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

Report of the Sixth Committee

Rapporteur: Mr. Molefi PHOLO (Lesotho)

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: report of the Secretary-General" was included in the provisional agenda of the fortieth session of the General Assembly pursuant to paragraph 13 of Assembly resolution 39/83 of 13 December 1984.
2. At its 3rd plenary meeting, on 20 September 1985, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it a report of the Secretary-General (A/40/453 and Add.1-7), submitted pursuant to paragraph 12 of resolution 39/83, containing the reports and the views presented by States under paragraphs 8 and 10, respectively, of that resolution. The Sixth Committee also had before it a letter dated 8 October 1985 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the Secretary-General (A/C.6/40/3) and a letter dated 23 October 1985 from the Permanent Representative of Israel addressed to the Secretary-General (A/C.6/40/6).
4. The Sixth Committee considered the item at its 6th, 7th, 37th and 38th meetings, held on 2 and 3 October and 13 and 14 November. The summary records of those meetings (A/C.6/40/SR.6-7 and 37-38) contain the views of representatives who spoke during the consideration of the item.

5. At the 37th meeting, on 13 November, the representative of Norway introduced a draft resolution (A/C.6/40/L.11) sponsored by Argentina, Australia, Austria, Canada, Denmark, Ecuador, Finland, Germany, Federal Republic of, Iceland, Japan, Nigeria, Norway, the Philippines, Sierra Leone, Sweden, Turkey and Uruguay, later joined by the Ivory Coast (Côte d'Ivoire) and Mongolia.

6. At its 38th meeting, the Sixth Committee adopted draft resolution A/C.6/40/L.11 by consensus (see para. 7).

RECOMMENDATION OF THE SIXTH COMMITTEE

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

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

The General Assembly,

Having considered the report of the Secretary-General, 1/

Emphasizing the important role of diplomatic and consular missions and representatives, as well as of missions and representatives to international intergovernmental organizations and officials of such organizations, in the maintenance of international peace and the promotion of friendly relations among States and also the need for enhancing global understanding thereof,

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

Deeply concerned about the continued large number of failures to respect the inviolability of diplomatic and consular missions and representatives, and about the serious threat presented by such violations to the maintenance of normal and peaceful international relations, which are necessary for co-operation among States,

Alarmed by the increase of acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

1/ A/40/453 and Add.1-7.

Expressing its sympathy for the victims of illegal acts against diplomatic and consular representatives and missions, as well as against representatives and missions to international intergovernmental organizations and officials of such organizations,

Emphasizing the duty of States to take all appropriate steps, as required by international law:

(a) To protect the premises of diplomatic and consular missions, as well as of missions to international intergovernmental organizations,

(b) To prevent any attacks on diplomatic and consular representatives, as well as on representatives to international intergovernmental organizations and officials of such organizations,

(c) To apprehend the offenders and to bring them to justice,

Noting that, in spite of the call by the General Assembly at its previous sessions, not all States have as yet become parties to the relevant conventions concerning the inviolability of diplomatic and consular missions and representatives,

Convinced that the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later General Assembly resolutions are important steps in the efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

Desiring to maintain and further strengthen those reporting procedures,

1. Takes note of the report of the Secretary-General;
2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts cannot be justified;
3. Emphasizes the importance of enhanced awareness throughout the world of the necessity of ensuring the protection, security and safety of such missions, representatives and officials, as well as of the role of the United Nations in this regard;
4. Urges States to observe and to implement the principles and rules of international law governing diplomatic and consular relations and, in particular, to take all necessary measures in conformity with their international obligations to ensure effectively the protection, security and safety of all diplomatic and consular missions and representatives officially present in territory under their jurisdiction, including practicable measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions and representatives;

5. Calls upon States to take all necessary measures at the national and international levels to prevent any acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and in accordance with national law and international treaties to prosecute or extradite those who perpetrate such acts;

6. Recommends that States should co-operate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to exchange of information on the circumstances of all serious violations thereof;

7. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

8. Calls upon States, in cases where a dispute arises in connection with a violation of the principles and rules of international law concerning the inviolability of diplomatic and consular missions and representatives, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General;

9. Requests:

(a) All States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives;

(b) The State in which the violation took place - and, to the extent applicable, the State where the alleged offender is present - to report as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and on measures adopted with a view to preventing a repetition of such violations;

10. Requests the Secretary-General:

(a) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 9 above, unless the reporting State requests otherwise;

(b) When a serious violation has been reported pursuant to paragraph 9 (a) above, to draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 9 above;

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

12. Further requests the Secretary-General to submit to the General Assembly at its forty-first session a report containing:

(a) Information of the state of ratification of, and accessions to, the instruments referred to in paragraph 7 above;

(b) The reports received and views expressed pursuant to paragraphs 9 and 11 above;

13. Also requests the Secretary-General to prepare and to circulate to all States by 31 July 1986 a survey of the operation, since their establishment, of the reporting procedures provided for in paragraph 9 above, with a view, in particular, to their strengthening;

14. Invites the Secretary-General also to submit to the General Assembly at its forty-first session any views he may wish to express on the matters referred to in paragraphs 12 and 13 above;

15. Decides to include in the provisional agenda of its forty-first session the item entitled "Considered of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: report of the Secretary-General".
