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CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE
PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND
CONSULAR MISSIONS AND REPRESENTATIVES

Report of the Sixth Committee

Rapporteur: Mr. Wolfgang HAMPE (German Democratic Republic)

I. INTRODUCTION

1. The request for inclusion in the provisional agenda of the thirty-fifth session of the General Assembly of the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was made by the representatives of Denmark, Finland, Iceland, Norway and Sweden to the United Nations by a letter dated 11 June 1980 addressed to the Secretary-General (A/35/142), to which an explanatory memorandum was attached.
2. At its 3rd plenary meeting, on 19 September 1980, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee had before it a letter dated 27 October 1980 from the Permanent Representative of the German Democratic Republic to the United Nations addressed to the Secretary-General (A/35/570).
4. The Committee considered the item at its 15th to 19th, 22nd, 60th and 61st meetings, held between 8 to 13 and on 16 October, and on 24 and 25 November. The summary records of those meetings (A/C.6/35/SR.15-19, 22, 60 and 61) contain the views of representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTIONS A/C.6/35/L.4 and Rev.1

5. At the 22nd meeting, on 16 October, the representative of Sweden introduced, on behalf of Denmark, Finland, Iceland, Norway and Sweden, a draft resolution (A/C.6/35/L.4) which read as follows:

"The General Assembly,

"Having considered the item entitled 'Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives',

"Recalling its resolution 33/140 of 19 December 1978,

"Taking note of the report of the Secretary-General on the work of the Organization, chapter VII, in document A/35/1,

"Convinced that respect for the principles and rules of international law governing diplomatic and consular relations, in particular those aimed at ensuring the inviolability of diplomatic and consular representatives and missions is a basic prerequisite for an orderly conduct of relations between sovereign States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

"Recognizing that acts of physical violence against diplomatic and consular representatives and missions may seriously affect the maintenance of friendly relations and co-operation among States,

"Deeply concerned at the increasing number of violations of or failures to observe the relevant principles and rules of international law pertaining to the physical safety of diplomatic and consular representatives and to the inviolability of diplomatic and consular premises,

"Expressing its sympathy for the victims of illegal acts against diplomatic and consular representatives and missions,

"Emphasizing the need for strict observance by all States of the principles and rules of international law for ensuring the conduct of normal diplomatic and consular relations,

"Recalling that principles and rules of international law governing diplomatic and consular relations also contain an obligation, without prejudice to their diplomatic privileges and immunities, for all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State and not to interfere in the internal affairs of that State,

"Conscious of its duty to develop and strengthen friendly relations and co-operation among States,

"1. Urges all States to observe, and to take every measure necessary to secure the implementation of, the principles and rules of international law governing diplomatic and consular relations;

"2. Urges in particular all States to take all necessary measures with a view to ensuring, in conformity with their international obligations the

protection, security and safety of diplomatic and consular representatives and missions in territory under their jurisdiction;

"3. Deplores all violations of the principles and rules of international law governing diplomatic and consular relations;

"4. Condemns in particular all acts of physical violence against diplomatic and consular representatives and missions;

"5. Calls upon all States which have not yet done so to consider acceding to the relevant conventions concerning the protection, security and safety of diplomatic and consular representatives and missions;

"6. Calls upon Member States, in cases where the principles and rules of international law on the protection of diplomatic and consular representatives and missions have been violated, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General;

"7. Invites Member States to report to the Secretary-General serious violations of the physical protection, security and safety of diplomatic and consular representatives and missions;

"8. Requests the Secretary-General to invite Member States to express their views with respect to any measures needed to enhance the physical protection, security and safety of diplomatic and consular representatives and missions;

"9. Requests the Secretary-General to submit a report to the General Assembly at its thirty-sixth session on the reports and views expressed pursuant to paragraphs 7 and 8 above and invites him to submit any views he may wish to express on these issues;

"10. Decides to include in the provisional agenda of its thirty-sixth session the item entitled 'Report of the Secretary-General on the physical protection, security and safety of diplomatic and consular representatives and missions'."

6. At the 60th meeting, on 24 November, the representative of Norway introduced a revised draft resolution (A/C.6/35/L.4/Rev.1) sponsored by Argentina, Austria, Denmark, Egypt, Finland, Iceland, Norway, the Philippines, Rwanda, Sierra Leone, Suriname, Sweden, Tunisia, Turkey and Uruguay, later joined by Bolivia, Ecuador, El Salvador, Japan, Nigeria, Zaire and Zambia.

7. At the 61st meeting, on 25 November, the Committee adopted draft resolution A/C.6/35/L.4/Rev.1 by consensus (see para. 9).

8. A statement in explanation of its position was made by the representative of Iran before the adoption of the draft resolution. In explanation of their

positions after the adoption of the draft resolution, statements were made by the representatives of the Netherlands, Israel and the United Kingdom of Great Britain and Northern Ireland.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection,
security and safety of diplomatic and consular missions and
representatives

The General Assembly,

Having considered the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives",

Recalling its resolution 33/140 of 19 December 1978,

Taking note of the comments made by the Secretary-General in section VII of his report on the work of the Organization, 1/

Conscious of its duty to develop and strengthen friendly relations and co-operation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations, in particular those aimed at ensuring the inviolability of diplomatic and consular missions and representatives, is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Recognizing that for the same reason it is also necessary to ensure respect for the principles and rules of international law aimed at protecting missions and representatives to international intergovernmental organizations,

Aware that respect for the principles and rules of international law concerning the status of officials of international intergovernmental organizations contributes to the promotion of international co-operation and understanding and that non-observance of those principles and rules is a matter of serious concern to the international community,

1/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 1 (A/35/1).

Recognizing that acts of violence against diplomatic and consular missions and representatives may seriously affect the maintenance of friendly relations and co-operation among States,

Deeply concerned at the increasing number of violations of, or failures to observe, the relevant principles and rules of international law pertaining to the inviolability of diplomatic and consular missions and representatives,

Expressing its sympathy for the victims of illegal acts against diplomatic and consular missions and representatives,

Recalling that the principles and rules of international law governing diplomatic and consular relations also contain an obligation, without prejudice to their respective privileges and immunities under international law, for all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State and not to interfere in the internal affairs of that State,

Emphasizing the need for strict observance by all State of the principles and rules of international law in order to ensure the conduct of normal diplomatic and consular relations,

1. Deplores all violations of the principles and rules of international law governing diplomatic and consular relations;
2. Strongly condemns in particular all acts of violence against diplomatic and consular missions and representatives;
3. Urges all States to observe and to implement the principles and rules of international law governing diplomatic and consular relations;
4. Urges in particular all States to take all necessary measures with a view to effectively ensuring, in conformity with their international obligations, the protection, security and safety of diplomatic and consular missions and representatives in territory under their jurisdiction, including practicable measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions and representatives;
5. Calls upon all States which have not yet done so to consider becoming parties to the relevant conventions concerning the inviolability of diplomatic and consular missions and representatives;
6. Calls upon all States, in cases where a dispute arises in connexion with violation of the principles and rules of international law concerning the inviolability of diplomatic and consular missions and representatives, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General;

7. Invites all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives, and the State in which the violations took place to report also on measures taken to bring to justice the offenders and to prevent a repetition of such violations and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offenders;

8. Requests the Secretary-General to circulate to all States upon receipt the reports received by him under the terms of paragraph 7 above, unless requested otherwise by the reporting State;

9. Requests the Secretary-General to invite all States to inform him of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives;

10. Requests the Secretary-General to submit a report to the General Assembly at its thirty-sixth session on the reports and views expressed pursuant to paragraphs 7 and 9 above and invites him to submit any views he may wish to express on these issues;

11. Decides to include in the provisional agenda of its thirty-sixth session an item entitled "Report of the Secretary-General on consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".
