

**Statement by Hon'ble Mr. K. Kalavenkata Rao Member of Parliament
and Member of the Indian Delegation on
Convention on Jurisdictional immunities of states and their property
(Agenda Item 150) at the 58th Session of the UN General Assembly on
October 23, 2003**

Mr. Chairman,

We join with others in congratulating the Chairman of the Ad hoc Committee, Professor Gerhard Hafner, for the excellent manner in which he steered the negotiations in recent years to the successful adoption of draft articles on jurisdictional immunities of States and their property. These draft articles, it may be recalled, had been presented originally to the General Assembly at its 46th session in 1991 by the International Law Commission. Our thanks also go to Ambassador Chusei Yamada and Mr. Michael Bliss, coordinators of the Ad-hoc Working Group.

Mr. Chairman,

The Draft Articles on this subject were prepared by the ILC after careful consideration and in-depth discussion on all aspects of the subject. They took into account the views of all member States expressed in the Sixth Committee of the UN General Assembly at various stages of their preparation and represented a fair and delicate balance between the concerns expressed by the member States. During the negotiations in the Working Group and the Ad hoc Committee, we had expressed our preference for the ILC draft and suggested many compromises with a view to join the consensus. The draft articles finalised by the Working Group have not completely satisfied all delegations. However, since considerable efforts have been invested in arriving at the compromise, it would be now appropriate to preserve the consensus and to conclude our work on this topic by adopting these Draft Articles.

With regard to the form in which the draft articles are to be adopted, we would support their adoption in the form of a Convention which alone would provide clarity, uniformity, and certainty of applicable rules in this important area. We also believe that adoption of these draft articles in the form of a binding legal instrument would clarify

the scope and nature of the immunities of States and their property in legal proceedings concerning their commercial activities and that such an instrument will be a significant contribution to the development of international trade law, keeping in view the interests of the developing countries.

Mr. Chairman,

Adopting the draft articles in the form of a Convention requires further work with regard to the development of the preamble and final clauses. Transforming the understandings reached thus far on the Draft Articles into a Convention is another task which the Ad hoc Committee could undertake. We support the continuation of work in the Ad hoc Committee for undertaking these tasks and completing its work in a time-bound manner. This would also demand from member States display of further accommodation and flexibility so as to reach compromises.

Thank you, Mr. Chairman.

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