

# Islamic Republic of I R A N

Permanent Mission to the United Nations

Statement by

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Before the Sixth Committee

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On Agenda Item 82: **“Diplomatic Protection”**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

**Mr. Chairman,**

My delegation would like to once again share with you its views on agenda item 82: "Diplomatic Protection". This is one of the key topics developed and finalized by the International Law Commission. We express our appreciation to the ILC for its continuous contribution to the codification and progressive development of international law. My delegation also takes note of the report of Secretary-General on this item contained in document A/68/115 and its addendum.

The question of diplomatic protection is of utmost importance in today's international relations. It is, however, a rather complex process, since it involves both the rights of individuals and the rights of States. Any legal regime on diplomatic protection should properly correspond to this importance and observe a delicate balance between the rights of individuals and the rights of States. It is doubtful that the present set of Draft Articles as proposed by the ILC and reflected on resolution 62/67 could satisfy those concerns.

The Draft Articles on Diplomatic Protection were adopted in a considerably shorter period of time comparing to other works of the Commission. That's perhaps why some of the draft articles can not be deemed as reflective of customary international law. For instance, the draft Article relating to diplomatic protection of stateless persons (Article 8), or the one relating to individuals with multiple nationality (Article 7), have been formulated either on the basis of the case-law of some regional tribunals or on the basis of the case-law of some *sui generis* tribunals; these case-laws could hardly reflect existing general international law. Furthermore, the present Draft Articles have left some areas of diplomatic protection unanswered. Likewise, some of its provisions, for instance, draft Article 15 (b) and (d) either looks vague or is hypothetical far from realities on the ground.

We note that Member States have different views as to the future of these draft Articles. It indicates that States still need more time to further consider the content of the Draft Articles. This would also provide an opportunity to assess how much they reflect, or are reflected in the States' practice.

My delegation believes that it is still not ripe enough to elaborate the Draft Articles into a legally binding instrument until and unless certain concerns of Member States are duly met.

I thank you.