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Sixth Committee

“Diplomatic protection”

**Statement by Wietke Theeuwen
Legal Adviser of the Permanent Mission the Kingdom of the
Netherlands to the United Nations**

NEW YORK, 3 November 2022

Madam/Mr. Chair,

The Kingdom of the Netherlands continues to support the Articles on Diplomatic Protection as developed by the International Law Commission, and would repeat its expression of gratitude for the work of Special Rapporteur John Dugard, under whose guidance the present Articles were developed.

As stated before, the Kingdom of the Netherlands does not see the need to initiate a process of concluding a treaty on diplomatic protection. This has two reasons. First, the Kingdom of the Netherlands considers that there is, at this stage, no need. The vast majority of the provisions included in the Articles reflect customary international law.

Second, the Kingdom of the Netherlands would prefer a joint procedure for the Articles on State Responsibility and the Articles on Diplomatic Protection. We consider that diplomatic protection is intertwined with State responsibility to such an extent that a separate treaty would not be desirable.

At the same time, it is important to note that there are differences between the two. The fact that their fate should be joined is not to be taken to imply that the same considerations apply to both sets of Articles. While the Articles on State Responsibility might benefit from further confirmation in State practice, the same does not necessarily apply to the Articles on Diplomatic Protection. The Kingdom of the Netherlands considers that the latter virtually all reflect customary international law. Therefore, our hesitance towards negotiating a treaty on the Articles on Diplomatic Protection does not stem from uncertainty as to their status. We hope, therefore, that the Articles on Diplomatic Protection will continue to be relied on, as they should be, for the reflection of the law on diplomatic protection.

Thank you, Madam/Mr. Chair