

Draft CANZ Statement – UNGA80 – Diplomatic Protection

Chairperson,

I have the honour to speak today on behalf of New Zealand and Australia as well as my own country, Canada.

CANZ countries express once again their continued appreciation for the International Law Commission's contribution to the topic of diplomatic protection. We continue to recognize the important role diplomatic protection plays as a valuable tool for States to protect the rights of their nationals from violations of international law, including to provide protection when violations of human rights are committed against their nationals.

We take this opportunity to recall our statement from UNGA 77, noting we consider the draft articles adopted by the Commission to be closely bound to the Articles on the Responsibility of States for Internationally Wrongful Acts ('the Articles on State Responsibility'). CANZ countries continue to be of the view that in the absence of a clear consensus on the elaboration of a convention on the basis of the Articles of State Responsibility, it would be premature to commence negotiations on a convention based on the Draft Articles on Diplomatic Protection.

We again highlight that CANZ countries consider certain aspects of the Draft Articles on Diplomatic Protection go beyond our understanding of customary international law in relation to diplomatic protection, and that there is unlikely to be international consensus on whether those aspects should be made the subject of a convention.

CANZ countries are also concerned that as there is unlikely to be international consensus about certain aspects of the current draft articles, opening up debate on the entire set of draft articles and engaging in the process of negotiating a convention at this time risks undermining the influence and value of the draft articles.

CANZ members continue to value the International Law Commission's work on the Draft Articles in their current form and recognize they serve a useful purpose in informing State practice in this important area of law.