

## **Diplomatic Protection**

### Introduction of draft resolution A/C.6/74/L.17

Mr. Chairman,

I have the honour to introduce, on behalf of the Bureau, draft resolution A/C.6/74/L.17, entitled “Diplomatic protection”.

As indicated in my oral report of the Working Group on Diplomatic Protection, delivered last week Monday, Governments continued to prefer a draft resolution deferring consideration of the decision on the final form of the articles on diplomatic protection to a future session, primarily for the reason that the fate of the draft articles on diplomatic protection continues to be linked to that of the draft articles on the responsibility of States for internationally wrongful acts, of 2001.

On the basis of the debate in the Plenary and in the Working Group, I prepared the text of a proposed draft resolution based on the formulation adopted by the General Assembly, on 16 December 2016, in resolution 71/142, with the necessary technical updates. The Working Group discussed the text of the draft resolution at both of its meetings, at which time two substantive suggestions for amendments were made. These were later circulated in writing to all delegations.

The first proposal was to seek to merge the agenda item with that on the responsibility of States for internationally wrongful acts, and the second was to amend the draft resolution with a view to introducing a pause in the convening of the working group on the topic, without prejudice to the possibility of reconvening the working group at a later session of the General Assembly. While the first proposal did not garner much support, the second proposal was not opposed. The version of the draft

resolution before the Sixth Committee incorporates, with some technical refinements, the proposal received in writing to discontinue the working group.

The text of the draft resolution has been issued as document A/C.6/74/L.17. I will briefly go through each paragraph of the draft resolution for the benefit of delegations.

The first preambular paragraph recalls resolution 62/67, in which the General Assembly commended the articles to the attention of Governments, and to which the articles were attached. The second preambular paragraph recalls the recommendation of the International Law Commission that a convention be elaborated on the basis of the articles. The third preambular paragraph emphasizes the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations. In the fourth preambular paragraph, the General Assembly would note the major importance of the subject of diplomatic protection in the relations between States. In the final preambular paragraph, the comments and observations of Governments, including those expressed in the debates in the Sixth Committee, are taken into account. Other than a technical update to the last preambular paragraph, and the footnote thereto, no other changes were made to any of the other preambular paragraphs.

Mr. Chairman,

The draft resolution once again contains two operative paragraphs. In the first operative paragraph, which is based verbatim on that adopted in resolution 71/142, and its predecessors, the General Assembly would commend once again the articles on diplomatic protection to the attention of Governments, and invite them to submit in writing to the Secretary-General any further comments, including comments concerning the recommendation by the Commission to elaborate a convention on the basis of the articles.

Under the second operative paragraph, the General Assembly would decide to include the agenda item in the provisional agenda of its seventy-seventh session and would invite Governments to focus their statements, in the light of the written comments submitted to the Secretary-General, as well as views expressed in the debates held at the various sessions of the General Assembly in which the topic was discussed, on the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the above-mentioned articles, and also on identifying any difference of opinion on the articles. As I explained, such discussion would only take place during the plenary debate, as the working group would no longer be established.

I wish to recall that the selection of the seventy-seventh session, namely 2022, for returning to the agenda item, was motivated by a desire to sequence the consideration of the fate of the articles on diplomatic protection with that of those on the responsibility of States for internationally wrongful acts.

Mr. Chairman,

This concludes my introduction of draft resolution A/C.6/74/L.17, which I commend to the Sixth Committee for adoption without a vote.

Thank you.