

# **Statement of Portugal**

**at the 77<sup>th</sup> Session of Sixth Committee of the General Assembly**

**Agenda Item 79**

**Diplomatic protection**

***Check against delivery***

Mr. Chairman,

We would like to begin our statement by recalling the fact that, less than ten years after this topic was first identified as suitable for codification and progressive development, the International Law Commission completed a set of 19 Draft Articles on Diplomatic Protection, in 2006. In our view, this is evidence that this topic was ripe and adequate for codification, and that diplomatic protection is a useful concept and tool in contemporary international relations.

Portugal welcomed this development and has continuedly voiced its support for the recommendation of the Commission to the General Assembly regarding the elaboration of a convention on the basis of the draft Articles.

Mr. Chairman,

There is an identifiable trend of recognizing greater autonomy and capacity to individuals and groups of individuals to assure the protection of their own rights. We are convinced that, in international social relations, the self-emancipation of the individual is the path to be followed.

But we think this should not preclude us from admitting that the diplomatic protection conducted by a State remains an important remedy. Diplomatic protection has an important function as a subsidiary, last resort mechanism for a State to protect the human rights of its nationals. As mentioned by the ILC in its commentaries to the draft Articles, "Diplomatic protection conducted by a State at the inter-State level remains an important remedy for the protection of persons whose human rights have been violated abroad"<sup>1</sup>.

Additionally, diplomatic protection is one of the pillars of the principle of sovereign equality of States.

Mr. Chairman,

We would like to thank the Secretary-General for the report on diplomatic protection containing comments and information received from Governments.

We are aware that Member States have different views as to what the future of this topic should be, as was reflected in the written comments submitted by Governments, including Portugal in 2010 and in 2013 and in this report. We also acknowledge that some of the written comments and statements of Member States at the Sixth Committee have pointed to a link between the topic of diplomatic protection and that of Responsibility of States for Internationally Wrongful Acts.

---

<sup>1</sup> See *Yearbook of the International Law Commission 2006, Vol. II, Part 2, page 27.*

Mr. Chairman,

Portugal would like to express again its agreement with the draft Articles in general and our belief that they are suitable for being the basis of an international convention on diplomatic protection. This conviction remains, despite our disagreement with certain aspects of this outcome, such as those concerning the scope of certain draft Articles and their content. However, we believe these and other issues could be discussed in the context of the negotiation of a convention.

To conclude, we thus continue hoping that these draft Articles, together with those on the Responsibility of States, can soon be part of parallel conventions, since they traditionally go hand in hand, as noted by the International Law Commission. This would represent a major step for the consolidation of the law on international responsibility.

Thank you, Mr. Chairman.