

# **Statement of Portugal**

**at the 74<sup>th</sup> Session of Sixth Committee of the General Assembly**

**Agenda Item 80**

**Diplomatic protection**

***Check against delivery***

Mr. Chairman,

In 2006, the International Law Commission completed a set of 19 Draft Articles on Diplomatic Protection. This was less than ten years after the topic was first identified as suitable for codification and progressive development by the Commission, which proves that the topic was indeed ripe and adequate for codification and that diplomatic protection a useful institute in contemporary international relations.

Portugal has welcomed this development. It has also continually voiced its support for the recommendation of the Commission to the General Assembly regarding the elaboration of a convention on the basis of the draft Articles.

Mr. Chairman,

There is an identifiable trend of recognizing greater autonomy and capacity to individuals and groups of individuals to assure the protection of their own rights. We are convinced that, in international social relations, the self-emancipation of the individual is the path to be followed.

This does not preclude us from admitting that the diplomatic protection conducted by a State remains an important remedy. Diplomatic protection has an important function as a subsidiary, last resort mechanism for a State to protect the human rights of its nationals. As referred by the ILC in its commentaries to the draft Articles, "Diplomatic protection conducted by a State at the inter-State level remains an important remedy for the protection of persons whose human rights have been violated abroad".

Additionally, diplomatic protection is one of the pillars of the principle of sovereign equality of States.

Mr. Chairman,

We know that Member States have different views as to what the future of this topic should be, as reflected in the written comments submitted by Governments, including Portugal in 2010 and in 2013. Some of the written comments and statements of Member States at the Sixth Committee have pointed to a link between the topic of diplomatic protection and that of Responsibility of States for Internationally Wrongful Acts.

Mr. Chairman,

Portugal is in agreement with the draft Articles in general and believes they are suitable for negotiating an international convention on diplomatic protection. This is regardless of the fact that, at the Sixth Committee, we have voiced our disagreement on certain aspects – in particular those concerning both the scope of the draft Articles as well as their particular contents. Those and other issues could be discussed within the body preparing the convention.

Our hope is that these draft Articles, together with those on the Responsibility of States, can soon be a part of parallel conventions, since they traditionally go hand in hand, as noted the by the International Law Commission. This would represent a major step for the consolidation of the law on international responsibility.

Thank you, Mr. Chairman.