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Agenda item 79

Diplomatic protection

Report of the Sixth Committee

Rapporteur: Ms. Sarah Zahirah **Ruhama** (Malaysia)

I. Introduction

1. The item entitled “Diplomatic protection” was included in the provisional agenda of the seventy-seventh session of the General Assembly pursuant to Assembly resolution [74/188](#) of 18 December 2019.
2. At its 3rd plenary meeting, on 16 September 2022, 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 32nd and 36th meetings, on 3 and 18 November 2022. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹
4. For its consideration of the item, the Committee had before it the report of the Secretary-General on comments and information received from Governments ([A/77/261](#)) on the recommendation of the International Law Commission that the General Assembly elaborate a convention on the basis of the draft articles on diplomatic protection adopted by the Commission at its fifty-eighth session, in 2006 ([A/61/10](#), para. 46).

II. Consideration of draft resolution [A/C.6/77/L.20](#)

5. At the 36th meeting, on 18 November 2022, the representative of Senegal, on behalf of the Bureau, introduced a draft resolution entitled “Diplomatic protection” ([A/C.6/77/L.20](#)).
6. At the same meeting, the Committee adopted draft resolution [A/C.6/77/L.20](#) without a vote (see para. 8).

¹ [A/C.6/77/SR.32](#) and [A/C.6/77/SR.36](#).



7. After the adoption of the draft resolution, the representative of Colombia, also on behalf of Brazil, El Salvador, Mexico and Portugal, made a statement in explanation of position.

III. Recommendation of the Sixth Committee

8. 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,

Noting also the views expressed that there was a close connection between the draft articles on diplomatic protection and the articles on responsibility of States for internationally wrongful acts,² and the observations of the Commission in this regard,³

Taking into account the comments and observations of Governments⁴ and the discussions held in the Sixth Committee, at the sixty-second, sixty-fifth, sixty-eighth, seventy-first, seventy-fourth and seventy-seventh sessions of the General Assembly, on diplomatic protection,

1. *Commends once again* the articles on diplomatic protection⁵ 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 International Law Commission to elaborate a convention on the basis of the articles;

2. *Decides* to include in the provisional agenda of its eightieth session the item entitled “Diplomatic protection” and, taking into account the written comments submitted to the Secretary-General, as well as the views expressed in the debates held at the sixty-second, sixty-fifth, sixty-eighth, seventy-first, seventy-fourth and seventy-seventh 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 articles on diplomatic protection, with a view to identifying any difference of opinion on the articles;

3. *Encourages* all Member States to continue the substantive dialogue on an informal basis during the period prior to the eightieth session of the General Assembly.

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

² Resolution [56/83](#), annex.

³ See *Yearbook of the International Law Commission, 2006*, vol. II (Part Two), para. 50, “Diplomatic protection”, para. (1).

⁴ See [A/62/118](#), [A/62/118/Add.1](#), [A/65/182](#), [A/65/182/Add.1](#), [A/68/115](#), [A/68/115/Add.1](#), [A/71/93](#), [A/71/93/Corr.1](#), [A/74/143](#) and [A/77/261](#).

⁵ Resolution [62/67](#), annex.