

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

Vienna, Austria
1 March - 8 April 1983

Document:-
A/CONF.117/15

**Final Act of the Conference on Succession of States in respect
of State Property, Archives and Debts**

Extract from Volume II of the *Official Records of the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Documents of the Conference)*

**FINAL ACT
OF THE UNITED NATIONS CONFERENCE
ON SUCCESSION OF STATES IN RESPECT
OF STATE PROPERTY, ARCHIVES
AND DEBTS**

(Document A/CONF.117/15)

1. The General Assembly of the United Nations, by resolution 36/113 of 10 December 1981 decided to convene a conference of plenipotentiaries early 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 session¹ and to embody the results of its work in an international convention and such other instruments as it might deem appropriate.

2. Subsequently, by resolution 37/11 of 15 November 1982, the General Assembly, after noting, *inter alia*, that the Government of Austria had extended an invitation to hold the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts at Vienna, decided that the Conference was to be held from 1 March to 8 April 1983 in that city.

3. The Conference met at the Neue Hofburg in Vienna from 1 March to 8 April 1983.

4. The General Assembly, by resolution 37/11 requested the Secretary-General to invite all States to participate in the Conference. The delegations of 90 States participated in the Conference, as follows: Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Holy See, Honduras, Hungary, India, Indonesia, Iran, Islamic Republic of, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, San Marino, Saudi Arabia, Senegal, Seychelles, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia and Zaire.

5. Also pursuant to resolution 37/11 the Secretary-General invited Namibia, represented by the United Nations Council for Namibia, to participate in the Conference in accordance with General Assembly resolution 36/121 of 10 December 1981. Namibia, represented by the United Nations Council for Namibia, participated in the Conference.

6. By resolution 37/11 the General Assembly also requested the Secretary-General to invite to the Con-

ference 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, in accordance with General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 31/152 of 20 December 1976. The following organization, having received a standing invitation from the General Assembly to participate in the sessions and the work of all international conferences convened under its auspices, was represented at the Conference by an observer:

Palestine Liberation Organization

7. Pursuant to resolution 37/11 the Secretary-General invited to the Conference representatives of the national liberation movements recognized in its area by the Organization of African Unity, to participate as observers in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974. The following national liberation movements were represented at the Conference:

African National Congress

Pan Africanist Congress

8. The General Assembly, by resolution 37/11 requested the Secretary-General to invite 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 at the Conference by observers. The following intergovernmental organizations were represented at the Conference by observers;

Specialized and related agencies

United Nations Educational, Scientific and Cultural Organization

World Bank

Other intergovernmental organizations

Asian-African Legal Consultative Committee

European Economic Community

9. The Conference elected Mr. Ignaz Seidl-Hohenveldern (Austria) as President.

10. The Conference elected as Vice-Presidents the representatives of the following States: Algeria, Bulgaria, Chile, Ecuador, Egypt, France, German Democratic Republic, India, Indonesia, Italy, Morocco, Nigeria, Norway, Pakistan, Suriname, Switzerland, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Zaire.

11. The following committees were set up by the Conference:

General Committee

Chairman: The President of the Conference

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

Members: The President and Vice-Presidents of the Conference, the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee

Committee of the Whole

Chairman: Mr. Milan Šahović (Yugoslavia)

Vice-Chairman: Mr. Moncef Benouniche (Algeria)

Rapporteur: Mrs. Kuljit Thakore (India)

Drafting Committee

Chairman: Mr. Sompong Sucharitkul (Thailand)

Members: The Chairman of the Drafting Committee, and the representatives of Algeria, Argentina, France, Greece, Iraq, Japan, Kenya, Nigeria, Poland, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela, subsequently replaced by Cuba

The Rapporteur of the Committee of the Whole participated *ex officio* in the work of the Drafting Committee in accordance with rule 47 of the rules of procedure of the Conference.

Credentials Committee

Chairman: Mr. Geraldo Eulalio do Nascimento e Silva (Brazil)

Members: The representatives of Belgium, Brazil, Japan, Kenya, Kuwait, Nicaragua, Senegal, United States of America and Union of Soviet Socialist Republics

12. Mr. Mohammed Bedjaoui, Judge of the International Court of Justice and the International Law Commission's Special Rapporteur on succession of States in respect of matters other than treaties, was the Expert Consultant.

13. The Secretary-General of the United Nations was represented by Mr. Carl-August Fleischhauer, Under-Secretary-General, the Legal Counsel. Mr. Valentin A. Romanov, Director of the Codification Division of the Office of Legal Affairs of the United Nations, acted as Executive Secretary. The Secretariat was further composed as follows: Secretaries of the Committee of the Whole, Miss J. Dauchy and Mr. E. Valencia-Ospina; Assistant Secretaries of the Committee of the Whole, Mr. A. O. Adede, Mr. L. D. Johnson and Mr. S. Shestakov; Secretary of the Drafting Committee, Mr. E. Valencia-Ospina; Assistant Secretary of the Drafting Committee, Mr. L. D. Johnson, and Secretary of the Credentials Committee, Mr. P. Neumann.

14. The General Assembly, by its resolution 37/11 referred 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.

15. The Conference also had before it written comments of Governments on the final draft articles on succession of States in respect of State property, archives and debts submitted pursuant to General Assembly resolution 36/113 of 10 December 1981, as well as comments made orally on the draft articles in the Sixth

Committee of the General Assembly at the General Assembly's thirty-sixth and thirty-seventh sessions. The comments were contained in an analytical compilation prepared by the Secretariat of the United Nations (A/CONF.117/5 and Add.1). In addition, the Conference had before it other relevant documentation prepared by the Secretariat of the United Nations.

16. The Conference assigned to the Committee of the Whole the consideration of the draft articles on succession of States in respect of State property, archives and debts adopted by the International Law Commission. The Drafting Committee, in addition to its responsibilities for drafting and for co-ordinating and reviewing all the texts adopted, was entrusted by the Conference with the preparation of the title, preamble and final clauses of the Convention, and the Final Act of the Conference.

17. On the basis of the deliberations recorded in the records of the Conference (A/CONF.117/SR.1 to SR.10) and of the Committee of the Whole (A/CONF.117/C.1/SR.1 to SR.44) and the reports of the Committee of the Whole and the Drafting Committee (A/CONF.117/11 and Add.1 to 12 and A/CONF.117/10 and Add.1 to 3) the Conference drew up the following Convention:

Vienna Convention on Succession of States in Respect of State Property, Archives and Debts

18. The foregoing Convention, which is subject to ratification, was adopted by the Conference on 7 April 1983, and opened for signature on 8 April 1983, in accordance with its provisions, until 31 December 1983 at the Federal Ministry for Foreign Affairs of the Republic of Austria and, subsequently, until 30 June 1984, at United Nations Headquarters in New York. The same instrument was also opened for accession in accordance with its provisions.

19. After 31 December 1983, the closing date for signature at the Federal Ministry for Foreign Affairs of the Republic of Austria, the Convention will be deposited with the Secretary-General of the United Nations.

20. The Conference also adopted the following resolutions, which are annexed to this Final Act:

Resolution concerning peoples struggling against colonialism, alien domination, alien occupation, racial discrimination and apartheid;

Resolution concerning Namibia

Tribute to the Expert Consultant

Tribute to the International Law Commission

Tribute to the President of the Conference and to the Chairman of the Committee of the Whole

Tribute to the People and to the Federal Government of Austria.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Vienna this eighth day of April, one thousand nine hundred and eighty-three in a single copy in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

By unanimous decision of the Conference, the original of this Final Act shall be deposited in the archives of the Federal Ministry for Foreign Affairs of the Republic of Austria.

ANNEX

Resolutions adopted by the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts

RESOLUTION CONCERNING PEOPLES STRUGGLING AGAINST COLONIALISM, ALIEN DOMINATION, ALIEN OCCUPATION, RACIAL DISCRIMINATION AND APARTHEID

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

Recalling the principles of international law, and in particular the principle of equal rights and self-determination of peoples embodied in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,¹

Emphasizing that the present Convention applies exclusively to the effects of a succession of States arising in accordance with international law and, more particularly, with the principles of international law embodied in the Charter of the United Nations,

1. Recognizes that the provisions of this Convention may not in any circumstances impair the exercise of the lawful right to self-determination and independence, in accordance with the Purposes and Principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, for peoples struggling against colonialism, alien domination, alien occupation, racial discrimination and apartheid;

2. Recognizes also that the peoples in question possess permanent sovereignty over their resources and natural wealth and their rights to development, information concerning their history and to the conservation of their cultural heritage;

3. Declares that the implementation of the Convention of Vienna on Succession of States in Respect of State Property, Archives and Debts by States acceding to independence subsequent to its adoption will be facilitated by the observance of the principle and the rights mentioned in paragraph 2 by administering Powers and other States.

RESOLUTION CONCERNING NAMIBIA

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

Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966, by which the General Assembly decided to terminate the Mandate of South Africa over Namibia and by which the United Nations assumed direct responsibility for the Territory until independence, and General Assembly resolution 2248 (S-V) of 19 May 1967, by which the United Nations Council for Namibia was established and entrusted with the responsibility of administering the Territory until independence,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971² which declared that, the continued presence of South Africa in Namibia being illegal, South Africa was under obli-

gation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory,

Further recalling the relevant resolutions of the United Nations, in particular Security Council resolutions 385 (1976) which reaffirmed the territorial integrity and unity of Namibia and 432 (1978) which took note of paragraph 7 of General Assembly resolution 32/9 D declaring that Walvis Bay is an integral part of Namibia,

1. Resolves that the relevant articles of the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts shall be interpreted, in the case of Namibia, in conformity with United Nations resolutions on the question of Namibia;

2. Resolves that, in consequence, all the rights of the future independent State of Namibia should be reserved.

TRIBUTE TO THE EXPERT CONSULTANT

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

Having adopted the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts on the basis of the draft articles prepared by the International Law Commission,

Resolves to express to Judge Mohammed Bedjaoui, Special Rapporteur of the International Law Commission and Expert Consultant to the Conference, its deep appreciation of the invaluable contribution made to the codification and progressive development of the rules of international law on succession of States in respect of State property, archives and debts.

TRIBUTE TO THE INTERNATIONAL LAW COMMISSION

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

Having adopted the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts on the basis of the draft articles prepared by the International Law Commission,

Resolves to express its deep gratitude to the International Law Commission for its outstanding contribution to the codification and progressive development of the law of succession of States in respect of State property, archives and debts.

TRIBUTE TO THE PRESIDENT OF THE CONFERENCE AND TO THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE

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

Having adopted the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts on the basis of the draft articles prepared by the International Law Commission,

Expresses its appreciation and thanks to Mr. Ignaz Seidl-Hohenveldern, President of the Conference, and Mr. Milan Šahović, Chairman of the Committee of the Whole, who, through their great knowledge, successful efforts and wisdom in steering the work of the Conference, contributed greatly to the fruitful work which made the Conference successful.

TRIBUTE TO THE PEOPLE AND TO THE FEDERAL GOVERNMENT OF AUSTRIA

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

Having adopted the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts,

Expresses its deep appreciation and gratitude to the People and the Federal Government of Austria for having made possible the holding of the Conference in Vienna and for their continued and most generous hospitality which contributed greatly to the successful completion of the work of the Conference.

¹ General Assembly resolution 2625 (XXV), annex.

² *Legal Consequences for States for the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 58.*