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SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. MIKULKA (Czechoslovakia)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 137: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES
(continued) (A/45/455 and Add.1)

1. Mr. BELLOUKI (Morocco) said that it was unacceptable for diplomatic and consular missions and representatives to continue to be the preferred target of attacks and harassment. The security and safety of those missions and representatives were necessary if there were to be stable relations between States, and their absence would hinder the development of the principles of international co-operation. No one could deny their role in maintaining international peace and security and in promoting friendly relations and co-operation among States. Any hostile act directed against diplomatic and consular missions and representatives had obvious disastrous consequences on inter-State relations.
2. To prevent and punish such hostile acts was to protect a system recognized and respected by the most ancient civilizations. The rules governing the status of diplomatic and consular missions and representatives had been patiently elaborated by nations holding different socio-cultural values, and the great authority of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations sprang from the fact that they had codified and sanctioned well-established practices and customs. The principles and rules set forth in those two Conventions constituted the minimum basis necessary for the preservation of peaceful relations among States.
3. In its resolution 43/167, strongly condemning acts of violence against diplomatic and consular missions and representatives and urging States to observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations, the General Assembly had shown its awareness of the serious nature of any violation in that area, especially when committed by a State.
4. For that reason, his delegation deplored the punitive measures taken by the Iraqi authorities against diplomatic and consular missions and representatives in Kuwait, including the diplomatic mission of Morocco and its staff, and the pressure and constant threats to which the latter had been subjected, having been prevented from entering the Embassy offices, then summarily ordered to close the Embassy and leave Kuwait altogether. It also deplored the fact that they had been prevented from withdrawing from Kuwaiti banks the funds required to meet their most basic needs and that they had finally been forced to leave Kuwait, under threat, for Baghdad, where they had been stripped of their diplomatic immunity and taken hostage.
5. Despite the inhuman treatment inflicted on its diplomats, Morocco considered that its Embassy in Kuwait was still open, in accordance with the rules and principles of international law, and the resolutions of the League of Arab States and of the Security Council, in particular resolutions 664 (1990) and 667 (1990),

(Mr. Bellouki, Morocco)

which condemned the Iraqi aggression against Kuwait and declared its annexation null and void. Kuwait thus remained a full member of the international community, in which duly accredited embassies should be treated as such and should be allowed to carry out their official functions under the best possible conditions.

6. In conclusion, his delegation hoped that that unfortunate precedent would inspire increased efforts to emphasize the imperative nature of the obligations incumbent upon all States in the area of diplomatic and consular law, which granted privileges and immunities not for the personal benefit of representatives but to ensure the performance of their official functions.

7. Mr. HANAFAI (Egypt) said that diplomatic law and, specifically, the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations guaranteed the normal functioning of relations between States in an atmosphere of mutual respect. Those two Conventions expressly provided for the protection of diplomats and diplomatic and consular missions. In order to allow them to perform their functions, they granted them privileges and immunities that had been established by international law and should not be violated under any pretext.

8. His delegation, having noted the report of the Secretary-General (A/45/455), strongly condemned acts of violence against diplomatic missions and representatives and urged States to ensure respect for the principles of international law relating to the protection, security and safety of diplomatic missions and representatives and to take the necessary measures, at both the national and the international level, to prevent such acts.

9. Recent events had proven that being a party to international conventions was not enough; it was also necessary to comply with their provisions under all circumstances. Iraq had violated its obligations under the aforementioned Conventions by ordering the closure of diplomatic and consular missions in Kuwait and by exerting constant pressure on those missions and their staff. In the opinion of his delegation, Iraq had a responsibility to ensure the protection, security and the safety of missions and diplomatic personnel accredited to Kuwait and to respect their diplomatic immunity under the Vienna Conventions, of which it was a signatory. The international community, which had unanimously condemned those violations, should continue to do so as long as the violations persisted. His delegation reaffirmed its support for Security Council resolutions 664 and 667 and asked Iraq to ensure the security, safety and comfort of diplomatic missions in Kuwait and Iraq in accordance with the principles of international law.

10. Mr. MAHNIC (Yugoslavia) noted with regret that, at a time when the importance of international law was being increasingly affirmed, there should still be instances of violations of the rules of law in international relations with respect to the protection, security and safety of diplomatic and consular missions and representatives. He expressed profound concern at the Iraqi Government's decision to order the closure of diplomatic missions accredited to Kuwait and to withdraw the immunities and privileges of those missions and their personnel. There was no doubt that that decision was contrary to international law since it was based on

(Mr. Mahnic, Yugoslavia)

the Iraqi invasion and annexation of Kuwait, which represented a flagrant violation of the basic principles of international law. It was therefore quite logical for the international community, through the United Nations Security Council, in particular in resolution 667 (1990), to have strongly condemned the measures taken by Iraq against diplomatic missions and personnel in Kuwait and to have called on Iraq to rescind them. His delegation fully supported that and other Security Council resolutions adopted in connection with the Iraqi aggression against Kuwait.

11. It appeared from the reports submitted by Member States concerning serious violations with regard to the protection, security and safety of diplomatic and consular missions and representatives that such acts were still quite numerous, and the Member States and the United Nations should intensify their efforts to prevent them. It was obvious that legal norms and legal systems could scarcely be effective in the absence of preventive measures. The host countries bore a great responsibility and were obliged to take all necessary measures, particularly with respect to the prevention of activities of organizations, groups and individuals that committed acts against diplomatic and consular missions and representatives which were detrimental to friendly relations between States. For its part, the sending State should be willing to co-operate. In that respect, co-operation between the host country and diplomatic or consular missions accredited to it was of particular importance.

12. His delegation considered the procedure of having the Secretary-General prepare reports on acts committed against diplomatic and consular missions and representatives and on measures undertaken to apprehend and punish their perpetrators to be most useful. The very fact of drawing attention to inadequacies in the protection of those missions might help to enhance their protection. Yugoslavia favoured the strengthening of bilateral and multilateral co-operation in that area and supported all efforts within the United Nations to secure the adoption of more effective measures for the protection of diplomatic and consular missions and representatives.

13. Mr. JASUDASEN (Singapore) said that the norms and principles of international law governing diplomatic and consular missions imposed two sets of obligations. The first were incumbent on the receiving State, which had to take all necessary measures not only to facilitate the work of diplomatic and consular missions and representatives but also to put an end to hostile acts against them and punish those responsible for them. The receiving State was also required to implement preventive measures when criminal and terrorist activities against diplomats at the mission increased. The second set of obligations were incumbent upon the sending State, which must ensure that its representatives and missions operated strictly within the limits prescribed by international law, complied scrupulously with the laws and regulations of the receiving State in the discharge of their duties, and refrained from abusing their privileges and immunities.

14. It was a matter of concern, and indeed alarm, to note from the Secretary-General's report (A/45/455 and Add.1) that violations had been committed throughout the world and that no country, not even the Holy See, seemed to have

(Mr. Jasudasen, Singapore)

been spared. Moreover, the fact that a vast majority of Member States had not sent replies suggested that many violations went unreported. The reporting procedure was nevertheless a worthwhile exercise and should be continued, since not only did it remind all States of their duties and obligations, but - it was to be hoped - should also persuade them to enforce stricter measures to protect the safety of diplomatic and consular missions and representatives, or to desist from any acts directed against them. While his delegation was fully satisfied with the report of the Secretary-General, it had some suggestions as to how the work of the Sixth Committee could be furthered and how the role of the Secretary-General could be strengthened in that regard.

15. Firstly, the Secretary-General's report was merely a compilation of reports from Member States; the time had perhaps come to go a step further and request the Secretary-General to analyse the information contained in reports from States; the information could thus be summarized and classified into broad categories, such as violations perpetrated by States, non-State groups, terrorist groups and individuals. While it was true that analysing the information contained in the reports and presenting it in tabular form was a delicate matter, his delegation was confident that the Secretary-General and his staff could accommodate sensitivities without difficulty.

16. Secondly, he noted that only 38 States had sent replies. Apart from a more sustained effort to elicit more replies, the Secretary-General should perhaps consider using other reliable sources of information, such as the media, which regularly - and at times only too happily - reported violations.

17. Thirdly, the Secretary-General's report focused mainly on violations which had an impact on inter-State relations. Although that was understandable given the way in which the reporting procedure was designed, it must be acknowledged that the system did not fully reflect the extent of abuses of diplomatic privileges by missions or representatives of sending States. In that connection, host countries, which were probably in the best position to monitor such abuses, should be encouraged to send more comprehensive reports. The foregoing suggestions were intended to help small countries like Singapore, which had limited administrative machinery, to monitor the situation more effectively and be better informed so that they could take appropriate measures not only vis-à-vis their own diplomats and missions, but also to ensure the protection of representatives and missions accredited to them.

18. Mr. AL-SABEEH (Kuwait) said that on the previous Wednesday an attempt had been made to distort the facts and, in order to clarify the situation, he recalled the events which had occurred in Kuwait and the strong condemnation of Iraq by the international community, expressed in the Security Council resolutions. He concluded that the departure of the diplomatic staff of the missions accredited to Kuwait could in no way be justified.

19. People could not live in peace without the protection and authority of the law, which was why international organizations, with their many organs, had been established and had been made responsible for formulating the laws and principles

(Mr. Al-Sabeh, Kuwait)

governing all aspects of the life of peoples. He recalled that the General Assembly in 1952 in resolution 685 (VII), had requested the International Law Commission to give priority to the codification of the topic "Diplomatic intercourse and immunities" and that the Sixth Committee had had that topic on its agenda since 1949.

20. Everyone was aware that the Iraqi aggression against Kuwait had breached all laws, rules and customs and had been directed not only against Kuwait but also against diplomatic and consular missions, their staff and their property, to the extent of holding persons with diplomatic immunity hostage. Such acts were unprecedented since the adoption of the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. The Ambassador of Iraq to Kuwait had himself supervised the plundering of Kuwait, the sharing out of the booty and its transfer to Iraq, as well as the acts of aggression perpetrated against the diplomatic community, before becoming the military judge of the occupied country.

21. The international community was dismayed to see all laws and customs crushed by tanks in a country which had complied with international law since its inception. What the diplomatic community had been subjected to in Kuwait was flagrant proof of the criminal and illegal character of the Baghdad régime and was the occasion for a pressing appeal to the international community to intervene in order to uphold international law which had been violated in Kuwait. To that end, the United Nations Security Council had adopted a series of resolutions, including resolution 667 (1990) concerning the situation of the diplomatic and consular missions in Kuwait and their staff. It was essential to implement those resolutions in full.

22. Reports from thousands of civilians, journalists and diplomats bore witness to the chasm between the conduct of the legitimate Government of Kuwait, founded on respect for law and justice, and that of the Iraqi occupying authorities in Kuwait, which violated law and justice and resorted to terror, laying siege to diplomatic and consular missions, entering some of them and abducting members of their staff. A dark chapter in the history of international law was being written, constituting an insult to humanity, and a breach of all agreements and resolutions governing diplomatic relations among States and aimed at protecting the rights and immunities of diplomats. He called on the Committee to spare no efforts to resist the criminal and inhuman practices of Iraq in Kuwait in order to ensure the just victory of the Kuwaiti people who had been unjustifiably attacked, so that law would prevail.

23. Mr. KIRSCH (Canada), speaking also on behalf of Australia and New Zealand, recalled that the inviolability of diplomatic missions and agents was one of the principles now codified in numerous diplomatic conventions, including the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the Respective Optional Protocols, and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents. The obligation of States to protect diplomats and consular representatives arose from recognition of the important role played by

(Mr. Kirsch, Canada)

them in forging friendly relations and maintaining peace among States. Any violation of that obligation struck at the very institutions upon which good international relations depended.

24. The Secretary-General's report (A/45/455 and Add.1) showed, however, that attacks against diplomatic missions, property and agents were continuing at an increasing rate. While such attacks could not always be prevented, at least almost all States recognized that it was their duty to take appropriate steps to preserve the security of diplomatic premises and agents.

25. That was not true of Iraq which, although a party to the Conventions to which he had referred, had deliberately flouted them by forcing the closure of diplomatic and consular missions in Kuwait and by withdrawing the immunity of the personnel of those missions. Incidents of the most serious kind had taken place on 14 September 1990, when Iraqi troops had invaded the residence of the Canadian Ambassador in Kuwait and the diplomatic premises of a number of other foreign missions in that country, and had detained their personnel illegally in defiance of the inviolability of the premises and personnel of the diplomatic missions of Canada and other States.

26. Those actions constituted a totally unjustifiable breach of the most fundamental principles of diplomatic relations and of the most widely accepted norms of international law, and they underscored the need for the Organization to monitor, in the closest possible way, States' compliance with the international conventions relating to the immunities and protection of diplomatic missions and their personnel. His delegation joined in the appeal made by the representative of Kuwait in that regard.

27. Mrs. BELLAMINE-DLIMI (Tunisia) reaffirmed her country's strict adherence to the norms of diplomatic and consular law and the rigorous application of the relevant conventions. Recognizing the important role played by diplomatic missions in relations between States, Tunisia regarded violations of diplomatic immunity as undermining the cause of co-operation and relations between civilized States.

28. Her country had always endeavoured to facilitate the work of the diplomatic and consular missions accredited to it. At the legal level, Tunisia had acceded in 1964 to the Vienna Convention on Consular Relations, and in 1968 to the Vienna Convention on Diplomatic Relations. It was also a party to the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents.

29. In practical terms, Tunisia was protecting the chancelleries and residences of heads of diplomatic missions, and diplomatic personnel in Tunisia enjoyed the immunities provided under the relevant conventions. Since the adoption of General Assembly resolution 35/168 inviting all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives, no incident had been reported in Tunisia.

(Mrs. Bellamine-Dlimi, Tunisia)

30. Her delegation noted with regret that there were continuing reports of violations of diplomatic immunities. In that connection, it emphasized the responsibility of the host country, which must undertake to provide complete protection for the missions accredited to it. That entailed both a legal and a moral obligation. Indeed, it involved what in civil law was known as an "obligation of result".

31. In conclusion, her delegation called upon States which had not yet done so to incorporate in their domestic legislation legal provisions aimed at strengthening the protection of the immunity and inviolability of diplomatic missions.

32. Mr. MOLNAR (Hungary) said that his country had always advocated strict and unswerving observance by all States of the principles and norms of diplomatic and consular law as an essential prerequisite for the maintenance of international peace and security, as well as for normal relations between States.

33. In his delegation's view, there was no lack of international legal instruments in that area; on the other hand, it was necessary to strengthen the determination of States to abide by their obligations. Hungary, which was a party to the main multilateral conventions in that field, had acceded on 8 December 1989 to the Optional Protocol to the 1961 Vienna Convention on Diplomatic Relations and to the Optional Protocol to the 1963 Vienna Convention on Consular Relations. His delegation wished to stress in that regard that, while sending States were entitled to expect the best possible protection of their representatives, those representatives also had the duty under international law to respect the laws and regulations of the receiving States.

34. In reviewing the Secretary-General's report (A/45/455 and Add.1), his delegation noted with concern that a number of violations of the inviolability and immunity of diplomatic missions and personnel had occurred during the past year. In particular, the illegal acts committed by Iraq constituted the most flagrant and unprecedented violation of the 1961 Vienna Convention on Diplomatic Relations, the provisions of the Charter of the United Nations and the generally accepted principles of diplomatic law.

35. Hungary considered the annexation of Kuwait by Iraq as null and void, and therefore rejected the explanation that the union of those two countries justified the unilateral Iraqi decision to close the diplomatic missions operating in Kuwait and to withdraw the immunity of their personnel. In accordance with Security Council resolutions 664 (1990) and 667 (1990), his delegation called upon the Government of Iraq to rescind the unlawful measures it had taken, to guarantee the unhindered functioning of diplomatic and consular missions in Kuwait, and to restore and respect their inviolability and immunity.

36. His delegation regarded any attack on the security of diplomatic and consular missions and representatives as a blow to the international community as a whole, and therefore considered that all Member States must jointly and individually take firm and consistent action to put an end to those violations. To that end, the

(Mr. Molnar, Hungary)

General Assembly should keep the item on its agenda as long as violations of the rules of diplomatic law continued. His delegation considered that the reporting procedure in that regard was important and useful in that it enabled States to contribute to the prevention of violations of the norms of international law.

37. Mr. LIAO Jincheng (China) said that the inviolability of diplomatic and consular missions and representatives was the most basic of the latter's privileges and an important principle of international treaty and international customary law, respect for which was essential for maintaining normal international relations and establishing friendly and co-operative relations among States, particularly in the present-day world, where international relations and co-operation were ever expanding.

38. The Chinese Government, which had always strongly condemned acts of violence against diplomatic and consular missions and representatives, felt that the international community must adopt effective measures to prevent any further incidents of that nature. China was a party to the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations, the Conventions on the Privileges and Immunities of the United Nations and of the Specialized Agencies and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The Chinese Government had always honoured its obligations under those Conventions and had always implemented the relevant United Nations resolutions. Diplomatic and consular missions and representatives and the offices of international organizations and their representatives enjoyed the effective protection of the Chinese Government. The departments and agencies concerned had also adopted various administrative and technical measures to provide better protection for the security of diplomatic and consular missions and representatives. For example, in the war on terrorism, the Chinese authorities had tightened the formalities for exit from and entry into Chinese territory as well as security inspections. Persons who were likely to be a threat to foreign embassies and to the offices of the United Nations and other international organizations in China were kept under strict surveillance. Experience had shown that those measures were relatively effective in preventing any act of violence against diplomatic and consular missions and representatives in China.

39. His delegation felt that the item should remain permanently on the agenda of the General Assembly. It also favoured strengthening international co-operation in that area and full implementation of the rules set forth in existing international instruments. It urged those States that had not yet done so to accede to the relevant conventions as soon as possible.

40. His delegation deplored the incidents and acts of violence that continued to threaten the security of diplomatic and consular missions and representatives because they not only impeded the normal operation of diplomatic and consular missions and exchanges between States, but also had a direct impact on international peace and security. His delegation felt that the closing by the Iraqi Government of all embassies and consulates in Kuwait, the violation of the

(Mr. Liao Jincheng, China)

diplomatic premises of certain countries and the detention of diplomatic personnel constituted a serious violation of the Vienna Conventions on Diplomatic and Consular Relations. It hoped that the Iraqi Government would put an immediate end to all those violations of international law.

41. The United Nations should urge all States to abide strictly by international law and the relevant conventions and to enact necessary domestic legislation and adopt effective administrative measures to strengthen the protection of diplomatic and consular missions and representatives. The latter in turn should perform their functions in good faith, in accordance with the relevant international conventions, and respect the laws of the country in which they resided. The sending State had an obligation to prevent any abuse of the privileges and immunities accorded to its diplomatic and consular missions and representatives. His delegation wished to strengthen its co-operation with other countries in order to study all effective recommendations or measures that might strengthen the protection of diplomatic and consular missions and representatives.

42. Miss RAUSCHER (Austria) said that for some years the international community had noted a gradual improvement in the protection of diplomatic and consular premises and representatives because States had become more mindful of their relevant obligations under international law. Nevertheless, incidents had continued to be reported to the Secretary-General, in accordance with the relevant General Assembly resolutions. The two conventions that regulated relations between States in that area, namely, the Vienna Conventions on Diplomatic and Consular Relations, were among the most widely accepted multilateral treaties, each having been ratified by more than 120 States. It was in the interest of all States to abide strictly by the relevant rules of international law, bearing in mind that all States were at the same time receiving and sending States.

43. The discussion on that item revealed a very broad consensus among States. None had doubted the need to reaffirm the validity of the relevant rules of international law on the sanctity of diplomatic premises and representatives, which was one of the oldest and most widely accepted norms. As times changed, States were becoming increasingly aware of the role played by foreign diplomats in reconciling the interests of the sending and the receiving States and in establishing friendly relations between States. It should also be borne in mind that international law granted privileges and immunities to diplomatic representatives not for their personal benefit but in order to ensure the orderly functioning of the missions.

44. The report of the Secretary-General (A/45/455 and Add.1) showed that a number of incidents had again occurred during the past year. Austria condemned every act committed against missions and diplomats, while recognizing that it would undoubtedly be impossible to eliminate such incidents entirely. She noted with satisfaction, however, that States were fully aware not only of their obligations under international law but also of the fact that it was in their own interest to punish the perpetrators of such unlawful acts and to take measures to prevent further such acts.

(Miss Rauscher, Austria)

45. Austria could not, however, overlook the fact that the most fundamental norms relating to the conduct of diplomatic relations were currently being violated by one State, even though that State had undertaken to respect them when it acceded to the relevant international instruments. The breaches of international diplomatic law being committed by Iraq were of such a grave nature that Austria could only condemn them in the strongest possible terms. Iraq's attitude was contrary to the generally accepted code of conduct of civilized nations and could not be tolerated by the international community. Austria therefore supported Security Council resolutions 664 (1990) and 667 (1990), which condemned such violations of international law and were designed to put an end to that unacceptable situation.

46. Austria was prepared to co-operate with all States that wished to help achieve that goal. It felt that the reporting system established by the General Assembly should be maintained because it made it possible to collect relevant information, encouraged States to pursue the matter at the bilateral and the multilateral levels and reminded them of their obligations. Her delegation welcomed the intention of the Nordic countries to prepare and submit a draft resolution on that question on the basis of the relevant resolution adopted two years earlier.

47. Mrs. WILLSON (United States of America) said that those States that had not yet done so should become party to the relevant treaties, namely, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and the conventions designed to counter the ongoing terrorist threat to diplomatic personnel. States must also undertake to respect the provisions of those treaties, to deter acts of violence against the diplomats in their territory and, when such acts occurred, to move immediately to prosecute or extradite the offenders. Respect for the rules set forth in those conventions, even under difficult circumstances, strengthened the international community's commitment not only to the rule of law but also to the goals and purposes of the Charter.

48. It was therefore regrettable that there continued to be reports of incidents of violence against the representatives of States and international civil servants because such incidents undermined the harmony of international relations. At the same time, it was encouraging that many of those reports indicated that police and local authorities had responded promptly and effectively. That showed that most Governments took their obligations to protect diplomatic personnel and premises seriously. Moreover, those who enjoyed privileges and immunities by virtue of their status as representatives of States or international organizations had a responsibility to obey the laws of the receiving State.

49. Any interference with the performance of diplomatic or consular functions, whether by individuals or by groups, was unacceptable. Such interference by States was reprehensible and demanded the strong and unanimous condemnation of the international community. Reports received the previous week of troops entering diplomatic premises in Myanmar and detaining and interrogating Burmese employees of the mission in question were shocking examples of deliberate violations of the rules of law in respect of diplomatic protection.

(Mrs. Willson, United States)

50. The United Nations Security Council, in resolution 667 (1990), had expressed its outrage at recent violations by Iraq of diplomatic premises in Kuwait and at the abduction of personnel enjoying diplomatic immunity and foreign nationals who had been present in those premises. The Council had stated that those actions constituted a flagrant violation of Iraq's international obligations and struck at the root of the conduct of international relations. Everyone knew of the actions Iraq had since taken against those diplomatic and consular personnel who had had the misfortune to be in the State of Kuwait under Iraqi occupation. Many missions had been forced to close as a result of Iraqi harassment, and those which remained open operated under the worst of circumstances, cut off from public utilities, unable to venture from their embassies or provide consular services and generally in a perpetual state of fear. Everyone knew also of the recent Iraqi violations of the inviolability of some of those premises, in blatant disregard of established international law as set forth in the Vienna Convention and in direct and contemptuous violation of binding decisions of the Security Council. Finally, everyone knew of those diplomats accredited to the legitimate Government of Kuwait who remained hostage in Iraq, despite Iraqi promises that they could leave Kuwait through Baghdad.

51. The United States had joined with the rest of the international community in decriing those actions. The representatives of Governments were abused and mistreated in flagrant violation of international law, and the international community should respond with one voice to the appeal made during the current meeting by the representative of Kuwait, by reiterating that the acts of aggression must cease.

52. The extreme gravity of the situation had focused the world's attention, but the need for vigilance in upholding the rule of law in the area of diplomatic protection must be ongoing. Each incident was noteworthy because of the impact on the individuals involved and the incremental effect on diplomatic relations. In that regard, her delegation thanked the Nordic States for having requested that the subject be placed on the agenda of the General Assembly and the United Nations Secretariat for its important role in implementing General Assembly resolutions on the protection of diplomats.

53. Mr. JOEDO (Indonesia) said that the current session of the General Assembly clearly reflected the magnitude of the problem of the protection and safety of diplomatic and consular missions and representatives which had become increasingly vulnerable and burdened by acts of terrorism. The principle of inviolability of diplomatic missions was one of the oldest and most universally established concepts in relations between States. It was in that context that the various incidents endangering the safety of diplomatic agents continued to deserve careful consideration by the international community, inasmuch as acts of violence against diplomats and diplomatic missions could not be adequately curbed without the active co-operation of all States.

(Mr. Joedo, Indonesia)

54. In that regard, the United Nations had an important role to play, and it should continue its efforts towards the progressive development of diplomatic law, particularly by the codification of generally acceptable and practical measures into international legal instruments. In his delegation's view, the problem of organized terrorist activities had affected diplomatic relations in more than one way. The Committee should bear that in mind when preparing recommendations for the United Nations Decade of International Law. The holding of the Decade could prove to be a truly useful exercise in providing an internationally acceptable solution to that pressing problem. Indonesia, as a member of the Non-Aligned Movement, had been among the countries on whose initiative the United Nations General Assembly had, at its forty-fourth session, proclaimed the 1990s as the United Nations Decade of International Law; that decision had been strongly supported by the Heads of State or Government of non-aligned countries at their ninth summit conference in Belgrade. International law governing diplomatic relations should indeed be reviewed from time to time so as to conform to the changing circumstances of world society.

55. Two decades ago, the international community had adopted almost unanimously the Vienna Conventions on Diplomatic Relations and on Consular Relations. Since then, the role and functions of diplomatic representatives had changed. However, despite gross violations of diplomatic security and safety, the international community continued to regard the Conventions as binding on the host country; any violations thereof had invariably been condemned, and constituted valid grounds for action by the States concerned.

56. His delegation was convinced of the necessity of increasing co-operation among States to eradicate the underlying causes of terrorism and thereby to counter its effects. Undoubtedly, close co-ordination between members of the United Nations could contribute to the effective implementation of specific measures - bilaterally, regionally and multilaterally or within the broader framework of the United Nations - to deter acts of violence against diplomatic and consular missions. Such measures might include the adoption by host Governments of legislation on the prevention of terrorism, alertness in the State's police forces, introducing a monitoring system for strengthening security for diplomatic missions exposed to higher risk, and measures to control entry at the border. What was increasingly important was concerted action by the international community to envisage measures against those States which harboured terrorists, by holding them responsible for violation of established principles of international law, under the doctrine of State responsibility.

57. Finally, the Government of Indonesia wished to strongly emphasize the fundamental and solemn obligation of all host States to extend co-operation to protect the safety and security of diplomatic representatives and missions. Of paramount importance was the maintenance of diplomatic relations which symbolized friendship and harmony between States. It was thus essential for countries to streamline domestic legislation so as to fulfil their responsibility under international law and agreements.

58. Mr. HUSSAIN (Pakistan), recalling the obligations imposed on both sending and receiving States by the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, said that Pakistan was a party to those three Conventions, and had given effect to its international obligations in its domestic legislation by enacting anti-terrorist laws which prescribed the severest punishment not only for the perpetrators of such offences but also for those individuals, groups or organizations who encouraged, instigated or organized or in any other manner engaged in such activities.

59. His delegation was deeply concerned at the increasing incidents of violence against diplomatic and consular missions and agents and against representatives of intergovernmental organizations in different parts of the world. It strongly condemned such attacks, regardless of the motives behind them. Pakistan was committed to taking all possible measures to prevent acts of violence against the diplomatic and consular community and to punish the culprits if such incidents should occur.

60. In conclusion, he stressed that if the provisions of international instruments were strictly adhered to and faithfully applied, the necessity for additional measures would not arise. All States were required to perform their international obligations in good faith.

61. Mrs. OBI-NNADOZIE (Nigeria) said that current trends in international relations had given increased relevance to the provisions of the Vienna Conventions, and had demonstrated the need for States to reaffirm their commitment to those universal instruments. There were many cases of disputes in the world leading to violations of those Conventions, but Nigeria continued to advocate the use of peaceful means for the settlement of disputes through the good offices of the Secretary-General.

62. In spite of the emerging state of general agreement between nations, there were many cases of violations of the immunities and privileges of diplomatic missions and their personnel. All such violations should be condemned unequivocally. No case, however small or trivial it might appear, should be condoned. Rather, all States should "go an extra mile" in taking steps to enhance the protection, security and safety of diplomatic and consular missions and their representatives.

63. Member States should establish units within their regular police or law enforcement agencies for the purpose of protecting the diplomatic corps. Diplomacy could not be practised in a state of fear, anarchy or terrorism, as that obviously would lead to suspicion and mistrust, which were contrary to the aims and aspirations of the Organization. It was for that reason that the Nigerian Government had created the Diplomatic Protection Unit within its police force, and had charged it with ensuring the safety of diplomats and foreign delegations in Nigeria. Finally, there was need for a concerted effort by Member States to consider acceding to the various instruments dealing with diplomatic and consular

(Mrs. Obi-Nnadozie, Nigeria)

relations, as that would further enhance the functioning of both diplomatic and consular establishments in receiving States.

64. Mr. OKOLOVSKIY (Byelorussian Soviet Socialist Republic) said States should rigorously respect the principles and standards of diplomatic and consular law and in doing so should adopt all the measures needed to prevent hostile acts against representatives and missions and to bring the perpetrators of such acts to justice. In that respect, emphasis should be placed on prevention. In addition, persons enjoying diplomatic and consular privileges and immunities were, in respect of those immunities, bound to respect the laws and regulations of receiving States.

65. The Byelorussian SSR was party to nearly every international agreement in effect in that connection, and article 4 of its penal code made provision for extremely severe penalties against anyone committing an act of terrorism against a diplomatic or consular mission or its staff.

66. While each State had its own concerns and difficulties, no State could serve its own interests by treading on the interests of other States or of the international community. That was shown in the events which had taken place in the Middle East, where aggression had been perpetrated against a sovereign State. His delegation supported Security Council resolution 667 (1990) which firmly condemned the acts committed by Iraq against diplomatic premises and staff in the State of Kuwait. It also unreservedly condemned all acts of violence committed against diplomats engaged in activities which were aimed at establishing mutual co-operation and understanding among peoples.

67. The international community should strive to devise practical measures to strengthen the system established by the agreements now in force on the question. In that connection, he said the coming into force of the Vienna Convention of 1978 on the representation of States in their relations with international organisations would be a welcome development. Some action in the field of diplomatic law should also be envisaged.

68. On 27 July 1990, the Supreme Soviet of the Byelorussian SSR adopted a Declaration on the sovereign Statehood of the Republic, proclaiming the independence of the Soviet Socialist Republic of Byelorussia in its foreign relations and announcing the intention of turning its territory into a zone exempt from nuclear weapons and making the Republic of Byelorussia a neutral State. Those plans called for the development of regional and bilateral co-operation and the creation of the necessary diplomatic and consular institutions. Within the framework of the agenda item under review, such action could mean reforming the legislation already in existence in that respect.

69. His delegation felt that the examination by the General Assembly of concrete cases of violation of the security and safety of diplomatic and consular missions could help to strengthen the responsibility of States in respect of the obligations incumbent on them and was in favour of maintaining the system of reports drawing attention to cases of serious violation.

70. Mr. MONTES DE OCA (Mexico) observed that the note he had addressed to the Secretary-General in the preceding session, which had appeared at that time in document A/INF/44/5, had been reproduced in the report contained in document A/45/455. By reading that document, it could be seen that other notes had also been issued twice, which did not perhaps reflect a rational utilization of the Secretariat's resources.

71. Again on the question of economy of effort, he said his delegation would like the Secretariat to provide the Committee with a list of the 13 international treaties deposited with the Secretary-General in the field of diplomatic and consular privileges and immunities. Such a list would greatly facilitate the task of the delegations. In the same general connection, he said that the reproduction year after year of the list of States Parties to the Conventions could be dispensed with since those lists showed hardly any differences from year to year and duplicated other publications. On the other hand, the publication of a list of States not Party to the Conventions might be more judicious and effective in that it would certainly give them greater incentive to adhere to those instruments.

72. In the same constructive spirit, he proposed a few other improvements: in the report of the Secretary-General one or two paragraphs should be devoted to an analysis of the situation as shown in the communications received; communications from States should be issued systematically, by subject and according to the severity of the violations reported, rather than in alphabetical order; there might be no need to reproduce notes in which no incident was reported in extenso; intergovernmental and international organizations should also inform the Secretary-General of acts against them.

73. In his report, the Secretary-General should also define the type of incident which States should report to him. He noted that during the debate concepts larger than that of "serious violation" had emerged and cited the example of "hostile act". One note mentioned "violations of diplomatic immunity" in December 1989 and January 1990, which had included the telephotography of the interior of diplomatic premises and the use of music to harass the staff working in them.

74. His delegation wished to point out that although the report of the Secretary-General contained no notes concerning the incident, his country had had the honour the preceding year, when the subject of the situation in Central America had been under review in the Committee, of calling for the withdrawal of the armed forces which had invaded Panama and for absolute respect for the obligations incumbent on States under the Vienna Conventions on Diplomatic and Consular Relations. In that spirit, it had voted for resolution CP/RES.536 adopted in that connection by the Organization of American States on 8 January 1989 and had allied itself with the authors of the statement emanating from the seventh ordinary meeting of the Permanent Consultation and Political Concertation Mechanism ("Rio Group") held in Mexico City on 29 and 30 March 1990.

75. Speaking before the forty-fifth session of the United Nations General Assembly on 1 October 1990, Mr. Carlos Salinas de Gortari, President of Mexico, had quite properly evoked the situation now prevailing in Iraq and Kuwait and had called for absolute respect of the diplomatic conventions of Vienna.

76. Mr. BYKOV (Union of Soviet Socialist Republics) said that strict observance of the generally recognized standards of diplomatic law was an important factor in international stability, the strengthening of co-operation among States and the maintenance of a dependable international order. With regard to international law, he said the host State should guarantee normal conditions of operation for diplomatic and consular missions, which would require them to take the measures needed to protect the premises of those missions against any intrusion and to see that the security, safety, honour and dignity of the members of the missions and their families was not jeopardized.

77. In its resolution 43/167, adopted by consensus, the General Assembly had urged States to take all necessary measures to ensure the protection, security and safety of missions and of diplomatic and consular representatives on their territory. The Soviet Union rigorously respected its obligations in that respect as was shown by the fact that now that there were 120 embassies and many consulates in the USSR, no case of violation had been reported during the period under review. The report of the Secretary-General (A/45/455 and Add.1) also showed the importance which States attached to the matter under review. Nevertheless, during the same period, the security and safety of missions and of diplomatic representatives had been put into jeopardy in a number of countries. In that connection, his country had conveyed information reproduced in document A/45/455/Add.1 concerning several cases of serious violation of the security and safety of the diplomatic missions of the Soviet Union and of its overseas personnel. In every case where the authorities of the State concerned had taken measures to end such violations and sanction their perpetrators, the USSR had not failed to convey its recognition.

78. In reviewing the question of the protection, security and safety of diplomatic and consular missions and representatives, silence could not be maintained regarding the illegal acts perpetrated by Iraq against diplomatic and consular missions and representatives in Kuwait, including acts of violence and breaches of the inviolability of missions and of the immunity of their staff. Through its unprovoked aggression against Kuwait and its annexation of that country, Iraq had flagrantly violated the United Nations Charter, the principles of international law and all standards of morality and civilized conduct. It was to be hoped that Iraq would hear the voice of the world community and re-establish international order. The resolutions adopted by the Security Council, in particular resolution 667 (1990), should be applied unconditionally.

79. Consideration of the item by the General Assembly should contribute to ensuring strict compliance by all States with their international obligations regarding the status of missions and to strengthening the rule of law in the field of diplomatic relations. That indeed was the purpose of the presentation, pursuant to General Assembly resolution 42/154, of reports of serious violations of the protection, security and safety of diplomatic and consular missions. Delegations also should consider what other measures should be taken to enhance the protection, security and safety of diplomatic and consular missions and representatives, and should exchange views on ways to strengthen existing agreements on the subject - in particular, the régime established by the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations - as well as to

(Mr. Bykov, USSR)

accelerate the entry into force of other agreements, including the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character.

80. At a time when the world was emerging from the cold war and was moving from confrontation to dialogue and co-operation, and when relations between States were being expanded and broadened, thereby strengthening mutual understanding and trust, the already substantial role which diplomatic and consular missions played as instruments of communication and action would have to be increased. Accordingly, there was a practical necessity to enhance the protection and security of those missions and ensure that they were able to function normally, in the interest of all States.

81. Mr. MARTINEZ GONDRA (Argentina) observed that since the forty-third session of the General Assembly, serious acts of violence against diplomatic and consular officials or missions and internationally protected persons had hardly disappeared. In its note of 7 May 1990, his country drew the attention of the Secretary-General to a series of incidents which had occurred in various countries and which constituted serious violations of the personal immunity of Argentine diplomats and of Argentine State property. Those incidents had not been the work of individuals alone, for in some instances, certain States were implicated.

82. At the international level, legislative and administrative measures already in force should be supplemented by practical provisions which, with the agreement of the accredited diplomatic representatives in the country in question, would make it possible to enhance the security of delegations. Accordingly, instigators, organizers and perpetrators of attacks on the safety of missions and the security of diplomatic representatives and officials should be prosecuted. However, the most useful course of action would be to take preventive measures.

83. Also at the international level, strict compliance with diplomatic law and an increase in the number of signatories to international instruments would strengthen co-operation among States, which for his country was the key to success. Efforts therefore should be made to encourage accessions to the Vienna Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (1973).

84. His Government noted with deep concern the consequences of foreign military invasions and intervention in the territory of sovereign States and the impact of conflicts which threatened the security and immunity of diplomatic envoys and missions, as had occurred in Panama. He urged Iraq to comply with the provisions of Security Council resolutions 664 (1990) and 667 (1990). Lastly, he particularly urged the States Parties to the Vienna Conventions to refrain from any act incompatible with the objectives and purposes of those instruments and to strengthen respect - which was indispensable - for the inviolability and immunities established by treaties and through international custom.

85. Mr. HEROUY (Ethiopia) said that the blatant violations of the most basic norms of diplomatic relations taking place in certain regions, in Kuwait in particular, once again demonstrated that the item deserved thorough consideration. Like previous reports, the report of the Secretary-General (A/45/455 and Add.1) testified to an aberration in diplomatic relations: attacks on diplomatic missions and representatives were increasing, not to mention the many less serious violations which went unreported. Lamentations and exhortations would be of no avail unless the international community devised practical recommendations and took effective administrative and legal measures.

86. His country, which hosted 75 diplomatic missions and 20 international organizations, scrupulously fulfilled its obligations as a host State. Attacks against representatives of foreign States had been a criminal offence under Ethiopian law since 1957. His country had adequate domestic legislation for the protection of foreign States and their representatives. His Government would continue to discharge its obligations and was pleased that there had not been any violation on its soil of the protection, security and safety of diplomatic and consular missions and representatives.

87. His delegation welcomed the new ratifications of and accessions to the relevant international instruments, which demonstrated the universality of those instruments. However, that progress did not suffice, for it was also essential to adopt effective measures to ensure that their provisions were duly implemented. It was therefore necessary to continue with the current procedure for reporting violations in order to keep the international community aware of problems threatening relations among States. The practice should not become a routine one in which States perennially expressed indignation but did nothing. Administrative and legal measures must be adopted to enhance the protection of diplomatic personnel.

88. Beneficiaries of privileges and immunities also should be reminded scrupulously to observe and respect the laws, regulations and sensitivities of the receiving State, and should refrain from interference in its internal affairs. Unless the international community faced the problem squarely and gave it the consideration it deserved, in the long run abuses of diplomatic privileges and immunities would prove as detrimental to diplomatic relations as were attacks against missions.

89. Mr. ELHUNI (Libyan Arab Jamahiriya) said that his country deeply regretted the various acts of terrorism, assassinations and violence directed at certain diplomatic missions. It hoped that effective measures would be adopted - focusing mainly on protecting diplomatic premises - in order to ensure the effectiveness of diplomatic relations.

90. Libyan penal law already punished persons found guilty of attacks on the immunity of diplomatic missions. All countries should adopt legislation to that end in order to give effect to the relevant international conventions.

(Mr. Elhuni, Libyan Arab Jamahiriya)

91. His country also abided by all international laws on the protection of diplomats. The solidarity of the international community required that all countries respect international law, whether based on political tradition or on agreements. As the United Nations Legal Counsel had stated in his introduction to the report of the Secretary-General, the essence of the problem was strict compliance with all rules and agreements on the security and safety of diplomatic personnel and missions.

92. With regard to document A/45/325 (letter dated 27 June 1990 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General), he fully rejected the alleged violations described in the text, which he declared unfounded. It was most regrettable that such a far-fetched report had been submitted to the Sixth Committee.

93. Mr. U PE THE IN Thin (Myanmar), speaking in exercise of the right of reply, said that his country had been implicated at the preceding meeting with regard to the protection of diplomatic missions at Yangon, its capital. His country was a signatory to the Vienna Conventions and scrupulously observed their provisions. His country's record on respect of the safety of diplomatic personnel was every bit as good as that of other States. It regretted that certain States had considered some incidents to be serious violations and that the question had been politicized and blown out of proportion.

94. The incidents in question had not been premeditated acts, and representatives of the national protocol services had met with the head of the Yangon diplomatic corps to discuss the situation. Full details would be provided to the Committee in due course, so that its members could fully understand the situation.

95. The CHAIRMAN announced that the debate on agenda item 137 was now concluded.

The meeting rose at 12.55 p.m.