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Chair: Mr. Afonso (Mozambique)
later: Ms. Sverrisdóttir (Vice-Chair) (Iceland)

Contents

Agenda item 75: Report of the United Nations Commission on International Trade Law on the work of its fifty-fifth session (*continued*)

Agenda item 81: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*)

Agenda item 82: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

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The meeting was called to order at 10 a.m.

Agenda item 75: Report of the United Nations Commission on International Trade Law on the work of its fifty-fifth session (*continued*) ([A/77/17](#))

1. **Ms. Rubinshtein** (Israel) said that her delegation was hopeful that the work of the United Nations Commission on International Trade Law (UNCITRAL) on the recommendations to assist mediation centres under the UNCITRAL Mediation Rules would facilitate the use of the Rules as a universal framework, alongside the United Nations Convention on International Settlement Agreements Resulting from Mediation. Her delegation especially welcomed the Commission's decision to entrust Working Group II with considering the topics of technology-related dispute resolution and adjudication jointly and to take up those issues as a topic for future work.

2. In 2019, Israel and Japan had submitted a project to develop tools to better facilitate dispute resolution in the field of high technology. Following many efforts by the Secretariat, together with Israel, Japan and other like-minded States, the project had finally progressed to the working group stage. Her Government remained committed to continuing its ongoing dialogue with relevant counterparts in industry to design a tool to address the need to efficiently resolve technology-related disputes and was confident that work on the issue in Working Group II would result in an innovative outcome reflecting the role of UNCITRAL as the lead global organization in promoting legal frameworks to support international trade law actors, ranging from the smallest start-up companies to the largest corporate actors.

3. Having been elected to serve its fourth consecutive term as a member of UNCITRAL, Israel looked forward to working closely with all UNCITRAL counterparts to further respond to the needs of the international community in fields such as dispute resolution, including in the context of investor-State disputes, insolvency, and climate change, should the Commission decide to take up further work on the issue. In 2022, UNCITRAL had played an important role in supporting the international community as it faced increasing economic challenges related to the coronavirus disease (COVID-19) pandemic. Her delegation had no doubt that in 2023 the Commission would continue to be an important source of legal tools to promote economic prosperity by developing appropriate responses to remove obstacles to enhanced global trade in goods.

Agenda item 81: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (*continued*) ([A/77/264](#))

4. **Mr. Gorke** (Austria) said that his delegation was concerned about recent and recurrent reports of serious violations of international humanitarian law in conflict situations in various parts of the world, despite universal ratification of the Geneva Conventions of 1949. The international community must do more to address the major challenge of upholding international humanitarian law and enhancing the protection of civilians in armed conflicts. One positive step in that regard would be universal ratification of the Additional Protocols to the Geneva Conventions. His delegation called on all States that had not yet done so to accede to the Additional Protocols.

5. The protection of civilians in armed conflicts was a long-standing Austrian foreign policy priority. It would host a regional conference of European, national and international humanitarian law committees in 2023 and would also continue its tradition of organizing an annual seminar on the promotion and dissemination of international humanitarian law, together with the Austrian Red Cross and academia.

6. Fact-finding was an essential means of ensuring compliance with international humanitarian law. The International Humanitarian Fact-Finding Commission could play an important role in that regard, as provided for under article 90 of Additional Protocol I to the Geneva Conventions. His delegation welcomed the establishment by the Human Rights Council of the Independent International Commission of Inquiry on Ukraine and the invocation of the Moscow Mechanism within the Organization for Security and Cooperation in Europe in order to document violations of international humanitarian law in Ukraine. It also remained a strong supporter of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent Investigative Mechanism for Myanmar.

7. Accountability and the fight against impunity were essential elements in the humanitarian law system. Austria had been a strong supporter of the International Criminal Court since its creation and continued, together with other States members of the European Union, to promote universal acceptance of its jurisdiction. It also supported the amendments to the Rome Statute of the Court recognizing starvation as a method of warfare in non-international armed conflict.

Those amendments strengthened the Court's role in the protection of civilians.

8. Austria had taken a number of measures during the year to strengthen the implementation and dissemination of international humanitarian law, including the organization of conferences on safeguarding human control over autonomous weapon systems and on the humanitarian impact of nuclear weapons, the latter with the aim of raising awareness of the catastrophic and unacceptable humanitarian risks and consequences of nuclear weapons and the need to attain a world free of nuclear weapons. It had also organized human rights and international law training for military legal advisers and members of the armed forces.

9. **Mr. Mainero** (Argentina) said that greater compliance with international humanitarian law was a prerequisite for improving the situation of victims of armed conflict, which posed new challenges for the application of international humanitarian law, including challenges related to the conduct of hostilities in urban contexts and the use of remotely operated weapons and private security companies. While there might be merit in reflecting on the need to clarify or supplement already codified international humanitarian law in the light of new challenges posed by contemporary armed conflicts, the main problem in relation to such challenges was lack of compliance with existing rules, not legal lacunae.

10. Despite the remarkable development of the normative system of international humanitarian law, the situation on the ground regarding the protection of civilians remained critical. Hostilities in populated areas increased the risks of death and injury to civilians, especially when explosive weapons were used. Parties to armed conflicts must avoid using such weapons, which had claimed more than 10,000 victims in 2021. International humanitarian law obliged parties to a conflict to allow and facilitate humanitarian access to affected areas and civilians in need. Attacks on humanitarian personnel and unreasonable bureaucratic impediments unduly hindered the delivery of humanitarian assistance. It was particularly regrettable that health-care personnel, facilities, equipment and means of transport had continued to be targeted in armed conflicts over the previous year.

11. An important element in the protection of civilians was investigation of the facts in order to ensure that those responsible for war crimes were held to account. In addition to any ad hoc commissions of inquiry that might be established, a mechanism for investigation existed under international humanitarian law: the International Humanitarian Fact-Finding Commission, provided for in Additional Protocol I to the Geneva

Conventions of 1949. His delegation encouraged States that had not yet done so to accept the jurisdiction of the Commission.

12. Improved implementation of international humanitarian law was crucial to ensuring the protection of civilians in conflict situations. Dialogue between States and the International Committee of the Red Cross (ICRC) could contribute to that end, given the universally recognized role of ICRC as guardian and promoter of international humanitarian law. His delegation was convinced that the first step in achieving the objective of strengthening the international humanitarian law regime was its universal acceptance. The Geneva Conventions were already universally accepted and the 1977 Additional Protocols were close to achieving universal acceptance. His delegation urged all States parties to the Geneva Conventions that had not yet done so to accede to the Additional Protocols as soon as possible.

13. **Ms. Nourid** (Monaco) said that her country maintained its unwavering support for the four Geneva Conventions and their three Additional Protocols, to which it was a party, and called on all States that had not yet done so to ratify the Additional Protocols without delay and without reservations. The nature of conflict had changed fundamentally since the adoption of those texts, and the COVID-19 pandemic had created new difficulties for the delivery of humanitarian assistance in various regions already hard hit by conflicts and crises. It was important for States to cooperate in defending international peace and security, upholding human rights and international humanitarian law and combating impunity.

14. Violence against civilian populations was unacceptable. The attacks on civilians and violations of international law by the Russian Federation in Ukraine were unsustainable and unjustifiable. Every effort must be made to prosecute, try and convict the perpetrators of acts that were contrary to the rules of international humanitarian law. The politicization of international humanitarian law and the tendency of some parties to highlight violations allegedly perpetrated by others, while showing no willingness to acknowledge the violations they themselves had committed, were detrimental to the implementation of the Geneva Conventions and their Additional Protocols. Civilians, including women, children and persons with disabilities, should be protected as much as possible during an armed conflict, regardless of which party to the conflict they were associated with and the reasons given to justify the conflict. The non-application, selective application or misinterpretation of international humanitarian law for internal or political purposes inevitably had direct

consequences for the lives and livelihoods of those not participating in the hostilities

15. The Monegasque Red Cross had carried out numerous humanitarian activities since its creation in 1948, and the Government of Monaco had established partnerships with various front-line humanitarian funds and entities, including the Central Emergency Response Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Children's Fund and the World Food Programme. The agreement in place between the Government and the International Institute of Humanitarian Law served to enhance dialogue and the sharing of knowledge on international humanitarian law. Her delegation commended the work of ICRC, in particular the legal assistance it provided to States, and the work of the International Red Cross and Red Crescent Movements in assisting the victims of conflict.

16. **Mr. Bouchedoub** (Algeria) said that his country had acceded to the four Geneva Conventions and their two Additional Protocols, and regularly reviewed its domestic laws to ensure compliance with the international humanitarian law conventions to which it was a party. His Government had established a national committee to advise all relevant government bodies on matters of international humanitarian law. The committee made recommendations concerning accession to international humanitarian law instruments, organized conferences and courses in that area, proposed measures to harmonize the country's law with its international obligations, strengthened cooperation with relevant regional and international organizations, particularly ICRC, and exchanged information with its counterparts in other States.

17. The Algerian Red Crescent played an important role in humanitarian activities and in fostering a culture of respect for international humanitarian law, working in particular with the Office of the United Nations High Commissioner for Refugees to provide humanitarian assistance to refugees.

18. **Mr. Musayev** (Azerbaijan) said that his Government was strongly committed to the fundamental principles and rules of international humanitarian law, condemned all violations of the laws and customs of war and underscored the critical importance of accountability for such violations. It had consistently promoted international humanitarian law at the national and international levels, including by being the main sponsor of resolutions of United Nations bodies on missing persons, the release of women and children taken hostage and imprisoned in armed conflicts, and

the protection of cultural rights and property in situations of armed conflict. His Government actively cooperated with ICRC, regularly conducted international humanitarian law training for its military personnel and had taken concrete steps to investigate and prosecute alleged breaches of international humanitarian law.

19. Regrettably, the delegation of Armenia continued its attempts to bring its destructive political agenda and fabricated narratives to the work of the Committee. His delegation rejected as false and misleading the information submitted by Armenia for the report of the Secretary-General ([A/77/264](#)). The so-called Nagorno-Karabakh, to which Armenia had referred in its submission, had long ceased to exist as an administrative and territorial unit. The area was an integral part of Azerbaijan. It had been under unlawful occupation by Armenia for nearly three decades, but following its liberation and the end of the conflict, the President of Azerbaijan had, by means of a decree issued on 7 July 2021, established the Karabakh and East Zangazur economic regions in the country.

20. During the hostilities, Azerbaijan had fought not against a fictitious entity, but against the regular armed forces of Armenia, as well as terrorist and mercenary groups under its command and control. Azerbaijan had used counter-force to end the aggression and unlawful occupation, restore its territorial integrity and protect its people, acting exclusively on its sovereign soil, in full conformity with the Charter of the United Nations and international humanitarian law. It had returned all detainees under the terms of the trilateral statement of 10 November 2020. On 4 October 2022, Azerbaijan had repatriated 17 Armenian servicemen captured during the recent border escalation. While in detention, they had been treated in line with the relevant norms of international humanitarian law. The wounded had been provided with all the necessary medical care and ICRC had had access to them.

21. Azerbaijan was fully committed to transparency and to allowing the international community to bear witness to what had happened in those territories. His Government had hosted and continued to welcome independent and impartial site visits from the United Nations and other international organizations. In contrast, Armenia had blocked visits by international organizations to the territories when they were under its occupation and continued to do everything possible to impede access thereto.

22. The speculations and misinterpretations by the Government of Armenia with regard to international humanitarian law were outrageous, given that it had been responsible for numerous war crimes committed

during the aggressions, including the unlawful targeting of civilians and peaceful settlements, the taking and holding of hostages, the mistreatment and summary execution of both civilian detainees and prisoners of war, ethnic cleansing, forced displacement of populations, extensive destruction of inhabited areas and civilian infrastructure, destruction of Azerbaijani cultural heritage, damage to the natural environment and use of prohibited weapons in apparently indiscriminate attacks against populated areas. Some of that conduct also amounted to the crime of genocide, as ethnic Azerbaijanis had been targeted with intent to destroy a national or ethnic group in part.

23. While the Government of Armenia talked profusely about international humanitarian law, there was no evidence that it had investigated or prosecuted the violations of international humanitarian law committed by its armed forces against Azerbaijani victims, nor had it provided any information on the fate of the almost 4,000 citizens of Azerbaijan who had gone missing during the war. Armenia also refused to share accurate and comprehensive information about minefields in the liberated territories, thus deliberately endangering human lives and attempting to impede post-conflict rehabilitation, reconstruction and humanitarian efforts in the liberated territories and the safe return of internally displaced persons to their homes. It was essential to maintain a focus on the implementation of international humanitarian law and to insist on accountability and fulfilment of international obligations by all States.

24. **Ms. Antonova** (Russian Federation) said that her country was a party to the Geneva Conventions and their Additional Protocols and was committed to implementing those key instruments of international humanitarian law in good faith. Strict adherence to them by parties to armed conflict was essential for protecting the lives of non-combatants. The norms of international humanitarian law had been incorporated into her country's national laws and violations of such norms were punishable by imprisonment for up to 20 years.

25. The Government had issued guidelines to enable military personnel to familiarize themselves with the norms of international humanitarian law and to apply them in preparation for and during the conduct of military operations. The guidelines also stipulated that military personnel were responsible for knowing and strictly adhering to such norms. It was made clear in the guidelines that persons taking no active part in the hostilities, including members of armed forces who had laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, must in all circumstances be treated humanely, without any

adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

26. The guidelines prohibited certain methods of warfare, including the killing or wounding of civilians; the killing or wounding of persons who, having laid down their arms and having no means of self-defence, had surrendered; acts of terror against the civilian population; the launching of indiscriminate attacks in the knowledge that such attacks would result in losses among the civilian population or would cause damage to civilian objects that would be excessive in relation to anticipated military advantage; the destruction of cultural property, historical monuments, places of worship and other sites that constituted the cultural and spiritual heritage of peoples or the use of such sites for military purposes. In cases not covered by international agreements, civilians and combatants were protected by the principles of international law derived from established custom, the principles of humanity and the dictates of public conscience.

27. Her Government greatly valued the role of ICRC in disseminating knowledge about and contributing to the interpretation of norms of international humanitarian law and the protection of the victims of armed conflict. It was important for parties to armed conflict to cooperate with ICRC to ensure that there were no obstacles preventing it from conducting its humanitarian mission effectively. Norms of international humanitarian law must not be politicized.

28. **Ms. Rubinshtein** (Israel) said that, despite the security threats, including acts of war and terrorism, that Israel had had to contend with since its establishment, her Government had remained committed to the law of armed conflict. Contemporary armed conflicts entailed numerous challenges, including asymmetric warfare, which had become a concern for many States. Non-State adversaries did not consider themselves bound by the law of armed conflict and systematically violated its rules, while at the same time abusing the adherence of democratic, law-abiding States to international law.

29. Israel faced such challenges in its northern and southern regions, where terrorist organizations regularly operated from and embedded their weapons in civilian areas and targeted Israeli citizens, undermining regional stability and security. On the northern border, the tension caused by Hizbullah not only destabilized an already volatile area, but also placed the peacekeeping force of the United Nations Interim Force in Lebanon at risk and impeded it from discharging its mandate. Parties to armed conflict contending with such challenges must meticulously comply with the applicable rules. For the identification and interpretation of those

rules, in the context of both treaty law and customary international law, it was essential to consider the practice of States involved in asymmetric warfare.

30. The law of armed conflict remained the relevant legal framework to regulate the conduct of hostilities in emerging realms of warfare, such as cyberspace. In those areas, too, the law must be applied through the meticulous use of accepted legal methodologies for interpreting international treaties and identifying customary international law. The regular rules of treaty interpretation must be applied to ascertain the relevance and applicability of existing treaty provisions in the cyber domain. To identify applicable customary law, it would be necessary to examine the existence of general State practice, accompanied by *opinio juris*, substantiating the existence of a rule regarding cyberspace. It could not automatically be presumed that a customary rule applicable in the domain of land, air or sea, would also be applicable to cyberspace, since some rules of the law of armed conflict had crystallized in a domain-specific context.

31. Israel was not a party to the Additional Protocols but was nevertheless fully committed to the customary law rules that were reflected in some of their provisions. However, certain provisions of the Additional Protocols did not reflect customary law, including, in Protocol I, those contained in article 1, paragraph 4; article 35, paragraph 3; article 37, paragraph 1; articles 43 to 45; and article 55, as well as those concerning belligerent reprisals, and a number of other provisions of Protocols I and II. Assertions to the contrary lacked substantiation in sufficient State practice and *opinio juris*.

32. Israel acknowledged the important contribution of ICRC and its humanitarian work throughout the world, and appreciated the initiative of ICRC to update its commentaries on the Geneva Conventions and their Additional Protocols, in consideration of the changes that had transpired in armed conflict over the previous half century. It remained concerned, however, by certain methodologies used throughout the project and a number of conclusions included in the three commentaries published to date, which did not always accurately reflect the current state of the law. Given the primary role of States in creating, interpreting and applying international law, it was important to consult with them, receive their input and provide greater weight to their positions, interpretations and views. It was also important to take into account and reflect State practice in the identification, interpretation and application of the law of armed conflict. While her delegation appreciated certain adaptations introduced

by the ICRC in that regard, much more could and should be done.

33. A substantial understanding of the law of armed conflict, both theoretical and practical, should be a requirement for those involved in applying and interpreting the rules of that body of law, particularly institutions with judicial or investigative functions, in order to ensure that the right balance was achieved between military necessity and humanitarian concerns, to prevent fragmentation and competing interpretations and to maintain the credibility of such institutions. Israel continued to ensure that all aspects of its military operations complied with the law of armed conflict. The Israel Defense Forces provided educational programmes to military personnel and operated training simulators designed to prepare fighting forces for combat in urban areas. Their operations were accompanied by independent legal advice on the law of armed conflict, complemented by robust and multilayered investigative mechanisms and civilian oversight. The Supreme Court of Israel regularly heard petitions relating to the law of armed conflict. The extent of judicial review over the activity of the Israel Defense Forces was internationally recognized and unique in its scope. The Government of Israel remained committed to upholding its obligations under the law of armed conflict in a dedicated and thorough manner.

34. **Mr. Lasri** (Morocco) said that his country had acceded to the four Geneva Conventions and the two Additional Protocols. In 1999, it had established a national committee on international humanitarian law to provide advice and analysis to the Government; encourage the application of international humanitarian law; and produce a plan of action defining the priorities of Morocco in that area.

35. In order to foster respect for international humanitarian law, it was essential to encourage States to share experiences and expertise and to cooperate closely with ICRC. Morocco had concluded several relevant bilateral agreements with Arab and African States, and its experts and peacekeepers participated actively in the work of ICRC. Morocco encouraged all States to take tangible steps to promote international humanitarian law and ensure that their domestic laws were consistent with their international obligations in that regard.

36. **Ms. Sayej** (Observer for the State of Palestine) said that the laws of war and their foundational instruments, principles and purposes had humanity at their core and were intended to protect the life and dignity of civilians. The Additional Protocols to the Geneva Conventions of 1949 were the negotiated products of finely tuned compromises. Their strength

lay in their moral, legal and humanitarian provisions, from the prohibition of reprisals to the recognition of legitimate wars of national liberation in the exercise of the right to self-determination. Respect for their provisions was not a choice. The State of Palestine was deeply committed to the protection of civilians and to ensuring respect for and implementation of the Conventions and their Additional Protocols. Indeed, common article 1 of the Conventions was not a mere stylistic clause but was deliberately invested with imperative force and must be obeyed, in letter and in spirit.

37. The State of Palestine had experienced protracted and sustained violations of nearly every provision of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and the Additional Protocols to the Geneva Conventions as a result of 55 years of illegal occupation by Israel, its annexation of East Jerusalem, its settlement regime and colonial enterprise, its wall and its unlawful blockade, but most importantly its continued intransigence and unilateral denial of the applicability of the Geneva Conventions and their Additional Protocols to the protected Palestinian population, in profound defiance of its obligations and hundreds of United Nations resolutions, declarations of high contracting parties, ICRC, the International Court of Justice and various United Nations bodies and experts. Israel had still not been held accountable for those violations.

38. Israel, the occupying Power, had no sovereignty whatsoever over occupied East Jerusalem, its old city, its holy sites, and its walls, or any part of the State of Palestine. Its attempts to alter the legal, geographic, and demographic character of the city were null and void and should remain so. Humanitarian law must not be interpreted so that its application was contingent upon acceptance by the belligerent occupying Power. International humanitarian law protected the interests of civilians, not of belligerents, and unilateral manipulation of the core principles of international humanitarian law to justify violations must be rejected. Failure to do so risked undermining a century of sustained effort invested in formulating and implementing the most extraordinary legal machinery to protect civilians. The duration and intensity of the Israeli violations of international humanitarian law were without precedent or parallel in the modern world and required urgent action. The “permanent temporariness” of the illegal occupation was the source of protracted human suffering. The Palestinian people were exposed to the worst forms of collective punishment; their journalists were assassinated, their paramedics were intentionally targeted, their children were killed, their

families were forcibly displaced, their homes were demolished, their schools were bombed, their mosques and churches were attacked, their natural resources were plundered and Palestinian detainees were held in administrative detention and tortured.

39. Despite numerous appeals by the Palestinian people for international protection, in accordance with United Nations resolutions, such protection had yet to be provided. Her delegation called on the Secretary-General to uphold his obligations and ensure international protection for the Palestinian people until such time as Israel ceased its illegal occupation and the State of Palestine gained its independence. It also called on the high contracting parties to the Fourth Geneva Convention to assume their responsibilities and pursue concrete measures towards enforcing the Convention. Her delegation also called on the Government of Switzerland, in its capacity as depositary of the Convention, to take as soon as possible the steps necessary to convene a conference of high contracting parties on measures to enforce and ensure respect for the Convention.

40. The development of the Geneva Conventions and their Additional Protocols represented a collective effort to apply the law to those who have attacked the foundations of world peace, to humanize the law and to prevent violations of basic rights. Those instruments were meant to be universally available to and actionable by all and for all, without exceptions.

41. **Mr. Harland** (Observer for the International Committee of the Red Cross) said that wars between States and non-international armed conflicts continued to affect many regions of the world, with each conflict giving rise to unique humanitarian problems. The populations affected by those armed conflicts often bore the brunt of additional hardships, such as food insecurity, pandemics and increased poverty. The 1949 Geneva Conventions and their Additional Protocols contained provisions that remained extremely relevant to current armed conflicts, including those regulating the conduct of hostilities and the rules aimed at preventing persons from going missing and protecting objects indispensable to the survival of the civilian population and other objects of significant importance for humankind, such as the natural environment and cultural property. Respect for international humanitarian law, at all times and by all parties to armed conflicts, remained crucial for protecting the victims of armed conflict. ICRC continued to emphasize the importance of adherence to and implementation of the Geneva Conventions and their Additional Protocols.

42. Since its last submission to the Committee, ICRC had continued to promote the universalization and implementation of the Additional Protocols of 1977. There were currently 174, 169 and 79 States parties to Additional Protocols I, II and III, respectively. ICRC commended Cameroon for adhering to Additional Protocol III in September 2021. It noted with regret, however, that the number of States parties to Additional Protocols I and II had remained the same over the previous two years. States were encouraged to ratify or accede to international humanitarian law treaties to which they were not yet party, including the Additional Protocols, and were also reminded of the possibility of recognizing the competence of the International Humanitarian Fact-Finding Commission. Any further steps towards universalization of the Protocols would be a strong sign of the international community's belief in the protective power of international humanitarian law. ICRC congratulated the 68 States that had ratified the Treaty on the Prohibition of Nuclear Weapons and would continue to work towards the broadest possible adherence by States to that Treaty.

43. Estonia and Mozambique had recently established national committees on international humanitarian law, bringing to 118 the number of committees or similar entities working on the promotion and implementation of international humanitarian law at the national level. Thirty-six States had now joined the online community for such committees and were actively sharing practices and discussing common challenges. Numerous examples of measures taken to ensure respect for international humanitarian law across the globe could be found in the ICRC report to the fifth Universal Meeting of National Committees and Similar Entities on International Humanitarian Law, published in June 2022. ICRC was continuing to update its commentaries to the Geneva Conventions, with work currently under way on the commentary to the Fourth Convention.

44. ICRC maintained that the principal cause of suffering during armed conflict was not the lack of rules, but insufficient respect for the law. Through its advisory service on international humanitarian law, it had continued to provide national authorities with assistance in adopting the legislative, regulatory and practical measures needed to ensure full implementation of international humanitarian law in domestic law and practice. Specialized tools and technical documents related to the implementation of international humanitarian law, including legislative checklists, model laws and ratification kits, continued to be developed and updated; notably, ICRC had recently published *Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian*

Law. Another recent publication, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, provided an in-depth analysis of humanitarian, technical, legal and operational issues related to the use of explosive weapons and recommendations for political authorities and armed forces on measures to better protect civilians and facilitate respect for international humanitarian law. ICRC remained fully committed to working with States and supporting them in their efforts to implement international humanitarian law.

45. **Ms. Antonova** (Russian Federation), speaking in exercise of the right of reply, said that it was tiresome to sit in the Committee, which was traditionally a constructive and impartial forum, to listen to yet another barrage of accusations directed at her Government by the representatives of Western States for its allegedly dishonourable actions in Ukraine. Ostensibly, such statements were aimed at teaching the Russian Federation about the need to show humanity in the midst of armed conflict and the importance of combating impunity. Yet, humanity had hardly been the hallmark of the wars fought by the United States and the North Atlantic Treaty Organization (NATO). In 1999, they had tested out the self-invented and hitherto unknown concepts of humanitarian intervention and responsibility to protect in the sovereign nation of Yugoslavia. Within three months, according to official data, more than 700 civilians had perished, including at least 400 women and children.

46. The Armed Forces of the United States had conducted carpet-bombing operations using munitions with depleted uranium, resulting in higher cancer rates. During the campaign in Afghanistan, in the period 2001 to 2015, at least 5,000 people had died, according to Western sources, although the exact number of civilian deaths, estimated to be in the tens of thousands, remained unknown. The United States and NATO had since engaged in conflicts in Syria, Yemen and Iraq. While investigative commissions staffed with loyal supporters of the West had proliferated in recent years, none had been established to identify those responsible for the destruction of entire cities through carpet bombing, the bombing of weddings and markets and the taking of photographs of prisoners and those killed.

47. In 2004, the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia had openly stated that States members of NATO had sabotaged the search for and arrest of accused war criminals and had not cooperated with the Tribunal even when presented with relevant information regarding the actions of their military personnel. More recently, the United States had revoked the entry visa of the Prosecutor of the International Criminal Court who had investigated the

actions of United States military personnel in Afghanistan, and had subjected her to targeted economic sanctions along with other members of the Court. Those actions had prompted the Court to immediately change its priorities, which spoke volumes of its standing and the regard it deserved.

48. Accusations of breaches of international humanitarian law directed by Western nations against other nations were inappropriate, if not outright hypocritical. NATO countries looking for someone to bring to justice should start by holding themselves answerable for stoking unprovoked wars around the world, colonizing entire peoples and pilfering their resources without compensation.

Agenda item 82: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (A/77/208)

49. *Ms. Sverrisdóttir (Iceland), Vice-Chair, took the Chair.*

50. **Mr. Ghorbanpour Najafabadi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that all States had an obligation to ensure the security, safety and inviolability of the members and premises of diplomatic and consular missions, in accordance with international law, the provisions of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations and relevant General Assembly resolutions. The Movement urged States to take all necessary measures to fulfil those obligations effectively and ensure the protection, security and safety of all diplomatic and consular missions and representatives officially present in territories under their jurisdiction, including measures to prohibit in their territories illegal activities by persons, groups and organizations that encouraged, instigated, organized or engaged in acts against the security and safety of such missions and representatives.

51. The Movement noted with concern the continued violations of and failure to respect the inviolability of diplomatic and consular missions and representatives, which posed a serious threat to the maintenance of normal and peaceful international relations. While placing emphasis on the sanctity of the diplomatic status of all foreign representatives accredited to receiving States, the Movement also urged States to take all appropriate measures to prevent any misuse by such representatives of their position and any misuse of diplomatic and consular premises, in violation of

relevant international law and the internal laws and regulations of receiving States.

52. The Movement urged States to cooperate closely, *inter alia*, through contacts between diplomatic and consular missions and receiving States. It encouraged States to design practical measures to enhance the protection, security and safety of diplomatic and consular missions and representatives and to exchange information on the circumstances surrounding all serious violations thereof. Any disputes arising in connection with violations of the principles and rules of international law concerning the inviolability of diplomatic and consular missions and representatives should be settled by appropriate peaceful means.

53. The Movement, while expressing its sympathy for the victims of illegal acts committed against diplomatic and consular representatives and missions and against representatives and missions to international intergovernmental organizations and officials of such organizations, also extended sympathy to those affected by misconduct of the holders of immunities and privileges, and urged that, where appropriate and applicable, all victims and affected persons be compensated. The Movement underlined the critical role of the host countries of headquarters and offices of the United Nations in preserving multilateralism and facilitating multilateral diplomacy and called upon the Governments of those countries to facilitate the presence of representatives of Member States at relevant meetings of the United Nations, in accordance with their obligations under the relevant headquarters agreements and the Vienna Convention on Diplomatic Relations. The provisions of such headquarters agreements applied irrespective of the bilateral relations existing between countries.

54. **Ms. Popan** (Representative of the European Union, in its capacity as observer), speaking also on behalf of the candidate countries Albania, Montenegro, the Republic of Moldova, Serbia and Ukraine; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Andorra, Georgia and Monaco, said that diplomatic and consular missions and the private residences of diplomatic representatives continued to be the targets of violent incidents and attacks. Receiving States had a duty under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations to take all appropriate steps to protect the premises of diplomatic and consular missions. The European Union urged all States to respect the universally recognized rules and principles enshrined in the Vienna Conventions and to enhance safety measures for diplomatic and consular missions and representatives without delay whenever

circumstances so required. It was pleased to note that two additional countries had become parties to the Vienna Conventions in the past year.

55. Ensuring the safety and inviolability of the premises, archives and documents of diplomatic and consular missions and respect for the principle of reciprocity were imperative for building trust among nations and nurturing multilateralism. Violent acts against diplomatic or consular missions were contrary to the principles and rules of international law, in particular the principle of sovereign equality of States. Freedom of communication was one of the core tenets of the Vienna Conventions and was invaluable for the successful work of any mission. Receiving States had an obligation to permit and protect free communication by diplomatic missions for all official purposes, including communications between the mission and the Government or other missions of the sending State.

56. During the COVID-19 pandemic, the European Union had protested against any public health measures imposed by countries that were not compatible with the Vienna Conventions, as such measures had negatively affected diplomats and the efficient performance of the functions of the diplomatic missions. The European Union called on all States to bring their COVID-19 response in line with their international law obligations. The States members of the European Union condemned all breaches of the law of diplomatic and consular relations and would continue to uphold their obligations under the two Vienna Conventions. They encouraged all States to do likewise.

57. **Mr. Pérez Ayestarán** (Bolivarian Republic of Venezuela), speaking on behalf of the Group of Friends in Defence of the Charter of the United Nations, said that diplomacy was built on respect for the positions, views and concerns of others and recognition of the need to engage, in good faith, in ongoing political dialogue and constructive negotiations in order to accommodate the interests of all parties involved in relation to a particular issue. Diplomacy, together with multilateralism and relevant legal frameworks, was essential to the advancement of peace and security, sustainable development and human rights worldwide.

58. It was important to fully implement the international and legally binding rules adopted by the international community to facilitate the work of diplomatic and consular agents and to ensure the security, inviolability and sanctity of diplomatic and consular missions, even when there had been a breakdown of diplomatic relations, in strict observance of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and relevant

General Assembly resolutions. The ability of diplomatic and consular missions and representatives to carry out their work was inextricably linked to the environment and conditions under which they operated, in particular those related to security and safety.

59. The Group was deeply concerned by the alarming increase in the number and scope of acts of violence against diplomatic and consular missions and representatives. It categorically condemned such acts, expressed its solidarity with the victims and urged host countries to conduct investigations to ensure that the instigators, organizers and perpetrators of such acts were brought to justice and that measures were taken urgently to prevent such future acts of violence. Host countries had a duty to take all appropriate measures, as required by international law, to prevent harmful acts against diplomatic and consular missions and agents.

60. It was important to ensure that permanent missions and permanent observer missions to the United Nations, its offices and other international organizations were provided with the appropriate conditions to discharge their responsibilities fully and effectively, in accordance with the legally binding obligations of the host countries under the relevant headquarters agreements and the Vienna Convention on Diplomatic Relations. The Group also wished to highlight the impact of unilateral coercive measures on the ability of diplomatic and consular missions and agents to carry out their functions and fulfil their responsibilities. The application of such illegal measures was contrary to the provisions of article 25 of the Vienna Convention on Diplomatic Relations and had a direct impact on the proper functioning of diplomatic missions in some countries. Such measures, among other consequences, impeded access by some States to banking services, thereby preventing them from fulfilling their financial commitments to international organizations.

61. The members of the Group reaffirmed their firm support for the Charter of the United Nations, which set out legally binding rules governing the system of international relations. Those rules, agreed by all members of the international community, were essential to the promotion of international peace and security, the rule of law, economic development and social progress, and diplomatic solutions to common global challenges and threats.

62. **Ms. Laukannen** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the Nordic countries were concerned that diplomatic agents and premises kept falling victim to serious violations in receiving States, despite the general recognition of the special

duty to protect them. The Nordic countries welcomed the new States that had ratified the relevant instruments on the current agenda item and continued to appeal to all States that had not yet done so to become parties to those instruments.

63. Universally recognized rules and principles of international law, as reflected in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, placed upon receiving States a special duty to take all appropriate steps to protect diplomatic and consular premises, to prevent any attacks against diplomatic and consular representatives and to accord full facilities for the performance of the functions of diplomatic missions and consular posts. The Nordic countries urged States to honour their obligations under international law to fulfil that duty and to fully investigate and prosecute the perpetrators of any such attacks when they occurred. The Nordic countries also encouraged States to engage in a dialogue with the diplomatic missions in their territories, with a view to finding the most effective ways of ensuring the full protection of diplomatic premises and representatives.

64. In his report, the Secretary-General had again documented serious violations that had taken place and reports about other attacks against diplomatic and consular missions and representatives. The Nordic countries regretted the injuries suffered in such attacks and condemned all acts of violence in the strongest terms. Such violations and attacks could never be justified and must not go unaddressed.

65. **Ms. Ershadi** (Islamic Republic of Iran) said that the ability of diplomatic missions to perform their function efficiently must be ensured through adherence to the principles and rules of international law governing diplomatic and consular relations, including those derived from the principle of sovereign equality of States. Her Government had made every effort to provide a peaceful environment and full facilities for the performance of the functions of the diplomatic and consular missions and representatives in the Islamic Republic of Iran. Unfortunately, some of its own diplomatic and consular premises and representatives had recently been the targets of well-organized violent acts in several European countries, including Belgium, Bulgaria, France, Germany, Italy, the Netherlands, Norway, Sweden and the United Kingdom, as part of a larger campaign being waged by some States against the country. Furthermore, provocations among local populations in some neighbouring countries, such as Iraq and Afghanistan, by the diplomatic missions of a number of third countries accredited to those countries had led to violence and vandalism against Iranian diplomatic and consular premises and representatives.

66. Her delegation condemned all acts of violence committed against Iranian missions and representatives and regretted the significant delays by law enforcement officials of the receiving States in responding to such acts, and in some cases the failure to take any action at all. It also objected strongly to the forceful intrusion by Albanian police forces into Iranian diplomatic and consular premises in Tirana on 8 September 2022, following the unilateral severance of bilateral relations by the Government of Albania. It urged receiving States and the host countries of United Nations headquarters and offices to fulfil their responsibilities under the relevant international instruments, including the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, and to adhere to the principle of non-discrimination and non-intervention in bilateral political relations, providing equal treatment and protection for all diplomatic staff.

67. Her delegation invited States to engage in a constructive dialogue with the diplomatic missions and representatives in their territories to find the most effective ways to ensure their full protection, including taking effective practical measures to prevent and prohibit acts of violence, providing compensation for damages incurred from such acts, including damages to the affected premises and their owners, whether private or governmental, and bringing those responsible for violations to justice. Her Government had entered into bilateral negotiations with the Government of Iraq concerning damages inflicted on Iranian diplomatic and consular premises in that country, as a result of which the Iraqi Government had committed to provide compensation and strengthen measures to protect the diplomatic premises. Her Government appreciated those commitments and would continue to engage in bilateral communications in an effort to reach tangible results.

68. Lastly, her delegation wished to raise its concerns over the unlawful attempts by certain States to misuse diplomatic immunities and privileges to conceal operations that would undermine the sanctity of the functions of diplomatic envoys. Her Government had conveyed its strong objections to the sending States concerned about misconduct by some diplomats accredited to the Islamic Republic of Iran and urged those States to honour their obligation under the two Vienna Conventions to avoid using the premises of diplomatic and consular missions in any manner that was incompatible with the functions of the missions. Sending States and members of their missions were expected to respect the laws and regulations of the Islamic Republic of Iran and to refrain from meddling in its internal affairs. Her Government would continue its efforts to ensure the enhanced protection, security

and safety of diplomatic and consular missions and representatives and remained willing to resolve any disputes in that respect peacefully. It strongly urged other States to uphold their obligations under the two Vienna Conventions.

69. **Mr. Evseenko** (Belarus) said that the quality of the measures taken to ensure the protection, security and safety afforded to diplomatic and consular missions and representatives, which were critical for maintaining a minimum level of trust among members of the international community, were a direct reflection of the state of international affairs. Disregard for those measures undermined the use of the diplomatic channel, encouraged violations of fundamental principles of the Charter, and led to new threats to peace and security while exacerbating existing ones. His Government had provided detailed information about the dozens of violations of relevant international legal norms experienced by its diplomatic and consular missions and representatives in recent years to the Secretariat to assist in the compilation of the report of the Secretary-General on the item.

70. Belarus vigorously condemned all acts aimed at undermining the safety and functioning of diplomatic and consular missions and their staff. The main reason for protecting diplomatic and consular missions and their staff and respecting their immunities and privileges was to ensure normalcy in international relations and adherence to universally recognized principles of international law. It was therefore in the interests of all States to give the utmost priority to ensuring that effective measures were taken to enhance the protection, security and safety of diplomatic and consular missions and representatives.

71. Members of the international community were also under the obligation to use their diplomatic and consular privileges and immunities responsibly. Violations of host country laws by diplomatic agents and consular officials, especially in a political context, could constitute grave violations of the principle of non-interference in the internal affairs of the host State, undermining trust in international relations. Belarus would continue to act strictly in accordance with international law and to take measures to ensure the protection, security and safety of diplomatic and consular missions and their staff in its territory. It was counting on States where its diplomatic and consular missions to respond in kind.

72. **Mr. Bigge** (United States of America) said that, for the normal conduct of relations among States, it was essential to respect the rules protecting the sanctity of ambassadors, other diplomats and the premises of

consular and diplomatic missions. His delegation called on all Governments to fulfil their duty under international law by taking all appropriate steps to protect the premises of diplomatic missions against any intrusion or damage, any disturbance of the peace of the mission and any attack on members of the mission. As the nature and circumstances of attacks on diplomatic and consular personnel had evolved, so too must the preventive and protective measures taken. The necessary and appropriate steps required of a host State to protect a mission would depend on the potential threats to a particular mission in that State, although not everything was within a host State's control. What mattered was that States responded promptly and robustly to any incidents that occurred. The international community had a vital stake in the protection of diplomats and diplomatic missions because diplomacy was the foundation of international relations.

73. **Mr. Ancona Bolio** (Mexico) said that the principle of inviolability of diplomatic and consular premises was an important one underpinning the privileges and immunities developed under customary international law and codified expressly in article 22 of the Vienna Convention on Diplomatic Relations and article 31 of the Vienna Convention on Consular Relations. That inviolability also extended to furnishings and other property located on the premises of missions and the missions' means of transport, which could not be subject to any search, requisition, attachment or execution. The principle imposed on receiving States the obligation to take all appropriate steps to protect the premises of foreign missions against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity. Failure to take such steps represented a violation of the two Vienna Conventions and hence entailed the international responsibility of receiving States.

74. Actions constituting undue interference included not only the physical occupation of premises, but also the surveillance and taking of photographs of diplomatic premises using unmanned aircraft systems, as well as excessive presence of police and military officers who impeded the functions of diplomatic personnel. Such actions could never be justified, much less applied as a response to disagreements in bilateral relations. Under the two Vienna Conventions, the principle of inviolability also applied to the physical and digital archives, documents and communications of missions. Cybercrime, including data theft, was a particular concern at a time when diplomatic and consular missions were sharing sensitive information related to the COVID-19 pandemic.

75. His delegation regretted the attacks against diplomatic missions and underlined the need to adhere to fundamental rules of international law, which continued to apply even during armed conflict, in particular the principle of distinction. It was convinced that the work of the United Nations in identifying the risks faced by diplomatic representatives was a fundamental tool for strengthening measures to ensure their well-being and their ability to perform their duties.

76. **Mr. Abdelaziz** (Egypt) said that host countries must take swift action to put a stop to any threats, attacks or abuse directed at diplomatic or consular missions or their staff. The immunities enshrined in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations must be fully respected. Accordingly, officials of foreign missions should not be asked to appear before the domestic courts of host countries as witnesses to such attacks, other than in the exceptional circumstances set out in the Vienna Conventions. Domestic laws and courts should take into consideration the special character of diplomatic and consular missions, while continuing to ensure that the perpetrators were held accountable.

77. **Mr. Li Kai** (China) said that the protection of diplomatic and consular missions and representatives was an important safeguard for the development of diplomatic and consular relations among States and the promotion of international friendship and cooperation. States had an obligation under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations to protect diplomatic and consular missions and representatives, to preserve the security, peace and dignity of the premises of diplomatic and consular missions and to prevent any attack on the person, freedom or dignity of diplomatic and consular representatives. Receiving Governments must not only refrain from infringing the inviolability of diplomatic and consular missions and representatives, but must also take action to prevent any attacks by third parties.

78. States should take proactive preventive measures to protect diplomatic and consular missions and representatives from safety and security threats. They should also improve investigation and accountability systems and severely punish violations against diplomatic and consular missions and representatives, and should appropriately compensate victims. States should faithfully fulfil their obligations under the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which had gained universal acceptance. Receiving States should respect the privileges and immunities enjoyed by diplomatic and consular missions and representatives, although

diplomatic and consular representatives should also adhere to the laws and regulations of the host State and not abuse their privileges and immunities.

79. His Government had always attached great importance to and strictly complied with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. It had adopted legislation and regulations on diplomatic and consular privileges and immunities and ensured that all diplomatic and consular missions were protected by armed police, as needed. It communicated information on security risks in a timely manner and handled emergencies and incidents involving diplomatic missions and personnel efficiently.

80. As indicated in the report of the Secretary-General (A/77/208), diplomatic and consular missions and representatives continued to face safety and security challenges. In the previous two years, the diplomatic and consular missions and representatives of China had experienced security threats and violations, including bomb threats and attacks involving incendiary and explosive devices, and some of its embassies and ambassadorial residences had been the targets of prolonged and unlawful disruptions, but the receiving Governments had not taken effective measures to stop them or to punish the perpetrators. Several diplomatic and consular officials had fallen victim to false accusations and frivolous lawsuits while lawfully carrying out their work. His delegation called upon all countries to take effective measures to strengthen the protection of diplomatic and consular missions and representatives.

81. **Ms. González López** (El Salvador) said that her delegation recognized the importance of fulfilling the commitments set out in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. Those instruments were built on the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security and the promotion of friendly relations among States. States had a duty to take all appropriate steps to protect diplomatic and consular premises and personnel and to prevent any disturbance of the peace of missions and impairment of their dignity. That duty included the adoption of appropriate laws to prevent, investigate and prosecute illicit acts against diplomatic and consular missions and representatives.

82. El Salvador had taken all necessary measures to prevent, investigate and prosecute illegal acts against diplomatic and consular missions and representatives, including the enactment of criminal laws that imposed

severe penalties for crimes against the personal liberty of persons who were entitled to special protection under the rules of international law. The Ministry of Foreign Affairs worked with the National Civil Police to ensure that the security and protection needs of accredited foreign missions were fully met. The National Civil Police had been informed of all situations in which diplomatic agents or premises had been the target of any illegal activity, so that an investigation could be conducted and appropriate legal action taken.

83. Her Government hoped that its diplomatic and consular missions abroad would be afforded the same protection. It would continue to pay close attention to any new threats, risks or practices that might threaten the protection and security of diplomatic and consular missions and representatives accredited to El Salvador and its own diplomatic missions and personnel accredited abroad.

84. **Mr. Košuth** (Slovakia), underlining his Government's firm commitment to respecting its obligations as a receiving State under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations and other applicable rules of diplomatic and consular law and addressing information provided by the Russian Federation on two incidents mentioned in the Secretary-General's report (A/77/208) in relation to Slovakia, said that all incidents reported to the Slovak authorities by the Embassy of the Russian Federation had been promptly and effectively investigated. Since February 2022, his Government had adopted several measures to enhance the protection and safety of the Embassy in Bratislava, including the maintenance of a permanent security presence around the premises, heightened security patrolling in the vicinity and the installation of safety barriers along the main entrance to the Embassy. Those measures had been adopted by the Government on its own initiative and had prevented further intrusions and damage.

85. In keeping with its obligations under the Vienna Conventions, his Government had consistently informed all diplomatic missions accredited to Slovakia of the measures it had imposed to combat the COVID-19 pandemic. Such measures had been applicable to the personnel of accredited missions to the extent that they did not disproportionately impair the effective fulfilment of the missions' functions or their privileges and immunities and those of their personnel. Diplomatic missions and their personnel had been encouraged to respect the adopted measures on a voluntary basis, and measures had also been taken to enhance the safety of diplomatic personnel, for example by facilitating unimpeded access to health-care facilities and vaccination stations. His Government believed that the

Vienna Conventions provided a sufficient legal framework to adequately govern issues related to the functioning of missions during a pandemic, with due regard for the principle of proportionality.

86. Lastly, his delegation wished to note that diplomatic and consular missions were civilian objects which, together with their personnel, enjoyed full protection during an armed conflict and, in accordance with the Fourth Geneva Convention and Additional Protocols I and II to the Geneva Conventions, should not be targeted. Considering that in the previous couple of days Russian strikes in Ukraine seemed to have targeted and hit numerous non-military objects, his delegation considered it important and topical to highlight those rules of international law, which applied to the Russian Federation during its unfortunate ongoing military aggression against Ukraine.

87. **Ms. Lungu** (Romania) said that the long-standing rules that protected the sanctity of diplomatic representatives and enabled them to carry out their functions remained of utmost importance. Her delegation noted with concern that violent incidents and attacks involving diplomatic and consular missions and representatives continued to occur, and it condemned all such acts.

88. With regard to the information submitted by the Russian Federation on three incidents involving its diplomatic and consular missions and representatives in Romania, as presented in the report of the Secretary-General, the Government of Romania was firmly committed to taking all appropriate measures in a timely manner, as required by international law, for the protection, security and safety of diplomatic and consular missions and representatives and missions and representatives to international intergovernmental organizations and officials of such organizations. It had submitted a written communication, which had been circulated to all Member States on 13 September 2022, detailing the position of the competent national authorities and the measures undertaken in each of the three reported incidents. Since that information was not included in the Secretary-General's current report, her delegation requested its inclusion in the next report on the topic.

89. The military aggression of the Russian Federation against Ukraine, including attacks against its capital, Kyiv, posed serious risks to the safety and security of all diplomatic and consular missions and representatives present there. One recent missile strike by the Russian Federation had hit only 850 meters from the Romanian Embassy in Kyiv. Her Government called on the Russian Federation to comply with all rules of

international law applicable during armed conflict and hoped that all measures would be taken to protect the representatives and premises of diplomatic and consular missions in Ukraine from attack. Respect for the principles and rules of international law governing diplomatic and consular relations, including those derived from the principle of sovereign equality of States, was a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter.

90. **Mr. Mora Fonseca** (Cuba) said that his delegation noted with concern and unequivocally condemned violent acts against diplomatic and consular missions and their representatives. Those acts had a negative impact on cooperative relations among States and constituted flagrant violations of the Vienna Convention on Diplomatic Relations, the Convention on Consular Relations and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. States must take all appropriate steps to prevent such acts in the future and to prosecute the perpetrators thereof.

91. On 30 April 2020, a citizen of the United States of America of Cuban origin had opened fire on the Embassy of Cuba in the United States. Two years had elapsed since that terrorist act, but the courts of the United States had yet to try the perpetrator. In another incident, in September 2021, Mr. Carlos Fernández de Cossío, at the time Director General for the United States and currently Deputy Minister for Foreign Affairs of Cuba, had been subjected to aggressive and disrespectful treatment when he arrived in New York as part of the Cuban delegation participating in the high-level segment of the General Assembly. In addition to putting a Cuban diplomat in grave danger, that treatment had constituted a violation of the Vienna Convention on Diplomatic Relations and the rules of international law protecting diplomatic agents.

92. Furthermore, since November 2020, the Permanent Mission of Cuba to the United Nations had been the target of aggressive demonstrations. Those incidents had been reported in a timely manner to the authorities of the host country, which had not provided any effective response. All those incidents were a direct consequence of the aggressive and hateful policy and rhetoric of the United States Government against Cuba and the constant incitement to violence by anti-Cuban politicians and extremist groups in the United States, which had resulted in violent acts that had caused physical injury to and even the death of Cuban diplomats.

93. Cuba offered a peaceful and secure environment for the performance of the diplomatic functions of all States and international organizations, and would continue to pay special attention to the protection and security of diplomatic missions and representatives accredited to the country, as a sign of its commitment to the relevant international rules in force. Its criminal laws established severe penalties for acts that threatened the security or inviolability of diplomatic missions and representatives in Cuba. His delegation called for thorough observance, implementation and enforcement of all the principles and norms of international law governing the inviolability of the premises of diplomatic and consular missions and the missions of duly accredited international organizations. It continued to support the biennial consideration of the current agenda item in the Committee, since it helped to improve diplomatic and consular relations against a backdrop of security and strict compliance with the provisions of international law.

94. **Mr. Kanu** (Sierra Leone) said that his delegation attached great importance to enhancing the protection, security and safety of diplomatic and consular missions and representatives. It condemned all acts of violence against diplomatic and consular missions and representatives, and against missions and representatives to international intergovernmental organizations and officials of such organizations. Such acts could never be justified. They must be addressed expeditiously and measures taken to bring offenders to justice and to prevent any repetition.

95. His Government was concerned at the security incidents involving diplomatic and consular missions and representatives reported to the Secretary-General pursuant to General Assembly resolution [75/139](#). It was equally concerned at the decline in respect for the inviolability of diplomatic and consular missions and representatives, particularly when those representatives were attending international conferences or meetings of international intergovernmental organizations. The proliferation of social media, the abuse and misuse of the Internet and the growing availability of surveillance equipment in retail markets only increased concerns over breaches of the inviolability of diplomatic and consular premises and representatives.

96. Receiving States had a duty under international law to take all appropriate steps to protect diplomatic missions and consular premises, not only against violence and attacks, but also against illegal surveillance or recording and other forms of interference using remote or handheld devices or other types of advanced technology. At the same time, persons enjoying diplomatic privileges and immunities were obliged to

respect the regulations of the receiving State and maintain high standards of conduct. Such complementarity helped to reduce the number of violations of the security of diplomatic and consular missions and representatives.

97. No serious violations had been committed during the reporting period with respect to the protection and security of diplomatic and consular missions and representatives accredited to Sierra Leone. His Government recognized the need to fulfil its obligation to ensure the security and safety of diplomatic missions and representatives and, in particular, the inviolability of diplomatic officials and premises. To ensure that diplomatic and consular missions and representatives were able to carry out their activities without restrictions, it had established exemptions to rules limiting bank withdrawals following the introduction of new banknotes in July 2022. His Government remained committed to ensuring the protection, security and safety of the diplomatic missions and representatives accredited to Sierra Leone and urged other States to similarly commit to protecting the diplomatic and consular missions and representatives of Sierra Leone.

98. **Mr. Nyanid** (Cameroon) said that his delegation was extremely concerned at the increasing number of serious failings in the protection and security of diplomatic and consular missions and representatives. The international community should therefore seek new approaches to put an end to such failings. It was urgent to reaffirm the principles of international law concerning diplomatic and consular relations and ensure strict respect for the spirit and the letter of the two Vienna Conventions, which established the obligation of receiving States to protect the diplomatic and consular missions and representatives in their territory.

99. Receiving States had a duty to respect the inviolability and immunities of diplomatic and consular missions and representatives and to take appropriate measures to prevent any infringement thereof and any act that might undermine the dignity or honour of a diplomatic or consular mission or agent. Any negligence or failure in that regard would entail the responsibility of the receiving State. Nevertheless, in the event that diplomatic missions or agents abused their privileges, receiving States had the right under the Vienna Conventions to take preventive and defensive measures, for example by declaring a diplomatic representative *persona non grata*. His delegation unequivocally condemned all attacks perpetrated against embassies and consulates or their personnel, but it also condemned unfriendly and sometimes offensive acts carried out by diplomatic and consular missions and staff in host

countries. Diplomatic privileges and immunities did not give diplomats *carte blanche* to engage in misconduct.

100. An offence committed against a diplomatic or consular mission or agent was not only an attack on the sending State but also an attack on the security of all nations. Receiving States should therefore immediately prosecute and severely punish the perpetrators of any such offences. His delegation encouraged close cooperation between States and a concerted and systemic response against anyone who threatened the security or disturbed the peace of diplomatic missions, irrespective of the perpetrator's nationality. The existence of a link of nationality between a diplomatic mission and an attacker could not be used as a pretext to exempt the latter from prosecution. The same was true of foreign activists who took advantage of their presence in a host country to perpetrate acts of violence against high-level authorities or against the diplomatic or consular missions of their country of origin. His delegation wished to thank the authorities of friendly countries that had heeded his Government's requests to prosecute individuals who had launched assaults against diplomatic missions of Cameroon.

101. His Government had established a special police unit whose mission was to protect the nationals of friendly countries with diplomatic status and their property. The administrative units dealing with the issue consulted regularly to coordinate their actions and adapt them to the nature and scope of the threats faced by certain missions. The special police unit also cooperated closely with the diplomatic and consular missions present in the country to adapt its measures to protect and secure diplomatic and consular missions and representatives.

102. His delegation was concerned at the attempts to weaken the diplomatic protection regime set up by the relevant international instruments. It would therefore welcome the adoption of a United Nations resolution reaffirming that States must strictly observe and apply the provisions of international law concerning diplomatic and consular relations.

103. **Ms. Al-zubaidi** (Iraq), speaking in exercise of the right of reply, said that the damage to the consulate of the Islamic Republic of Iran in Basrah had happened after several days of demonstrations against the local administration of the city. The security presence in the city had been strengthened to protect law and order and prevent damage to foreign diplomatic or private-sector facilities. In particular, 50 officers had been deployed to protect the consulate. However, despite the exceptional measures taken by all Iraqi forces, developments beyond their control had resulted in damage to the consular

building. After the incident, the competent authorities had met to discuss arrangements to protect the consulate and prevent future attacks. A commission of inquiry had been established to review the incident and identify any failures. Criminal proceedings had also been brought before a court in Basrah, which had rendered a ruling to ensure that the perpetrators were brought to justice. The city authorities had provided facilities as an alternative to the damaged building, which was owned by an Iraqi citizen.

104. Her Government had also formed a high-level committee to assess arrangements for the protection of diplomatic and consular premises. Further to consultations with her Government, the Government of the Islamic Republic of Iran had agreed not to have the incident included in the report of the Secretary-General ([A/77/208](#)). It should be noted that several attacks on Iraqi diplomats had taken place in the Islamic Republic of Iran. Her Government had urged the Government of the Islamic Republic of Iran to protect Iraqi diplomatic staff and prevent the recurrence of such attacks.

The meeting rose at 1 p.m.