



General Assembly

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Forty-sixth session
Agenda item 130CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE
DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED
BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS
THERETOReport of the Sixth CommitteeRapporteur: Mr. Aliosha I. NEDELICHEV (Bulgaria)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto" and to allocate it to the Sixth Committee.

2. In connection with the item, the Sixth Committee had before it chapter II of the report of the International Law Commission on the work of its forty-first session, ^{1/} which contained the draft article adopted at that session by the Commission on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, as well as draft optional protocol one on the status of the courier and the bag of special missions, and draft optional protocol two on the status of the courier and the bag of international organizations of a universal character, also adopted by the Commission at that same session.

^{1/} Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10).

3. In accordance with paragraph 2 of General Assembly resolution 45/43 of 28 November 1991, the informal consultations initiated under paragraph 2 of resolution 44/36 of 4 December 1989 were resumed under the chairmanship of one of the Vice-Chairmen of the Sixth Committee to study the above-mentioned draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect.

4. The Sixth Committee considered the item at its 40th meeting, on 19 November 1991. The summary record of that meeting (A/C.6/46/SR.40) contains the views of the representatives who spoke on the item.

5. At the same meeting, the Vice-Chairman of the Sixth Committee, presiding as Chairman over the informal consultations referred to in paragraph 3 above, reported orally on the results of those consultations, indicating, in particular, that they had contributed to clarifying existing positions further. The Sixth Committee took note of the report of the Chairman.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/46/L.14

6. At the 43rd meeting of the Sixth Committee, on 25 November 1991, the Chairman of the Committee introduced draft resolution A/C.6/46/L.14 under the item.

7. At the same meeting, the Committee adopted draft resolution A/C.6/46/L.14 without a vote (see para. 8).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

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

Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto

The General Assembly,

Recalling its resolution 44/36 of 4 December 1989, in which it noted that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, had completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and had also prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the

status of the courier and the bag of international organizations of a universal character, 2/

Recalling also its resolution 45/43 of 28 November 1990, by which it decided that the informal consultations that were held at the forty-fifth session of the General Assembly would be resumed at the forty-sixth session of the Assembly,

1. Expresses its satisfaction at the useful informal consultations that were accordingly held at its forty-sixth session to study the draft articles and the draft optional protocols thereto, as well as the question of how to deal further with those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect, and takes note of the report of the Vice-Chairman of the Sixth Committee, who presided over those consultations; 3/

2. Decides that these informal consultations will be resumed at its forty-seventh session;

3. Also decides to include in the provisional agenda of its forty-seventh session the item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

2/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10), chap. II.

3/ Ibid., Forty-sixth Session, Sixth Committee, 40th meeting.