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DRAFT DECLARATION ON THE RIGHT OF ASYLUM\*  
COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES<sup>1/</sup>

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\* Item 86 of the provisional agenda.

<sup>1/</sup> Comments previously received from Afghanistan, Brazil and France were circulated in document A/6367.

## ARGENTINA

[Original: Spanish]  
17 August 1966

The proposal by Costa Rica, Norway and Togo (A/C.3/L.1035 and Add.1) to replace the words "The situation of persons who are forced to leave their own or another country because of persecution or well-founded fear of persecution" in article 2 by the words "The situation of persons entitled to invoke article 14 of the Universal Declaration of Human Rights" is technically preferable.

In view of the foregoing proposal, it would be desirable to replace the words "seeking or enjoying asylum in accordance with" in article 3 by the words "entitled to invoke article 14 of"; in addition, the words "except for overriding reasons of national security or safeguarding of the population" should be replaced by the proposed new second paragraph, which expresses the same idea while leaving room for cases such as that of the Argentine Republic, where legislation for that purpose already exists (Decree No. 19,935/49).

Article 4 is acceptable inasmuch as it is wide in scope.

The Polish proposal (A/C.3/L.1038) to replace the words "the Right of Asylum" in the title by the words "Territorial Asylum" and to insert the word "territorial" before the word "asylum" in articles 2, 3 and 4 is considered to be acceptable.

As far as the Preamble and article 1 are concerned, there are no substantial changes to be made: we would merely like to propose the following amendment to paragraph 2 of article 1 in order to clarify the wording: "The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime defined in the international instruments as a crime against peace, a war crime, or a crime against humanity."

JAMAICA

[Original: English]  
7 September 1966

Articles 2 and 3: The amendments contained in A/C.3/L.1035 as later amended by A/C.3/L.1045 and Add.1 are acceptable. It would perhaps be preferable for the word "and" before "persons struggling..." to be replaced by "including".

Article 4: The amendment contained in A/C.3/L.1037 as regards article 4 is acceptable; that is, after the words "activities contrary to", the phrase "the national security or public order (ordre public) of the State granting asylum and..." be inserted.

The Government of Jamaica has no objection to the inclusion of the new article 6 that is proposed in document A/C.3/L.1038, but does not think the additional article is necessary.

It is the understanding of the Government of Jamaica that the draft Declaration does not apply to what is known as diplomatic asylum.

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