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Article 42

DRAFT CONVENTION ON SPECIAL MISSIONS

Brazil, India, Iraq and Trinidad and Tobago: amendment to
article 42 of the draft articles on special missions and
draft resolution on the settlement of civil claims

Replace article 42 by a separate draft resolution for adoption by the General Assembly, reading as follows:

The General Assembly,

Taking note that the United Nations Convention on Special Missions adopted by the General Assembly provides for immunity from the jurisdiction of the receiving State of members of a special mission of the sending State,

Recalling that such immunity may be waived by the sending State,

Mindful of the deep concern expressed during the deliberations of the General Assembly that claims of diplomatic immunity might, in certain cases, deprive persons in the receiving State of remedies to which they are entitled by law,

Recommends that the sending State should waive the immunity of members of its special mission in respect of civil claims of persons in the receiving State when this can be done without impeding the performance of the functions of the special mission, and that, when immunity is not waived, the sending State should use its best endeavours to bring about a just settlement of the claims.
