reference to archives of every kind belonging to the territory created an interesting concept of cultural heritage in the context of State archives, which could be used for interpretation of the other articles.

4. Mr. Thiam and Sir Francis Vallat had at the preceding meeting drawn attention to the fact that, strictly speaking, only State archives should be considered. The documents which formed part of the cultural heritage of a State or territory were not State

² For text, see 1602nd meeting, para. 1.

³ See 1602nd meeting, foot-note 2.

⁴ See *Official Records of the General Assembly, Thirty-fourth session, Sixth Committee, 46th meeting, paras. 40–46; and ibid., Sessional fascicle, corrigendum.*

⁵ See 1602nd meeting, foot-note 2.

¹ Reproduced in *Yearbook . . . 1979*, vol. II (Part One).