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DRAFT DECLARATION ON THE RIGHT OF ASYLUM

Note by the Secretary-General

1. The Secretary-General has the honour to inform the Commission on Human Rights that the General Assembly at its fourteenth session, on the recommendation of its Sixth Committee (A/4253), adopted resolution 1400 (XIV) on 21 November 1959 concerning codification of the principles and rules of international law relating to the right of asylum. By that resolution, the General Assembly, considering the desirability of standardizing the application of the principles and rules relating to the right of asylum, requested the International Law Commission, as soon as it considered it advisable, to undertake the codification of the principles and rules of international law relating to the right of asylum.
2. In the course of the discussion in the Sixth Committee (A/C.6/SR.602-612), several representatives pointed out that the question of the right of asylum, especially territorial asylum, had been studied by various United Nations organs, inter alia, by the Commission on Human Rights, which had decided to undertake at its sixteenth session the drafting of a declaration on the right of asylum. Reference was also made to a proposal which was submitted to the Third Committee for the inclusion in the draft covenant on civil and political rights of an article on the right of asylum.
3. Some members felt that it was necessary to clarify the respective functions of the Commission on Human Rights and the Economic and Social Council, on the one hand, and the International Law Commission, on the other hand, regarding the

question of the right of asylum. The view was expressed that the International Law Commission should not undertake its work on the subject before the results of the study by the Commission on Human Rights were available. Another view was that the International Law Commission should deal with diplomatic asylum, inasmuch as the question of territorial asylum was already being studied by the Commission on Human Rights. A number of representatives, however, did not agree to such view and stated that the International Law Commission should study both territorial and diplomatic asylum. It was also pointed out that no duplication would result from the work of the two organs, since the Commission on Human Rights was concerned with the preparation of a draft declaration on the right of asylum, which would be an elaboration of article 14 of the Universal Declaration of Human Rights, while the International Law Commission would be dealing with the codification of the principles and rules of international law in the matter of asylum. Many representatives expressed the hope that the results of the work undertaken by the Commission on Human Rights on the question of the right of asylum would be taken into consideration by the International Law Commission.

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