# 1565th MEETING

*Tuesday, 3 July 1979, at 10.10 a.m.*

*Chairman:* Mr. Milan ŠAHOVIĆ

*Members present:* Mr. Barboza, Mr. Bedjaoui, Mr. Dadzie, Mr. Díaz González, Mr. Francis, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Thiam, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat.

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## Succession of States in matters other than treaties (*continued*) (A/CN.4/322 and Corr.1 and Add.1 and 2, A/CN.4/L.298)

[Item 3 of the agenda]

### DRAFT ARTICLES SUBMITTED BY THE SPECIAL RAPPORTEUR (*concluded*)

### ARTICLE C (Newly independent States)[1] (*concluded*)

1. Mr. REUTER drew a distinction between registered archives, which had the status of archives, and potential archives, namely, documents for which the State had not assumed administrative responsibility but which were likely to become archives. Mr. Ushakov (1564th meeting) had maintained that the archives of all kinds referred to in paragraph 1 (*a*) of draft article C were registered archives. The Special Rapporteur's intention had indeed been to limit that provision to registered archives of all kinds that had become archives of the predecessor State. Personally he was not opposed to that provision, but thought it would oblige the Commission to define the concept of archives. He thought it preferable that, instead of defining that concept, the Commission should enumerate in paragraph 1 (*a*) the State papers considered to be archives of the predecessor State. However, some members of the Commission took the view that the provision should have a broader scope and cover documents of all kinds that had not become archives of the administering State. As drafted, paragraph 1 (*a*) did not apply to documents, wherever they might be, that were potential archives, and the successor State was thus definitively deprived of them.

2. To satisfy the members of the Commission who were concerned about that point, it would be necessary to draft a provision supplementing paragraph 1 (*a*), under which the predecessor State, or better still all States parties to the future convention, would accord archives of the successor State situated in their territory the protection provided for by their laws to their own archives. Reverting to the example of the letters written by Emir Abdel-Kader, he explained that, if those letters were offered for sale in Paris, the French Government would have to intervene and seize them on behalf of the successor State. The scope of such a provision would obviously depend on the definition given to archives. That definition could either be restricted to old papers relating to the public affairs of the successor State, or extend to cultural archives. The latter alternative seemed consistent with the spirit of paragraph 6 of the article under consideration.

3. As he had pointed out at the previous meeting, it was important to determine whether the provisions of the articles relating to State property were to be combined with those of article A (1560th meeting, para. 1) and article C, in which case the general rules on the transfer of State archives could be invoked in favour of newly independent States, since those rules were themselves governed by the rules relating to State property. While there was no doubt about the intentions of the Special Rapporteur on that point, the same could not be said of the wording of articles A and C. Clearly, the régime applicable to newly independent States should be more generous to the successor State than the general régime for the transfer of State archives. Paragraph 1 of article C provided for the passing of three categories of archives: archives that had previously belonged to the territory, administrative archives and technical archives. The rest were covered by paragraph 3. That provision did not expressly provide that other archives passed to the successor State, but simply that succession to such archives was to be determined by agreement between the predecessor State and the successor State in such a manner that each of the two States benefited liberally and equitably from such archives. Must it be inferred from that provision that, to benefit in such a manner from those archives, the predecessor and successor States must conclude an agreement governing the passing of the archives, or must the agreement prescribe a special régime for archives that did not pass to the successor State? The situation would be simple if paragraph 3 related to the régime for archives of common interest, but the expression "succession to archives" assumed a transfer. If paragraph 3 really related to the passing of archives by agreement, it should be drafted in more precise terms; in particular, the reference to equity could be accompanied by an enumeration of principles of equity.

4. It thus appeared that, in regard to rules on transfer, article A was more generous than article C. According to article A, paragraph 1, "State archives of whatever nature that relate exclusively or principally to the territory to which the succession of the States relates, or that belong to that territory, shall pass to the successor State", with the exception of archives of sovereignty, which constituted a fourth category of archives. But archives relating exclusively or principally to a territory did not necessarily fall within one of the three categories of archives passing to the successor State under article C. Given the lack of symmetry between articles A and C, it might also be asked whether there were archives of sovereignty that passed to the successor State under article C. According to article C, paragraph 3, their passing was subject to the

[1] For text, see 1563rd meeting, para. 21.

conclusion of an agreement, and the need for an agreement implied that the passing was not automatic. It followed that article C was no more generous than article A, and that was most unsatisfactory.

5. As Sir Francis Vallat (1564th meeting) had rightly pointed out, paragraph 4 of article C dealt with the case of a newly independent State formed from two or more dependent territories, but ignored the case of a dependent territory from which several States emerged. The latter case should be dealt with in an additional paragraph.

6. As to the right of every people to information about its history and cultural heritage, referred to in paragraph 6, although he could not but support the provision, he had some doubts about its effect. He wondered whether the paragraph, which provided that agreements concluded between the predecessor and successor States in regard to archives must not infringe that right, stated a genuine legal rule. If it was a firm legal rule, it was a rule of *jus cogens,* so that agreements concluded in violation of the right in question would be void. Before endorsing such a bold step, he would like to be sure that it was intended by the Special Rapporteur. Personally, he would prefer the right of every people to information about its history and cultural heritage to be mentioned in paragraph 3, rather than in paragraph 6. As he had already pointed out, paragraph 3 should specify the principles governing the conclusion of the agreements referred to, and it would seem logical to state that those agreements must take the broadest possible account of that right of every people.

7. In all the articles relating to State archives, the Special Rapporteur made a distinction between the passing of certain archives to the successor State and the régime governing archives that did not pass to the successor State but that were of interest to that State, as well as to the predecessor State. In his opinion, it would have been better to group together all the rules concerning that régime in a single provision. Slight differences could indeed be noted between article A, paragraph 2, and article C, paragraph 2. According to the former, "the successor State will permit any appropriate reproduction of the State archives that pass to it", whereas, according to the latter, "the successor State shall undertake, for the purposes of the predecessor State ... any necessary reproduction of the archives that pass to it". It might perhaps be preferable to combine those provisions in a single text setting out the general régime for archives of common interest, which would appear in article A.

8. Turning from the Special Rapporteur's approach to explain his own point of view, which he was quite prepared to abandon, he said that it would have been much simpler to begin by distinguishing between archives according to their location. Just as a mollusc naturally formed its shell in the place where it was situated, so an administration normally produced its archives in the place where it conducted its activities. Even the archives of a colonial administration, as long as it behaved normally, were accumulated in their natural place, either as local or as central archives. It was only when archives had been arbitrarily moved that they had to be returned. It might be considered, for example, that certificates of births, marriages and deaths would remain in the same place as the persons they concerned. But to what extent was it possible to select, from central archives, those that concerned exclusively or principally the territory to which a succession of States related? To obviate the difficulties of application to which the rules in article A would inevitably give rise, it would be preferable to amplify the régime applicable to archives of common interest. How would it be possible, for example, to distinguish, among the central archives of Germany accumulated in Berlin, between those relating to the German Democratic Republic and those relating to the Federal Republic of Germany? To study the history of many countries, it was necessary to refer to other countries. For example, to learn the history of the Grand Duchy of Luxembourg from 1815 to 1890, it was necessary to consult the archives at The Hague and in Paris, as well as the German archives. Since the German occupation during the Second World War, parts of the archives of many European countries were to be found in German archives. To avoid giving newly independent States the impression that what they wanted was being denied them, he would willingly abandon his point of view, although he hoped that the Commission would draft more vigorous articles.

9. Mr. USHAKOV, reverting to his statement at the previous meeting, pointed out that paragraph 1 (*a*) of article C did not relate to archives of all kinds, whatever they might be, but to archives that had belonged to the territory prior to its dependence. If the territory was a unitary State, those archives were State archives, but if it was a part of a larger territory, they might perhaps be the archives of a local State. Perhaps the Special Rapporteur intended to refer simply to archives of all kinds located in the territory, a concept that would cover all archives, even those in private hands.

10. Mr. THIAM thought that the distinction made by the Special Rapporteur between archives that had belonged to a territory prior to its dependence, administrative archives, technical archives and archives of sovereignty, was of some theoretical and perhaps even practical value, if not taken to extremes. It seemed obvious that archives in the first category belonged to the successor State in the same way as administrative and technical archives, which were needed to ensure the continuity of administrative action. In regard to archives of sovereignty, the Special Rapporteur was proposing that the opposite principle should be laid down. It was sometimes difficult, however, to distinguish a purely administrative act from an act of sovereignty. Under colonial régimes where there had been some degree of internal autonomy, the metropolitan State had normally reserved to itself the spheres of justice, defence and diplomacy. Could it thus be concluded that all the documents of the predecessor State deposited in archives were documents of sovereignty and that those archives themselves were archives of

sovereignty? The Special Rapporteur considered it normal not to ask the predecessor State to reveal documents of sovereignty concerning certain aspects of the policy followed in dependent territories. But it was not so much a question of sovereignty as of discretion. It could not, after all, be maintained that an act of sovereignty such as the unilateral delimitation by the predecessor State of a colonial territory was of no concern to the successor State. As to archives relating to the administration of justice, although they pertained to sovereignty, they were of interest to the successor State because they concerned its inhabitants. The same applied to diplomacy and defence, so that it seemed exaggerated to affirm that archives of sovereignty did not pass to the successor State. The principle of the passing of State archives to the successor State should therefore be broadened.

11. Mr. FRANCIS said the discussion had clearly shown that article C formed the core of the provisions on succession to State archives. The provisions of paragraph 6 of that article might well be combined with those of paragraph 3, as Mr. Reuter had pointed out. In any event, the Drafting Committee should take account of the view that the agreements referred to in paragraph 3—a paragraph of vital importance—should always be governed by the fundamental principle stated in paragraph 6, namely, that every people had the right to information about its history and cultural heritage. In accordance with that principle, newly independent States had the right to succeed to archives.

12. In commenting on the terms of paragraph 1 (*a*) at the previous meeting, he had referred to the Maroons of Jamaica. A more appropriate example might be that of the Arawak Indians, the indigenous population that had died out after the English conquest of Jamaica in 1655. If archival items belonging to the Arawaks, either as a group or as individuals, had come into the possession of the administering State, whether by seizure, purchase or mere discovery, such items clearly fell within the terms of paragraph 1 (*a*), because they had belonged to the territory in question prior to its dependence, and they should therefore pass to the successor State.

13. Mr. PINTO said he hoped it would be possible to draft provisions that would ensure the return of archives where a newly independent State had been successively under the administration of several metropolitan Powers before finally gaining independence.

14. With regard to the suggestion that paragraph 4 of article C should be matched by an additional paragraph dealing with instances in which State succession had led to the emergence of several independent States from what had formerly been a single colonial territory, he recalled his suggestion (1561st meeting) for the inclusion in article C of a paragraph similar to paragraph 2 (*b*) of article F (A/CN.4/322 and Corr.1 and Add.1 and 2, para. 206).

15. Mr. BEDJAOUI (Special Rapporteur) noted that some members of the Commission thought that the rule stating the principle of the transfer of State archives was too cautious; personally, he would be glad if the Drafting Committee went further.

16. He also noted that some members were concerned about the future of the draft articles on succession to State archives and had expressed various views on the subject, from which three major trends could be discerned. Some, like Mr. Ushakov, were in favour of drafting only articles relating to each of the different types of State succession, without stating general rules whose application could not be controlled. Others, like Mr. Tsuruoka, would prefer, on the contrary, very general and flexible articles. Between those two extreme positions, some members, like Sir Francis Vallat, Mr. Barbosa, Mr. Riphagen and Mr. Reuter, had taken an intermediate position. Mr. Reuter, for example, had envisaged two régimes; one for the transfer of State archives, the other for the exploitation of the common heritage constituted by archives relating to a history in which the predecessor and successor States had been intimately associated.

17. However, all members of the Commission agreed that it was necessary to adopt a number of provisions on succession of States in respect of State archives if the draft articles were to be of practical value at the present time. For his part, he thought that the future of the draft articles on State archives, other than draft articles A and C, would depend on the progress of the Drafting Committee's work on articles 1 to 25, which had already been adopted by the Commission.[2] The Commission had not yet stated the principle of the general passing of State property. In that regard, the draft articles represented a regression in terms of jurisprudence and doctrine, which provided for the general passing of State property in all types of State succession. Thus article 9 referred only to "State property which, on the date of the succession of States, is situated in the territory to which the succession of States relates", thereby excluding archives that had been removed from the territory on the eve of its independence. Some members of the Commission also thought that the definition of State property given in article 5, to which the Commission might have referred in connexion with archives, was inadequate and could not be applied to State archives. The Drafting Committee should therefore revise the definition of State property so that it could also apply to archives, and should broaden the general principle of the passing of State property set out in article 9.

18. Referring to Mr. Thiam's argument that the distinction he had made between, on the one hand, administrative and technical archives and, on the other hand, political and colonial archives (termed "archives of sovereignty"), was too theoretical, he appreciated that it was sometimes difficult in practice to distinguish between administrative archives and archives of sovereignty because the two categories of archives were closely interconnected. He nevertheless considered the distinction useful where a territory had

[2] See 1560th meeting, foot-note 1.

acceded to independence under difficult conditions, since it could enable the former colonial Power to satisfy the legitimate claims of the newly independent State while ensuring the maintenance of good relations between the two States. After all, it would be unrealistic to ask the former administering Power to surrender to the newly independent State military or diplomatic archives concerning the colonial war that had led to the territory's independence, since their publication might jeopardize future relations between the two States. Moreover, if the passing of all archives were laid down as a general principle, without distinguishing between administrative archives and archives of sovereignty, Senegal, for example, would have to return some of the archives it held to other countries, such as the Ivory Coast, Guinea and Benin, because the French administration had assembled all its archives of sovereignty concerning French West Africa in Dakar.

19. With regard to the problem of the location of archives, Mr. Reuter had distinguished between archives situated in the territory at the time of the succession of States (generally administrative archives abandoned on the spot by the administering Power) and archives that had been removed by the administering Power on the eve of the territory's independence and that should be restored to the newly independent State, and had proposed a common régime for archives of sovereignty that were located in the metropolitan country and that were of interest to both the former administering Power and the newly independent State.

20. For his own part, he believed that the position was more complex and that there was another possible solution for colonial political archives. Such archives generally existed in duplicate since, when writing to his Government, an official of the colonial Power had nearly always kept a copy of his letter, which was preserved in the archives of the territory. Those were the copies that the colonial Power had often removed at the time of the territory's accession to independence, and that should be restored to the newly independent State. The metropolitan country would suffer no loss, since it would keep the originals.

21. In the case of colonial political archives that existed only in the capital of the metropolitan country, and of which the territory did not possess copies (for example, a treaty concluded between two colonial Powers concerning the frontiers of their respective colonies), it was impossible to require the outright transfer of the archives to the newly independent State, since the originals were also of interest to the predecessor State. However, the newly independent State should receive copies of those archives.

22. On paragraph 1 (*a*) of article C, there were three main trends of opinion among members of the Commission.

23. Mr. Ushakov (1564th and 1565th meetings) had said he was prepared to go as far as possible and to consider the complete restitution of archives of all kinds prior to colonization. Nevertheless, he had pointed out that the logical structure of the draft imposed certain limits, because once reference was made to archives "having belonged to an independent State which existed in the territory before the territory became dependent"—the formula used in article 13, paragraph 1, the archives in question were State archives, not simply any archives.

24. Conversely, Mr. Njenga (1564th meeting) and Mr. Francis (1564th and 1565th meetings) had argued that to limit the archives covered by paragraph 1 (*a*) to State archives would be to reduce the practical effect of a provision which, in their opinion, should cover all archives prior to colonization, such archives constituting an important cultural and historical heritage for the newly independent State.

25. Mr. Quentin-Baxter (1564th meeting) had taken the view that, no matter what interpretation were placed on the word "archives", the practical effect of paragraph 1 (*a*) would be very limited, since the archives that were most important for the newly independent State were not those antedating colonization but those constituted during the colonial period.

26. For his own part, he had deliberately refrained from referring to "State" archives in paragraph 1 (*a*), because he had considered that if the provision covered only State archives its scope would be very limited. It was possible to speak of State archives in that context on only two conditions: there must have been a State in the territory prior to colonization, and the archives belonging to that State must have become the property of the colonial Power. That would exclude cases in which there had not been a State in the territory prior to colonization. It would also exclude archives which, before the colonial period, had belonged to private persons, whether individuals or tribes. A serious problem would thus arise for most newly independent States. In the case of Niger, for example, it could be maintained that there had been no State before colonization, although the empire that had existed in the territory before the arrival of the French had left priceless archives. Similarly, it had been claimed that western Sahara had been a *terra nullius*, although its cultural wealth was unquestionable. Thus if article C, paragraph 1 (*a*), were restricted to State archives, its scope would be considerably limited.

27. It was obvious, however, that the predecessor State could give only what belonged to it: hence it could not be obliged to hand over to the successor State archives belonging to private collectors. It would therefore be possible to speak, in paragraph 1 (*a*), of archives that had been in the territory prior to colonization and that had become State archives under the administration of the colonial Power. The problem of the existence of a State prior to colonization would no longer arise: it would suffice that, at the time of decolonization, the archives had belonged to the administering Power as State archives, even if they had belonged to private persons before colonization.

28. The rule stated in paragraph 1 (*a*) would thus apply to archives that had belonged to private collectors prior to colonization, for example to religious mis-

sions, like the archives of the Institut des Belles-Lettres arabes (IBLA), in Tunis, or to private enterprises, such as the library of the India Office, which had been constituted by the British East India Company, or like the archives assembled by the British South Africa Chartered Company, which had worked copper mines in the territory of what was now Zambia. As those companies had been charter companies, on which the British Government had conferred certain governmental powers, it was clearly open to question whether the archives they had collected belonged to them as private institutions or as agents of the administering Power. The case of the parchments relating the history of the kingdoms of Norway, assembled by a private collector and restored by Denmark to Iceland following a series of decisions taken by the High Court of Justice of Denmark,[3] also came within the context of decolonization and was accordingly relevant to the situation covered by article C, paragraph 1 (*a*).

29. The rule he had proposed in that paragraph came midway between what some feared and others desired. It did not, unfortunately, allow the successor State, as Mr. Francis and Mr. Njenga wished, to obtain all archives, public or private, that had existed in the territory prior to the colonial period. Personally, he hoped that the Drafting Committee would go further.

30. With regard to paragraph 1 (*b*), he pointed out that the expression "administrative and technical archives" referred to all archives connected with the administrative management of the territory. Mr. Ushakov (1564th and 1565th meetings) had emphasized that they were mainly local archives, whereas Sir Francis Vallat (1564th meeting) had asked whether they might not be central archives, for example administrative and technical archives concerning the capital of a newly independent State, but held in London. He wished to dispel Sir Francis Vallat's fears by assuring him that it was not a question of despoiling the former metropolitan Power of its archives, but of encouraging the predecessor and successor States to co-operate, because in most cases there were copies of administrative and technical archives and it was those copies that the newly independent State should obtain.

31. In regard to paragraph 2, he noted that Mr. Ushakov wished to relieve the newly independent State of the obligation to undertake, "for the purposes of the predecessor State, and at the latter's request and expense, any necessary reproduction of the archives that pass to it", arguing that the sovereignty of the newly independent State over its archives must be respected. That argument, however, assumed that the problem of the transfer of archives had already been settled. It was precisely to facilitate such transfer, however, that he had sought, by giving the predecessor State an assurance that it would be able to obtain reproductions of the archives, to encourage that State to hand over to the successor State archives relating to the latter's territory. Personally, like Mr. Francis and Mr. Njenga, he would prefer to achieve that result by means of a more flexible rule which, instead of imposing a unilateral obligation on the successor State, would provide for collaboration between the successor and predecessor States.

32. Paragraph 3 dealt with colonial political archives, or "archives of sovereignty", which were related to the *imperium* or *dominium* of the colonial Power. In that paragraph he had proposed as flexible a provision as possible, calculated to induce the predecessor State to open those archives as widely as possible to the successor State. Such archives constituted a common heritage, for they related to the history of the former colonial Power as well as to that of the newly independent State, for which they were vitally important. Mr. Quentin-Baxter (1564th meeting) had said, in that connexion, that the predecessor State had a duty to furnish the successor State with any available evidence on questions relating to the frontiers of the newly independent State and its political identity.

33. In paragraph 4, he had merely reproduced the provision contained in article 13, paragraph 4, which dealt with the case of a newly independent State formed from two or more dependent territories. He was also prepared to consider the case in which a dependent territory split up to form several independent States.

34. Several members of the Commission had considered paragraph 6 fundamental. Thus Mr. Díaz González (*ibid.*) had said that it summed up the whole philosophy of the draft articles, while Mr. Quentin-Baxter had considered that it organized access to information, but did not settle the problem of ownership. The idea of heritage, however, embraced the idea of ownership. Thus paragraph 6 referred not only to the right to information but also to the right of ownership. It would facilitate management of the common heritage, because it could be interpreted as safeguarding both the archival heritage of the newly independent State and that of the predecessor State. The rule laid down in that paragraph was based on the rule in article 13, paragraph 6, which the Commission had considered a rule of *jus cogens*. That rule should facilitate succession to the colonial archives covered by paragraph 3 of article C.

35. Mr. Reuter had said that article A was much more generous than article C and that there was some inconsistency between the provisions of those two articles. However, if paragraphs 1 and 3 of article A were considered together, it was apparent that the idea contained in those paragraphs was exactly the same as that contained in article C. The word "benefits", in article C, paragraph 3, was ambiguous, as the reference might be to the actual transfer of colonial political archives to the successor State or merely to the successor State's access to those archives, which would remain the property of the predecessor State. Sir Francis Vallat (*ibid.*) had observed, in that connexion, that the term "succession" suggested rather the transfer of archives. It would therefore probably be better to say that "*the problem of* succession to archives ... shall be determined by agreement between the predecessor

[3] See A/CN.4/322 and Corr.1 and 2, paras. 192 and 193.

State and the successor State". He had not wished to decide the question, for he had judged that the two parties were free to resolve as they wished the problem of succession to archives covered by paragraph 3 of article C.

36. He thought Mr. Reuter's proposal (see para. 2 above) for a general rule that would go further than article C by imposing on the predecessor State, and indeed on all States, the obligation to grant all archives of the successor State that might be in their territories the protection provided by their internal laws to their own archives, an excellent solution, similar to the one advocated by UNESCO and by a number of international conferences, such as the seventeenth international round-table conference on archives, held at Cagliari in October 1977. However, the problem had not yet been settled, and only a few attempts had been made in that direction through bilateral agreements. He would be very pleased if the Drafting Committee helped States to take a step forward by going beyond what he had himself proposed in draft article C.

37. The CHAIRMAN said that if there were no objections he would take it that the Commission decided to refer draft article C and Mr. Tsuruoka's proposal (A/CN.4/L.298) to the Drafting Committee.

*It was so decided.* [4]

*The meeting rose at 12.50 p.m.*

[4] For consideration of the text proposed by the Drafting Committee, see 1570th meeting, paras. 3–8, 15–35, and 36–40.

## 1566th MEETING

*Friday, 6 July 1979, at 10.30 a.m.*

*Chairman:* Mr. Milan ŠAHOVIĆ

*Members present:* Mr. Barboza, Mr. Bedjaoui, Mr. Dadzie, Mr. Francis, Mr. Njenga, Mr. Pinto, Mr. Quentin-Baxter, Mr. Reuter, Mr. Riphagen, Mr. Tsuruoka, Mr. Ushakov, Sir Francis Vallat, Mr. Verosta.

### Co-operation with other bodies
[Item 13 of the agenda]

STATEMENT BY THE OBSERVER FOR THE INTER-AMERICAN JURIDICAL COMMITTEE

1. The CHAIRMAN invited Mr. Herrarte González, Observer for the Inter-American Juridical Committee, to address the Commission.

2. Mr. HERRARTE GONZÁLEZ (Observer for the Inter-American Juridical Committee) said that the Committee attached utmost importance to its co-operation with the International Law Commission, because of the significance for the progressive development of international law of the topics considered by the Commission and the scholarship each of its members brought to the study of those topics. He had closely followed the discussion on succession of States in respect of matters other than treaties and had noted that the subject had been analysed in all its aspects. It was that method of work that had enabled the Commission to achieve constructive results.

3. The question of succession to State archives was of particular interest because, as a UNESCO group of experts had rightly pointed out, archives were an essential part of the heritage of any national community.[1] At the Commission's previous session, the Special Rapporteur had cited a number of very interesting examples of historical archives. In that connexion, he would like to mention the "Archivo de Indias", preserved in Spain since the time of America's colonization. That archival collection had proved extremely valuable for research on the history of the Spanish-American countries and, in particular, for settling questions concerning boundaries. His country, Guatemala, held the "Archivo de Centroamérica", so called because, during the colonial era, central America had formed a single administrative unit, the Capitanía General de Guatemala, which after independence had become a political entity called the United Provinces of Central America. Those archives contained an original edition of the first history of America, written by Bernal Díaz del Castillo and entitled "True history of the conquest of New Spain". They also included the original of the Popol-Vuh, the holy book of the Quiché Maya, written in Latin characters by a Quiché Indian, which had been translated into all languages and was of capital importance for a knowledge of pre-colonial America. Other documents, such as the famous Maya codes, were preserved in international museums.

4. Referring briefly to the work of the Inter-American Juridical Committee, he said that the Second Inter-American Specialized Conference on Private International Law, held at Montevideo in April and May 1979, had approved eight multilateral conventions drafted by the Committee on the following subjects: conflicts of laws concerning cheques; conflicts of laws concerning commercial companies; extraterritorial validity of foreign judgements and arbitral awards; execution of preventive measures; proof of information of foreign law; domicile of natural persons in private international law; and letters rogatory. Those eight conventions, which were designed to facilitate relations between the countries of the American community, would supplement the Convention on Private International Law known as the "Bustamante Code".

[1] See A/CN.4/322 and Corr.1 and Add.1 and 2, para. 25.