



SUMMARY RECORD OF THE 22nd MEETING

Chairman: Mr. FRANCIS (Jamaica)

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SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES;
REPORT OF THE SECRETARY-GENERAL

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The meeting was called to order at 10.35 a.m.

AGENDA ITEM 128: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES; REPORT OF THE SECRETARY-GENERAL (A/41/547 and Add.1, A/41/354, A/41/656-S/18366; A/C.6/41/3)

1. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel), introducing the Secretary-General's report (A/41/547 and Add.1), said that section II, subsection A, contained 11 reports received received from States pursuant to paragraph 9 of General Assembly resolution 40/73. Only eight States had reported violations of the protection, security and safety of diplomatic and consular missions and representatives. That was a relatively low figure and, in that sense, encouraging. Unfortunately, several of those eight reports referred to a series of violations, so that the total number of incidents was far higher than the number of communications; moreover, it was unlikely that all the incidents which had occurred over the 12-month period had been communicated to the Secretary-General under the reporting procedures established by the General Assembly.
2. In section II, subsection B, which contained views received from States pursuant to paragraph 11 of General Assembly resolution 40/73, various measures were suggested to enhance the security and safety of diplomatic and consular missions and representatives, including expediting the ratification of the relevant international conventions, strengthening practical co-operation between sending and receiving States, and improving police protection for diplomatic and consular missions and representatives.
3. With regard to section III of the report, concerning ratifications of and accessions to the relevant international instruments, he said that between 3 August 1985 and 6 August 1986, two additional States had become parties to the 1961 Convention on Diplomatic Relations and the 1963 Convention on Consular Relations. Another State (Saint Lucia) had become a party to both Conventions by a notification of succession dated 27 August. He also pointed out that, since 1985, one additional State had become a party to the two Optional Protocols to the Convention on Consular Relations, and the number of States parties to the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, had increased by five to a total of 68.
4. The annex to the report essentially contained a description of the way in which the reporting procedures had functioned during the past five years; paragraphs 5, 11 and 12 gave some suggestions based on experience, which the Committee might wish to consider.
5. In paragraph 6 it was noted that the Secretary-General had treated the reports of serious acts of violence directed at international organizations or their personnel in the same way as those relating to diplomatic and consular missions and representatives. In so doing, he had been guided by the following considerations: firstly, several preambular and operative paragraphs of the relevant General

(Mr. Fleischhauer)

Assembly resolutions placed staff members of international intergovernmental organizations on the same footing as diplomatic and consular representatives and representatives to such organizations, which would suggest that the General Assembly did not wish to differentiate among the three categories of persons in respect of their protection, safety and security; secondly, staff members of international intergovernmental organizations, since they had become targets of acts of violence, needed, and should be granted, the same protection as diplomatic and consular representatives, especially as they did not work for or against the interests of any country or group of countries; lastly, the acts of violence against such staff members were attacks not only on individuals, but also on the values represented by those organizations, and thus had particularly adverse effects on the quality of international life.

6. The Secretary-General was aware of the importance which the diplomatic community, including the missions to the United Nations, attached to the enhancement of the protection, security and safety of diplomatic and consular representatives and missions. Accordingly, he had repeatedly affirmed that attacks on diplomatic personnel were an assault on the very notion of the harmonious organization of international relations. The Secretary-General welcomed the fact that the General Assembly had enabled him to help improve the situation in that field, not only by having him co-operate closely in the implementation of reporting procedures, but also by drawing States' attention to the possibility of resorting to the good offices of the Secretary-General in the event of a dispute concerning the inviolability of diplomatic and consular missions and representatives.

7. Mr. KOURULA (Finland), speaking on behalf of the five Nordic countries, said they deeply regretted that serious acts of violence against diplomatic and consular missions and representatives had again taken place during the past year in various parts of the world. The measures called for in General Assembly resolution 40/73 therefore continued to be of the highest importance. It was imperative that every State should take the necessary steps to ensure the protection of such representatives in its territory, and effective protection should also be provided for missions and representatives to international intergovernmental organizations and for officials of such organizations. The Nordic delegations therefore reiterated their appeal to all States that had not yet done so to become parties to the relevant international conventions.

8. The reporting procedures concerning serious violations of the protection, security and safety of diplomatic and consular missions and representatives had served a useful function by drawing attention to the violations which had taken place, as well as to the measures taken to bring the offenders to justice. The Nordic delegations noted with great interest the suggestions made in the annex to document A/41/547 for the improvement of the reporting procedures, and it was their intention to have those suggestions, where applicable, included in the resolution to be submitted at the current session.

(Mr. Kourula, Finland)

9. The Secretary-General's report would be more comprehensive if States where no serious violations had occurred were so to inform the Secretary-General. Furthermore, the idea of follow-up reporting deserved particular emphasis. The Nordic delegations shared the Secretary-General's view that reports concerning acts of violence against representatives to international intergovernmental organizations and officials of such organizations could be treated in the same way as those relating to diplomatic and consular missions and representatives.

10. The Nordic delegations attached great importance to the suggestions made by States to the effect that the Secretary-General should develop and oversee a standardized reporting procedure. They also placed a high value on the establishment and maintenance of close contacts between the sending and receiving States in implementing practical measures to ensure the inviolability of diplomatic and consular missions. The systematic compilation of the measures taken by States to prevent the repetition of such violations would undoubtedly provide useful guidance to other States in their efforts to prevent such incidents. However, the Nordic delegations felt that the details of required safety measures were subject to local conditions and should remain confidential. Moreover, while the sending States were entitled to expect the best possible protection for their diplomatic and consular representatives, such representatives must scrupulously respect the laws of the receiving States.

11. The Nordic delegations felt that the resolution adopted at the previous session provided a solid basis for work at the current session. They were encouraged, moreover, by the constructive spirit of the deliberations at the previous session. It was their intention to submit a shorter text than that of General Assembly resolution 40/73, although they acknowledged that an abridgement must not take place at the expense of substance. They felt that the item might perhaps be considered every other year in order to avoid its routine treatment.

12. Mr. GAUDREAU (Canada) said that it had been five years since the General Assembly had laid down, in its resolution 36/33, procedures for States to report measures taken to bring to justice violators of the protection, security and safety of diplomatic and consular missions and representatives. He thanked the Secretary-General for his efforts in that regard and noted that, in General Assembly resolution 40/73, the Secretary-General had been requested to prepare and to circulate to all States a survey of the operation, since their establishment, of the reporting procedures, with a view to the strengthening of those procedures. Also, in paragraph 11 of that resolution, the General Assembly had requested 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. The Secretary-General had noted in paragraph 5 of the annex to his report (A/41/547) that many violations remained unreported and that the picture derived from his reports was a fragmentary one.

13. It was therefore necessary to be more vigilant, and it was in that spirit that Canada had submitted the recommendations contained in section II, subsection B of the Secretary-General's report. His delegation looked forward to hearing the comments of other delegations on the best way to improve the procedures. In that regard, there was enough material for reflection to justify the inclusion of the item in the agenda of the forty-second session.

14. Mr. LÜTEM (Turkey) said that his country attached great importance to the current item. It deserved the Committee's careful consideration at a time when violations of the security and safety of diplomatic and consular missions and representatives were increasing and were affecting the lives of other categories of persons also. His Government was gratified at the condemnation expressed by world leaders following the recent atrocities committed against innocent people in Turkey.

15. Some of the views on international terrorism expressed in the general debate at the current session of the General Assembly might serve to guide the Committee's deliberations. In the Assembly the need for increased international co-operation in eradicating the underlying causes of terrorism had been stressed, together with the need to adopt measures for a joint organized response. The suggested measures included: a clear repudiation of leniency towards terrorism; measures at the regional level and in the context of the United Nations; co-operation in improving airport security and the safety of travel by sea; measures to reduce the opportunities for terrorist activities; the formulation, on the basis of international consensus, of special extradition procedures; an agreement on the prosecution and extradition of all persons perpetrating acts of violence at international airports; and an international agreement on co-operation among States in combating terrorism that would remove loopholes in the existing instruments.

16. Turkey had taken anti-terrorism measures at the national level, in accordance with Assembly resolution 40/73. But they could not prevent or combat international terrorism. His country therefore attached the greatest importance to international co-operation in that field, including co-operation under the terms of regional and multilateral agreements.

17. The report of the Secretary-General (A/41/547 and Add.1) clearly showed that the reporting procedures established at the thirty-fifth session of the General Assembly were working. However, his delegation believed that they could be further improved. In that connection, he considered that the Canadian suggestions contained in section II, subsection B, of the report deserved particular attention. The following would improve existing reporting procedures: the Secretary-General, following serious violations of diplomatic immunity, should request the States concerned to report the circumstances of the violations or actions taken to secure the safety of the missions or representatives involved; to further assist States in reporting, the Secretary-General should also prepare a form embodying the relevant questions.

18. Of the suggestions on reporting procedures formulated by the Secretariat and contained in the annex to the report, he considered that the following could be incorporated in the draft resolution on the current item: even if, in the course of a given year, no serious violation of the protection, security and safety of diplomatic and consular missions and representatives had occurred, States should so inform the Secretary-General; the Secretary-General should be requested to send, a few weeks before the issuance of his yearly report on the item, a circular note to all States, asking them to indicate whether they had any violations to report for the preceding 12 months; the Secretary-General should be requested to address reminders to any State where a violation had occurred, if no follow-up report had been forthcoming from that State within a given period of time; the Secretary-General should be requested to prepare a systematic compilation of

(Mr. Lütem, Turkey)

measures taken to prevent the repetition of violations, as well as practical suggestions by States aimed at enhancing the protection, security and safety of diplomatic and consular missions and representatives.

19. His delegation proposed that there should be international co-operation in the formulation of appropriate provisions to control the sale of arms, explosives and ammunition, in police investigations, in immigration controls and identity checks, and in the international exchange of information concerning the protection of public places. His Government was opposed to the granting of asylum to so-called political fugitives.

20. States had a fundamental obligation to ensure the security of missions and their representatives. In the effort to combat international terrorism, countries should harmonize their domestic laws with international treaties and fulfil their obligations under those treaties.

21. Mr. SANGSOMSAK (Lao People's Democratic Republic) said that the universally recognized obligation to protect diplomatic and consular representatives had not been duly respected. In recent years, diplomatic and consular missions and representatives had been subjected to administrative harassment and acts of terrorism, which were causing relations between States to deteriorate. His delegation had therefore welcomed the unanimous adoption by the General Assembly of resolutions confirming the urgency of the problem and the serious concern of the international community. It appeared from those resolutions that all States were in agreement on the need for measures to be taken by receiving States against the authors of acts of violence against diplomatic and consular missions and representatives. The receiving State must comply with the relevant principles and norms of international law.

22. Receiving States had an obligation to protect international organizations to which diplomatic missions were accredited. States which harboured in their territory groups openly engaged in hostile activities against neighbouring or other countries also had binding obligations. It was the duty of the receiving State to control the activities of such groups in order to prevent them from disrupting the work of diplomatic and consular missions and representatives. Moreover, the receiving State must not use such groups for propaganda purposes or to demonstrate hostility against the representatives of States whose policies displeased it. Tolerance towards such groups encouraged their criminal activities and made the receiving State appear to be an accomplice.

23. His country attached particular importance to the function of diplomacy and therefore to the protection of the diplomatic and consular missions and representatives accredited to it. It was pleased to inform the Committee that during the past year there had been no violations in its territory of the type referred to in paragraph 9 of resolution 40/73. The year 1986 marked the twenty-fifth anniversary of the adoption of the Vienna Convention on Diplomatic Relations, and his delegation was prepared to support any draft resolution that would reflect the importance of that event.

The meeting rose at 11.40 a.m.