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UNITED NATIONS CONFERENCE ON SUCCESSION OF STATES IN RESPECT OF STATE PROPERTY, ARCHIVES AND DEBTS

Report of the Sixth Committee

Rapporteur: Miss Salwa Gabriel BERBERI (Sudan)

I. INTRODUCTION

1. The item entitled "United Nations Conference on Succession of States in Respect of State Property, Archives and Debts" was included in the provisional agenda of the thirty-seventh session of the General Assembly pursuant to paragraph 6 of Assembly resolution 36/113 of 10 December 1981.
2. On the recommendation of the General Committee, the General Assembly decided at its 4th plenary meeting, on 24 September 1982, to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connexion with the item, the Sixth Committee had before it a report of the Secretary-General (A/37/454 and Add.1) submitted pursuant to paragraph 5 of resolution 36/113.
4. The Sixth Committee considered the item at its 30th and 31st meetings, on 28 and 29 October 1982. The summary records of these meetings (A/C.6/37/SR.30 and 31) contain the views of representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/37/L.3

5. At its 31st meeting, on 29 October, the representative of Sierra Leone introduced a draft resolution (A/C.6/37/L.3) on behalf of Algeria, Angola, Argentina, Benin, Burundi, the Congo, Cuba, Cyprus, Democratic Yemen, Egypt, the German Democratic Republic, Greece, Guinea, India, Iraq, Kenya, Lebanon, the

Libyan Arab Jamahiriya, Mali, Mexico, Mongolia, Nigeria, Panama, the Philippines, Romania, Senegal, Sierra Leone, the Sudan, Thailand, Turkey, Venezuela, Yugoslavia and Zambia. subsequently joined by Afghanistan, Colombia, Jamaica, Tunisia and Zaire. In introducing the draft resolution, the representative of Sierra Leone stated the understanding of the sponsors with regard to the request addressed to the Secretary-General in paragraph 5 of the draft resolution "to submit to the Conference all relevant documentation and recommendations relating to its methods of work and procedures". Among the relevant documentation, reference was made to an analytical compilation of comments of Governments submitted in writing or made orally in the General Assembly on the draft articles on succession of States in respect of State property, archives and debts, adopted by the International Law Commission at its thirty-third session in 1981. That compilation would cover such comments circulated or made at the relevant sessions of the General Assembly.

6. In accordance with rule 153 of the rules of procedure of the General Assembly, the Secretary-General submitted a statement (A/C.6/37/L.4) on the administrative and financial implications of the draft resolution.

7. At its 31st meeting, the Committee adopted draft resolution A/C.6/37/L.3 by consensus (see para. 9).

8. The representative of the United States of America made a statement in explanation of her delegation's position on the Committee's decision.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

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

The General Assembly,

Recalling that, by its resolution 36/113 of 10 December 1981, it decided to convene a conference of plenipotentiaries in 1983 to consider the draft articles on succession of States in respect of State property, archives and debts, adopted by the International Law Commission at its thirty-third session, 1/ and to embody the results of its work in an international convention and such other instruments as it might deem appropriate,

Recalling further that, in paragraph 1 of the same resolution, it expressed its appreciation to the International Law Commission for its valuable work on the question of succession of States in respect of State property, archives and debts, and to the Special Rapporteur on the topic for his contribution to this work,

1/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 10 (A/36/10 and Corr.1), chap. II, sect. D.

Believing that the draft articles adopted by the International Law Commission at its thirty-third session represent a good basis for the elaboration of an international convention and such other instruments as may be appropriate on the question of succession of States in respect of State property, archives and debts,

Taking note of the report of the Secretary-General 2/ containing the comments and observations submitted by a number of Member States in accordance with its resolution 36/113,

Mindful of Article 13, paragraph 1 a, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that the successful codification and progressive development of the rules of international law governing succession of States in respect of State property, archives and debts would contribute to the development of friendly relations and co-operation among States, irrespective of their constitutional and social systems, and would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

Noting with appreciation that an invitation has been extended by the Government of Austria to hold the United Nations Conference on Succession of States in respect of State Property, Archives and Debts at Vienna,

1. Decides that the United Nations Conference on Succession of States in respect of State Property, Archives and Debts, referred to in General Assembly resolution 36/113, shall be held from 1 March to 8 April 1983 at Vienna;

2. Requests the Secretary-General to invite:

(a) All States to participate in the Conference;

(b) Namibia, represented by the United Nations Council for Namibia, to participate in the Conference, in accordance with paragraph 1 of General Assembly resolution 36/121 D of 10 December 1981;

(c) Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and the work of all international conferences convened under its auspices in the capacity of observers to participate in the Conference in that capacity, in accordance with Assembly resolutions 3237 (XXIX) of 22 November 1974 and 31/152 of 20 December 1976;

(d) Representatives of the national liberation movements recognized in its region by the Organization of African Unity to participate as observers, in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974;

2/ A/37/454 and Add.1.

(e) The specialized agencies and the International Atomic Energy Agency as well as interested organs of the United Nations and interested intergovernmental organizations to be represented by observers at the Conference;

3. Refers to the Conference, as the basic proposal for its consideration, the draft articles on succession of States in respect of State property, archives and debts adopted by the International Law Commission at its thirty-third session;

4. Decides that the languages of the Conference shall be the official and working languages of the General Assembly, its committees and its sub-committees;

5. Requests the Secretary-General to submit to the Conference all relevant documentation and recommendations relating to its methods of work and procedures and to arrange for the necessary staff, facilities and services which it will require, including the provision of summary records;

6. Requests the Secretary-General to arrange for the presence at the Conference, as an expert, the former Special Rapporteur of the International Law Commission on the topic of succession of States in respect of matters other than treaties, if he is available.
