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Diplomatic protection

Report of the Sixth Committee

Rapporteur: Mr. Tofiq **Musayev** (Azerbaijan)

I. Introduction

1. The item entitled “Diplomatic protection” was included in the provisional agenda of the sixty-eighth session of the General Assembly pursuant to its resolution [65/27](#) of 6 December 2010.
2. At its 2nd plenary meeting, on 20 September 2013, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 15th, 28th and 29th meetings, on 21 October, 8 November and 15 November 2013. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records ([A/C.6/68/SR.15](#), 28 and 29).
4. For its consideration of the item, the Committee had before it the report of the Secretary-General containing the comments and observations received from Governments¹ on the recommendation of the International Law Commission to elaborate a convention on the basis of the draft articles on diplomatic protection adopted by the Commission at its fifty-eighth session, in 2006.²
5. Pursuant to resolution [65/27](#), the Committee decided, at its 2nd meeting, on 7 October 2013, to establish a Working Group on Diplomatic Protection, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine, in the light of the written comments of Governments as well as views expressed in the debates held at the sixty-second and sixty-fifth sessions of the General Assembly, the question of a convention on diplomatic protection, or any

¹ A/68/115 and Add.1.

² *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10)*, para. 46.



other appropriate action, on the basis of the articles drafted by the International Law Commission and also to identify any difference of opinion on the articles. At the same meeting, the Committee decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group, which was chaired by Mr. Thembile Joyini (South Africa), held one meeting, on 23 October 2013.

6. At its 28th meeting, on 8 November 2013, the Sixth Committee heard and took note of the oral report of the Chair of the Working Group (see [A/C.6/68/SR.28](#)).

II. Consideration of draft resolution A/C.6/68/L.16

7. At the 28th meeting, on 8 November 2013, the representative of South Africa, on behalf of the Bureau, introduced a draft resolution entitled “Diplomatic protection” ([A/C.6/68/L.16](#)).

8. At the 29th meeting, on 15 November 2013, the Committee adopted draft resolution [A/C.6/68/L.16](#) without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Diplomatic protection

The General Assembly,

Recalling its resolution [62/67](#) of 6 December 2007, the annex to which contains the text of the articles on diplomatic protection, commending the articles to the attention of Governments,

Recalling also that the International Law Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the articles on diplomatic protection,¹

Emphasizing 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,

Noting that the subject of diplomatic protection is of major importance in relations between States,

Taking into account the comments and observations of Governments² and the discussions held in the Sixth Committee, at the sixty-second, sixty-fifth and sixty-eighth sessions of the General Assembly, on diplomatic protection,

1. *Commends once again* the articles on diplomatic protection to the attention of Governments, and invites 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;¹

2. *Decides* to include in the provisional agenda of its seventy-first session the item entitled “Diplomatic protection” and, within the framework of a working group of the Sixth Committee, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second, sixty-fifth and sixty-eighth sessions of the General Assembly, to continue to examine the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the above-mentioned articles and to also identify any difference of opinion on the articles.

¹ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10)*, para. 46.

² See A/62/118 and Add.1, A/65/182 and Add.1 and A/68/115 and Add.1.