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**Proposals on the elaboration of a protocol concerning the status of the diplomatic courier
and the diplomatic bag not accompanied by the diplomatic courier (paragraph 4 of General
Assembly resolution 31/76) - Note by the Secretariat**

Topic:
**Status of the diplomatic courier and the diplomatic bag not accompanied by the
diplomatic courier**

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PROPOSALS ON THE ELABORATION OF A PROTOCOL CONCERNING THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER (PARAGRAPH 4 OF GENERAL ASSEMBLY RESOLUTION 31/76)

[Agenda item 5]

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Note by the Secretariat

[Original: English]
[31 March 1977]

1. In 1976, at its thirty-first session, the General Assembly decided to include in its agenda of that session an item entitled "Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961: report of the Secretary-General" and to allocate it to the Sixth Committee. The item was considered by the Sixth Committee at its 65th, 66th and 68th meetings, held from 7 to 9 December 1976, which had before it a report by the Secretary-General,¹ containing comments and observations submitted by 15 Member States, pursuant to General Assembly resolution 3501 (XXX) of 15 December 1975. The Sixth Committee recommended to the General Assembly a draft resolution on the item,² which was subsequently adopted by the latter at its 97th plenary meeting on 13 December 1976 as resolution 31/76.

2. After recognizing in its preamble "the advisability of studying the question of the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier", General Assembly resolution 31/76 provides in its operative paragraphs 3, 4, 5 and 6 the following:

3. *Invites* Member States to submit or to supplement their comments and observations on ways and means to ensure the implementation of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and on the desirability of elaborating provisions concerning the status of the diplomatic courier in accordance with paragraph 4 of General Assembly resolution 3501 (XXX), with due regard also to the question of the status of the diplomatic bag not accompanied by diplomatic courier;³

4. *Requests* the International Law Commission at the appropriate time to study, in the light of the information contained in the report of the Secretary-General on the implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and other information on this question to be

received from Member States through the Secretary-General, the proposals on the elaboration of a protocol concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, which would constitute development and concretization of the Vienna Convention on Diplomatic Relations of 1961;

5. *Requests* the Secretary-General to submit to the General Assembly at its thirty-third session an analytical report on ways and means to ensure the implementation of the Vienna Convention on Diplomatic Relations of 1961 on the basis of comments and observations on this question received from Member States and also taking into account the results, if available and ready, of the study by the International Law Commission of the proposals on the elaboration of the above-mentioned protocol;

6. *Decides* to include in the provisional agenda of its thirty-third session the item entitled 'Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961: report of the Secretary-General'.

3. The question of the implementation by States of the provisions of the 1961 Vienna Convention originated in a letter dated 11 November 1974 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the Secretary-General whereby the Government of the Soviet Union requested the inclusion on the agenda of the twenty-ninth session of the General Assembly of an item entitled "Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 and measures to increase the number of parties to the Convention". The item was included in the agenda of that session of the General Assembly and allocated to the Sixth Committee, but its consideration was postponed to the thirtieth session because of the lack of time.⁴

4. In 1975, the General Assembly included the item in the agenda of its thirtieth session and allocated it again to the Sixth Committee. The Sixth Committee considered the item and adopted a draft resolution,⁵ which was approved by the General Assembly on 15 December 1975

¹ A/31/145 and Add.1.

² See *Official Records of the General Assembly, Thirty-first Session, Annexes*, agenda item 112, document A/31/403, para. 9.

³ In pursuance of paragraph 3 of resolution 31/76, the Secretary-General by a note verbale dated 19 January 1977, invited Member States to submit or to supplement their comments and observations on the matter.

⁴ See *Official Records of the General Assembly, Twenty-ninth Session, Annexes*, agenda item 112.

⁵ *Ibid.*, *Thirtieth Session, Annexes*, agenda item 115, document A/10464, para. 7.

as resolution 3501 (XXX). By paragraph 4 of that resolution, the General Assembly invited Member States "to submit to the Secretary-General their comments and observations on ways and means to ensure the implementation of the provisions of the Vienna Convention on Diplomatic Relations of 1961 as well as on the desirability of elaborating provisions concerning the status of the diplomatic courier". Furthermore, the Secretary-Gen-

eral, by paragraph 5, was requested to submit a report to the General Assembly at its thirty-first session containing the comments and observations received from Member States. Pursuant to that request, the Secretary-General circulated, at the thirty-first session of the General Assembly, the report referred to above.⁶

⁶ See para. 1 above.