



UNITED NATIONS  
 GENERAL  
 ASSEMBLY



Distr.  
 GENERAL

A/9127/Add.1  
 25 September 1973  
 ENGLISH  
 ORIGINAL: ENGLISH/FRENCH/  
 RUSSIAN

Twenty-eighth session  
 Agenda item 90

DRAFT CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES  
 AGAINST DIPLOMATIC AGENTS AND OTHER INTERNATIONALLY PROTECTED  
 PERSONS

Comments and observations on the draft articles prepared by the  
 International Law Commission on the prevention and punishment of  
 crimes against diplomatic agents and other internationally  
 protected persons

Report of the Secretary-General

Addendum

CONTENTS

	<u>Page</u>
COMMENTS AND OBSERVATIONS OF STATES ON THE DRAFT ARTICLES PREPARED BY THE INTERNATIONAL LAW COMMISSION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST DIPLOMATIC AGENTS AND OTHER INTERNATIONALLY PROTECTED PERSONS . . . . .	2
<u>Comments and observations of Member States</u>	
Byelorussian Soviet Socialist Republic . . . . .	2
Poland . . . . .	2
Ukrainian Soviet Socialist Republic . . . . .	3
COMMENTS AND OBSERVATIONS OF THE UNITED NATIONS, THE SPECIALIZED AGENCIES AND INTERESTED INTERGOVERNMENTAL ORGANIZATIONS ON THE DRAFT ARTICLES PREPARED BY THE INTERNATIONAL LAW COMMISSION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST DIPLOMATIC AGENTS AND OTHER INTERNATIONALLY PROTECTED PERSONS . . . . .	4
<u>Comments and observations of the specialized agencies and IAEA</u>	
International Atomic Energy Agency . . . . .	4

COMMENTS AND OBSERVATIONS OF STATES ON THE DRAFT ARTICLES PREPARED  
BY THE INTERNATIONAL LAW COMMISSION ON THE PREVENTION AND PUNISHMENT  
OF CRIMES AGAINST DIPLOMATIC AGENTS AND OTHER INTERNATIONALLY  
PROTECTED PERSONS

Comments and observations of Member States

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/  
/10 September 1973/

The draft articles prepared by the International Law Commission on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons have already received preliminary consideration in the Sixth Committee at the twenty-seventh session of the General Assembly. During the discussion, the delegation of the Byelorussian SSR drew attention to the need to take effective steps to ensure the safety of diplomatic agents and other persons enjoying protection under international law.

The draft articles provide an acceptable basis for the definitive preparation of an international convention. At the same time, some of the provisions of the articles require further work. This applies, in particular, to article 1, whose provisions do not cover all members of the collective bodies which in a number of countries, including the Byelorussian SSR, perform the functions of a Head of State, and to article 12, which establishes a mandatory procedure for the consideration of disputes, the provisions of the latter article being contrary to the principle of the sovereign equality of States.

In resolution 2926 (XXVII), the General Assembly provides for the definitive preparation at the twenty-eighth session of a convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons, and the Byelorussian SSR is prepared to work for the adoption of this important instrument of international law.

POLAND

/Original: French/  
/20 September 1973/

The Polish Government favours the idea of an international convention designed to provide more effective guarantees of the proper functioning and security of international relations by strengthening the measures for protecting diplomats and other persons performing official functions in international activities.

/...

The preparation of such a convention is important today in view of the increasing number of acts of violence against diplomats.

Accordingly, the Polish Government welcomes the draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons and wishes to congratulate the International Law Commission on the work it has done.

The draft articles, which reflect generally recognized principles of international law and are designed to ensure more effective fulfilment by States of the obligation to prevent attacks of any kind on diplomatic and consular agents, will, in the opinion of the Polish Government, provide a sound basis for preparing the final text of a convention which will receive the widest possible support.

Finally, the Polish Government reserves the right to comment on the draft convention in greater detail at a later stage.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/

/6 September 1973/

The Ukrainian SSR believes that the adoption of effective measures to ensure the safety of diplomatic agents and other internationally protected persons is essential if such persons are to be able to perform their functions in a normal manner. Accordingly, the Ukrainian SSR favours the prompt preparation of a draft international instrument dealing with this matter.

The Ukrainian SSR believes that the draft articles prepared by the International Law Commission provide an acceptable basis for the next and concluding stage in the work of preparing a draft international convention. At the same time, the Ukrainian SSR deems it necessary to comment on articles 1 and 12.

It would be advisable to give greater precision to article 1 so that its provisions apply not only to an individual Head of State but to all members of the collective bodies which in some States, including the Ukrainian SSR, perform the functions of a collective Head of State.

The Ukrainian SSR objects to the provision made in article 12 for a mandatory procedure for settling disputes between parties to the convention at the request of any party to the dispute. The principle of the sovereign equality of States requires that disputes should be submitted to arbitration or referred to the International Court of Justice only with the consent of both parties to the dispute.

The Ukrainian SSR considers it of the utmost importance to prepare without delay an international convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons and expresses the hope that the General Assembly will be able to complete the preparation of this document at its twenty-eighth session.

/...

COMMENTS AND OBSERVATIONS OF THE UNITED NATIONS, THE SPECIALIZED  
AGENCIES AND INTERESTED INTERGOVERNMENTAL ORGANIZATIONS ON THE  
DRAFT ARTICLES PREPARED BY THE INTERNATIONAL LAW COMMISSION ON  
THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST DIPLOMATIC AGENTS  
AND OTHER INTERNATIONALLY PROTECTED PERSONS

Comments and observations of the specialized agencies and IAEA

INTERNATIONAL ATOMIC ENERGY AGENCY

/Original: English/

/30 August 1973/

1. The draft articles prepared by the International Law Commission are a particularly important step in the progressive development and codification of international law and we highly appreciate the valuable work done by the Commission in this regard.
2. Whereas the Title of the draft articles refers to "diplomatic agents" as well as "internationally protected persons", article 1 in paragraph 1 only gives a definition of "internationally protected persons". The words "diplomatic agents" do not appear in the 12 draft articles. The question arises whether these words should be kept in the title, inasmuch as the definition of "internationally protected persons" in the above-mentioned paragraph as well as the Commission's commentary thereon makes it clear that the notion of "diplomatic agents" is indeed included in the definition of "internationally protected persons".

-----