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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: Miss Salwa Gabriel BERBERI (Sudan)

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 thirty-seventh session of the General Assembly pursuant to paragraph 12 of General Assembly resolution 36/33 of 13 November 1981.
2. On the recommendation of the General Committee, the General Assembly, at its 4th plenary meeting, on 24 September 1982, decided to include the item in the 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/37/404 and Corr.1, Add.1 and Add.1/Corr.1 and Add.2 and 3) submitted pursuant to paragraph 11 of resolution 36/33, containing the reports and the views presented by States under paragraphs 7 and 9 respectively of that resolution. After the Sixth Committee concluded the consideration of the item, additional reports submitted under paragraph 7 of the same resolution were circulated in document A/37/404/Add.4.
4. The Sixth Committee considered the item at its 14th to 17th and 58th meetings, held from 12 to 14 October and on 30 November. The summary records of those meetings (A/C.6/37/SR.14-17 and 58) contain the views of representatives who spoke during the consideration of the item.

5. At the 58th meeting, on 30 November, the representative of Norway introduced a draft resolution (A/C.6/37/L.18 and Corr.1) 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.
6. At the same meeting, the Sixth Committee adopted draft resolution A/C.6/37/L.18 and Corr.1 without a vote (see para. 8 below).
7. At the same meeting, the representative of Poland made a statement in explanation of the position of his delegation.

RECOMMENDATION OF THE SIXTH COMMITTEE

8. 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 submitted under the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives", 1/

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;

Deeply concerned about the continued large number of violations of, and 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,

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,

1/ A/37/404 and Corr.1, Add.1 and Add.1/Corr.1 and Add.2-4.

Noting that only a small number of States have so far, in response to the call by the General Assembly at its thirty-fifth and thirty-sixth sessions, 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 Assembly resolution 36/33 of 13 November 1981 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;
3. 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;
4. Recommends that States should co-operate closely, inter alia through 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;
5. 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, inter alia the Vienna Convention on Diplomatic Relations of 1961, 2/ the Vienna Convention on Consular Relations of 1963, 3/ and the respective optional protocols thereto, as well as the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; 4/

2/ United Nations, Treaty Series, vol. 500, No. 7310, p. 95.

3/ Ibid., vol. 596, No. 8638, p. 261.

4/ Resolution 3166 (XXVIII), annex.

6. 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;

7. Invites:

(a) All States to report to the Secretary-General 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;

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

9. 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;

10. Requests the Secretary-General, when a serious violation has been reported pursuant to paragraph 7 (a) above, to draw the attention, when appropriate, of the States directly concerned to the reporting procedures contained in paragraph 7 above;

11. Requests the Secretary-General to submit to the General Assembly at its thirty-eighth session a report on the state of ratification of, and accessions to, the instruments referred to in paragraph 5 above, as well as the reports received and views expressed pursuant to paragraphs 7 and 9 above, and invites him to submit any views he may wish to express on these matters;

12. Decides to include in the provisional agenda of its thirty-eighth session 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".
