

Document:-
A/CN.4/235

**Letter dated 14 May 1970 from the President of the Security Council addressed to the
Chairman of the International Law Commission**

Topic:
Other topics

Extract from the Yearbook of the International Law Commission:-
1970, vol. II

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Members: Mr. Roberto Ago; Mr. Jorge Castañeda; Mr. Erik Castrén; Mr. Nagendra Singh; Mr. Alfred Ramangasoavina; Mr. Paul Reuter; Mr. José María Ruda; Mr. Nikolai Ushakov; Mr. Endre Ustor and Sir Humphrey Waldock. Mr. Abdullah El-Erian took part in the Committee's work on relations between States and international organizations in his capacity as Special Rapporteur for that topic. Mr. Milan Bartoš also took part in the Committee's work in his capacity as Rapporteur of the Commission.

D. SECRETARIAT

8. Mr. Constantin A. Stavropoulos, Legal Counsel, attended the 1065th to 1969th meetings held from 8 to 12 June 1970, and represented the Secretary-General on those occasions. Mr. Anatoly P. Movchan, Director of the Codification Division of the Office of Legal Affairs, represented the Secretary-General at other meetings of the session, and acted as Secretary to the Commission, Mr. Nicolas Teslenko acted as Deputy Secretary to the Commission. Mr. Santiago Torres-Bernárdez, Mr. Eduardo Valencia-Ospina and Miss Jacqueline Dauchy served as assistant secretaries.

E. AGENDA

9. The Commission adopted an agenda for the twenty-second session, consisting of the following items:

1. Filling of casual vacancies in the Commission (article 11 of the Statute).
2. Relations between States and international organizations.
3. Succession of States:
 - (a) Succession in respect of treaties;
 - (b) Succession in respect of matters other than treaties.
4. State responsibility.
5. Most-favoured-nation clause.
6. Co-operation with other bodies.
7. Organization of future work.
8. Date and place of the twenty-third session.
9. Other business.

10. In the course of the session, the Commission held forty-five public meetings (1042nd to 1086th meetings) and two private meetings (on 21 May and 1 July 1970, respectively). In addition, the Drafting Committee held fourteen meetings and the Sub-Committee on treaties concluded between States and international organizations or between two or more international organizations (see para. 89 below) held two meetings. The Commission considered all the items on its agenda with the exception of sub-item 3 (b) (Succession of States: succession in respect of matters other than treaties) and item 5 (Most-favoured-nation clause).

F. EXCHANGE OF LETTERS CONCERNING THE PROBLEM OF THE PROTECTION AND INVIOLABILITY OF DIPLOMATIC AGENTS

11. The Commission received from the President of the Security Council a letter dated 14 May 1970 (A/CN.4/235)

transmitting a copy of document S/9789 which reproduced the text of a letter addressed to him by the representative of the Netherlands to the United Nations concerning the problem of the protection and inviolability of diplomatic agents. The Chairman of the Commission replied to the foregoing communication by a letter dated 12 June 1970 (A/CN.4/236). The texts of the above-mentioned letters were as follows:

Letter dated 14 May 1970 from the President of the Security Council addressed to the Chairman of the International Law Commission

I have the honour to transmit to you herewith a copy of document S/9789 which reproduces the text of a letter addressed to me by the Netherlands representative to the United Nations on 5 May concerning the problem of the protection and inviolability of diplomatic agents.

In the fourth paragraph of that letter, the Netherlands Government requests me to inform not only the members of the Security Council, but also appropriate organs of the United Nations, of its concern at recent infringements of the inviolability of diplomatic agents.

To meet that request, I have decided to transmit the text of the letter to the President of the International Court of Justice and to the Chairman of the International Law Commission for such purposes as may be desirable.

Accept, Sir, the assurances of my highest consideration.

(Signed) Jacques KOSCIUSKO-MORIZET
President of the Security Council

ANNEX

Letter dated 5 May 1970 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to bring the following to your attention in relation to the protection and inviolability of diplomatic agents.

The Government of the Netherlands wishes to recall that from ancient times peoples of all nations have recognized the status of diplomatic agents. Their immunity and inviolability have clearly been established by time-honoured rules of international law.

The increasing number of attacks on diplomats which have inflicted great danger and hardship and have, in some cases, resulted in loss of life, is a cause of alarm to the Netherlands Government. My Government is of the opinion that such incidents may endanger the conduct of friendly relations between States, and that attacks on the person, the freedom or dignity of diplomats could lead to situations which might give rise to a dispute and as such even could endanger the maintenance of international peace and security.

In view of these considerations, the Netherlands Government deems it proper to draw attention to the question raised above and expresses the hope that Your Excellency will inform members of the Security Council, as well as appropriate organs of the United Nations, of the existing preoccupations.

I kindly request Your Excellency that my letter be circulated as an official document of the Security Council.

Please accept, etc.

(Signed) R. FACK
Permanent Representative of the Kingdom of the Netherlands to the United Nations