



SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. DENG (Sudan)

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AGENDA ITEM 132: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES: REPORT OF THE SECRETARY-GENERAL (continued)

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

AGENDA ITEM 132: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES; REPORT OF THE SECRETARY-GENERAL (continued) (A/43/527; A/43/527/Add.1; A/43/574)

1. Ms. DASCALOPOULOU-LIVADA (Greece), speaking on behalf of the 12 member States of the European Economic Community, said that the Secretary-General's report (A/43/527) showed once again that diplomatic and consular missions and representatives continued to be the target of various types of attack in different parts of the world, including member countries of the European Economic Community. The Twelve, reiterating their vigorous condemnation of those abhorrent acts, were deeply concerned about their continued occurrence, representing as they did crimes which, apart from the devastating effect they often had on the lives of individuals, often had more far-reaching consequences in that, by attacking persons entrusted with the task of maintaining and promoting friendly relations between States, they were likely to jeopardize such relations.
2. The Twelve were also concerned by the violations of diplomatic and consular privileges which had occurred in the past twelve months: it was essential that all States should scrupulously respect the obligations incumbent on them by virtue of general international law and the relevant international conventions, since the effect of any lapse by a State was to weaken the framework of international relations.
3. The Twelve remained determined to use all lawful means available to them under general international law and the relevant international conventions in order to prevent violations of the immunities and privileges of diplomats, to combat crimes against them and to strengthen international co-operation to that end.
4. In point of fact, privileges and immunities were not granted to missions and representatives for their personal benefit, but rather to enable them to perform their functions smoothly and effectively to the benefit of international relations as a whole. While sending States were entitled to expect that their diplomatic and consular missions and representatives would be adequately protected and their privileges and immunities strictly observed, it was also essential that such missions and representatives should operate strictly within the limits prescribed by international law and, in particular, that they should fully respect the laws and regulations of the receiving State. By abusing their privileges and immunities, missions and representatives could only undermine the public's understanding of the need to respect them.
5. It was thus imperative that all States should fully observe the obligations imposed on them by both general international law and the relevant conventions. In that respect, the international instruments in force covered all aspects of the question, and the Twelve hoped that States which had not yet done so would soon become parties to the Conventions concerned. However, the main difficulty lay not

(Ms. Dascalopoulou-Livada, Greece)

so much in the lack of international instruments as in the fact that States were not determined to apply the existing instruments to the full. It was therefore in that area that efforts should be concentrated.

6. In conclusion, while welcoming the useful reporting procedure established by resolution 35/168, the Twelve thought that only serious violations should be reported. Lastly, in view of the decline in the number of serious incidents and the efforts made to rationalize the work of the General Assembly, the Twelve agreed with the Nordic countries that the Assembly should only consider the item every two years.

7. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that diplomatic and consular relations were essential to the maintenance of harmonious and civilized relations between States; they were based on firmly established legal foundations and international agreements which every State was obliged to respect. In practice, unfortunately, the situation was not very satisfactory, and the General Assembly was considering means of strengthening the protection, security and safety of diplomatic and consular missions and representatives.

8. In the view of the USSR, States must be made more keenly aware of their responsibilities in that regard. The receiving States, particularly in the case of a host country, must take the necessary measures to put an end to hostile acts against missions and to punish those responsible for them: it was a matter not only of the safety and the actual lives of diplomatic and consular representatives, but also of the stability of relations between States. It was accordingly necessary to take preventive measures, particularly with regard to acts of terrorism committed against diplomats; such measures were an important aspect of the struggle against terrorism. Of course, representatives and missions themselves had a duty to comply with the laws and regulations of the host country and to refrain from abusing their privileges and immunities.

9. It would therefore be necessary to devise measures calculated to strengthen the régime of the 1961 Vienna Convention on Diplomatic Relations and to speed up the entry into force of the 1975 Convention. He hoped that consideration of all the problems arising from the protection, security and safety of diplomatic and consular missions and representatives would promote international co-operation in that area and would create the necessary conditions for the smooth functioning of missions.

10. Mr. MIKULKA (Czechoslovakia) said that consideration of effective measures aimed at strengthening the protection, security and safety of diplomatic and consular missions and representatives deserved the continuing attention of the Sixth Committee inasmuch as they constituted a basic requirement for the proper functioning of diplomatic relations, whose importance did not need to be explained. In that connection, the Secretary-General's report was a major contribution to promoting greater awareness among States of the seriousness of the phenomenon of violence and terror against diplomats and to informing them of the current status of the struggle against that scourge.

(Mr. Mikulka, Czechoslovakia)

11. In particular, the procedure established by paragraph 9 of General Assembly resolution 42/154 had undoubtedly helped to strengthen international co-operation in that field. It was for that reason that attacks against diplomatic and consular missions and representatives had declined in recent years. It was encouraging that a number of the communications from States reproduced in the Secretary-General's report merely noted the absence of violations affecting diplomatic missions and representatives.

12. Czechoslovakia was systematically taking all necessary measures to ensure that all missions and representatives accredited in its territory enjoyed maximum security and the most favourable conditions for carrying out their functions, without discrimination or distinction. It was thus able to report that in recent years there had been no violations of the type referred to in paragraph 9 of resolution 42/154.

13. Czechoslovakia, which had long been a party to the three main instruments of diplomatic and consular law mentioned in the report, namely the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, welcomed the fact that the number of States parties to the relevant conventions had increased. Czechoslovakia, which had ratified the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character some years previously, had recently notified the Secretary-General, pursuant to section 43 of the 1947 Convention on the Privileges and Immunities of the Specialized Agencies, that the Convention would be applied to three further specialized agencies in addition to the eight agencies to which the Convention had initially applied.

14. He was surprised that the instruments of diplomatic law which governed the status and protection of representatives of States to international organizations were not always subject, from the point of view of the status of their ratification, to the same scrutiny as those instruments referred to in chapter III of the Secretary-General's report. His delegation, like other delegations, had raised the issue on a number of occasions in the Committee, without receiving a satisfactory reply. It therefore hoped that, in his next report, the Secretary-General would provide information on the status of the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Vienna Convention on Relations between States and International Organizations of a Universal Character, all of which were as important as the instruments referred to in chapter III of the report under consideration.

The meeting rose at 10.40 a.m.