

5. *Expresses the wish* that, in conjunction with future sessions of the International Law Commission, other seminars might be organized, which should continue to ensure the participation of a reasonable number of nationals of developing countries;

6. *Requests* the Secretary-General to forward to the International Law Commission the records of the discussions at the twenty-second session of the General Assembly on the report of the Commission.

*1615th plenary meeting,
1 December 1967.*

2273 (XXII). Special missions

The General Assembly,

Having considered chapter II of the report of the International Law Commission on the work of its nineteenth session,⁸ which contains final draft articles and commentaries on special missions,

Recalling that in its resolutions 1687 (XVI) of 18 December 1961, 1902 (XVIII) of 18 November 1963 and 2045 (XX) of 8 December 1965 it recommended that the International Law Commission should continue the work of codification and progressive development of the topic of special missions, taking into account the views expressed in the General Assembly and the comments submitted by Governments, and that in its resolution 2167 (XXI) of 5 December 1966 it recommended that a final draft on special missions should be submitted to the Assembly by the Commission in its report on the work of its nineteenth session,

Noting further that at its eighteenth and nineteenth sessions, in 1966 and 1967, the International Law Commission, in the light of the observations and comments submitted by Governments and taking into account the relevant resolutions and debates of the General Assembly, revised the provisional draft articles on special missions prepared at its sixteenth and seventeenth sessions and that at its nineteenth session the Commission finally adopted the draft articles,

Recalling that, as stated in paragraph 33 of the report of the International Law Commission on the work of its nineteenth session, the Commission decided to recommend to the General Assembly that appropriate measures be taken for the conclusion of a convention on special missions,

Mindful of Article 13, paragraph 1 a, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that the Vienna Convention on Diplomatic Relations⁴ and the Vienna Convention on Consular Relations⁵ have contributed to the fostering of friendly relations among nations, irrespective of their differing constitutional and social systems, and that they should be completed by a convention on special missions and the privileges and immunities of such missions,

⁸ *Ibid.*, Supplement No. 9 (A/6709/Rev.1 and Corr.1).

⁴ United Nations Conference on Diplomatic Intercourse and Immunities, 1961, *Official Records*, vol. II (United Nations publication, Sales No.: 62.X.1), p. 82.

⁵ United Nations Conference on Consular Relations, 1963, *Official Records*, vol. II (United Nations publication, Sales No.: 64.X.1), p. 175.

1. *Expresses its appreciation* to the International Law Commission for its valuable work on special missions and to the Special Rapporteur for his contribution to this work;

2. *Invites* Member States to submit, not later than 1 July 1968, their written comments and observations on the final draft articles on special missions prepared by the International Law Commission;

3. *Requests* the Secretary-General to circulate the comments submitted by Member States on the subject, so as to facilitate its consideration by the General Assembly at its twenty-third session in the light of those comments;

4. *Decides* to include an item entitled "Draft Convention on Special Missions" in the provisional agenda of the twenty-third session, with a view to the adoption of such a convention by the General Assembly;

5. *Requests* the Secretary-General to arrange for the presence of the Special Rapporteur on special missions as an expert during the debates on the topic at the twenty-third session of the General Assembly and to submit at that session all relevant documentation;

6. *Invites* Member States to include as far as possible in their delegations to the twenty-third session of the General Assembly experts competent in the field to be considered.

*1615th plenary meeting,
1 December 1967.*

2287 (XXII). United Nations Conference on the Law of Treaties

The General Assembly,

Recalling that by its resolution 2166 (XXI) of 5 December 1966 it decided that an international conference of plenipotentiaries should be convened at Geneva or at any other suitable place, the first session early in 1968 and the second early in 1969, to consider the law of treaties and to embody the results of its work in an international convention and such other instruments as it might deem appropriate,

Recalling also its request that the Secretary-General convoke that conference,

Recalling further that it decided to refer to the conference the draft articles contained in chapter II of the report of the International Law Commission on the work of its eighteenth session⁶ as the basic proposal for consideration by the conference,

Having considered the item entitled "Law of treaties" at its twenty-second session,

Recognizing that the exchange of views and the written comments of Governments on the draft articles on the law of treaties prepared by the International Law Commission at its eighteenth session may facilitate the work at the international conference,

Noting that an invitation has been extended by the Austrian Government to hold at Vienna both sessions of the conference on the law of treaties convened by the General Assembly in resolution 2166 (XXI),

1. *Decides* that the first session of the United Nations Conference on the Law of Treaties referred to in General Assembly resolution 2166 (XXI), to be held in 1968, shall be convened at Vienna in March 1968;

⁶ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 9 (A/6309/Rev.1), part II.*

2. *Invites* participating States to submit to the Secretary-General not later than 15 February 1968, for circulation to Governments, any additional comments and draft amendments to the draft articles prepared by the International Law Commission that they may wish to propose in advance of the Conference;

3. *Requests* the Secretary-General to transmit to the Conference the summary records relating to the consideration of this item at the twenty-second session of the General Assembly, together with all other relevant documentation.

*1621st plenary meeting,
6 December 1967.*

2312 (XXII). Declaration on Territorial Asylum

The General Assembly,

Recalling its resolutions 1839 (XVII) of 19 December 1962, 2100 (XX) of 20 December 1965 and 2203 (XXI) of 16 December 1966 concerning a declaration on the right of asylum,

Considering the work of codification to be undertaken by the International Law Commission in accordance with General Assembly resolution 1400 (XIV) of 21 November 1959,

Adopts the following Declaration:

DECLARATION ON TERRITORIAL ASYLUM

The General Assembly,

Noting that the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security, to develop friendly relations among all nations and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Mindful of the Universal Declaration of Human Rights, which declares in article 14 that:

"1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

"2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations";

Recalling also article 13, paragraph 2, of the Universal Declaration of Human Rights, which states:

"Everyone has the right to leave any country, including his own, and to return to his country";

Recognizing that the grant of asylum by a State to persons entitled to invoke article 14 of the Universal Declaration of Human Rights is a peaceful and humanitarian act and that, as such, it cannot be regarded as unfriendly by any other State,

Recommends that, without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons, States should base themselves in their practices relating to territorial asylum on the following principles:

Article 1

1. Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States.

2. The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.

3. It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum.

Article 2

1. The situation of persons referred to in article 1, paragraph 1, is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community.

2. Where a State finds difficulty in granting or continuing to grant asylum, States individually or jointly or through the United Nations shall consider, in a spirit of international solidarity, appropriate measures to lighten the burden on that State.

Article 3

1. No person referred to in article 1, paragraph 1, shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to persecution.

2. Exception may be made to the foregoing principle only for overriding reasons of national security or in order to safeguard the population, as in the case of a mass influx of persons.

3. Should a State decide in any case that exception to the principle stated in paragraph 1 of this article would be justified, it shall consider the possibility of granting to the person concerned, under such conditions as it may deem appropriate, an opportunity, whether by way of provisional asylum or otherwise, of going to another State.

Article 4

States granting asylum shall not permit persons who have received asylum to engage in activities contrary to the purposes and principles of the United Nations.

*1631st plenary meeting,
14 December 1967.*

2313 (XXII). United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolutions 2099 (XX) of 20 December 1965 and 2204 (XXI) of 16 December 1966 regarding the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law,

Noting with appreciation the report of the Secretary-General on the implementation of the Programme¹ and the recommendations made to the Secretary-General by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dis-

¹ *Ibid.*, Twenty-second Session, Annexes, agenda item 90, document A/6816.