

United Nations

**GENERAL  
ASSEMBLY**

THIRTY-EIGHTH SESSION

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OCT 24 1983

SIXTH COMMITTEE

9th meeting

held on

Monday, 10 October 1983

at 10.30 a.m.

New York

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SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. GASTLI (Tunisia)

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OF THE SECRETARY-GENERAL (continued)

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Distr. GENERAL

A/C.6/38/SR.9

14 October 1983

ENGLISH

ORIGINAL: SPANISH

The meeting was called to order at 10.50 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 (continued) (A/38/379 and Add.1; A/38/60-S/15548; A/38/384)

1. Mr. PARGA (Chile) said that Chile had always attached the utmost significance to the protection of the diplomatic function, because of the important role of diplomacy in promoting dialogue between States. Measures to guarantee the security and safety of those who performed that function were the responsibility of the international community and were related to the commitment to maintain peace and the promotion of international co-operation.
2. In keeping with that position, Chile had supported from the outset the international community's efforts to formulate international instruments and had ratified the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the International Convention against the Taking of Hostages, the Convention on Special Missions and the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character.
3. The accounts of the attacks given in the Secretary-General's report (A/38/379 and Add.1) deserved special attention. It was hoped that the Governments concerned would enforce the laws and punish the perpetrators of those criminal acts. It was regrettable that there had been few ratifications of the relevant United Nations conventions in 1983. His delegation believed that the General Assembly should renew the call to Member States which had not yet ratified those conventions to consider doing so as soon as possible.
4. The political will of Governments to comply faithfully with their obligations was as important as clear legal norms. The receiving States should afford the protection required under international law to the accredited diplomatic and consular representatives and missions. That meant that the receiving States had an obligation to adopt the relevant preventive, as well as punitive, measures. For their part, the Governments of the sending States had to ensure that their envoys refrained from interfering in the internal affairs of the receiving State and abided by its laws and regulations.
5. Accordingly, his delegation believed that the General Assembly should stress those elements and devise new formulas and measures to improve the existing system for the protection of the diplomatic function.
6. Mr. AKDAG (Turkey) stated that the alarming increase in acts of terrorism in all parts of the world reflected the inadequacy of the efforts, both at the national and at the international levels, to eradicate that scourge. Many acts of terrorism had been committed by groups of Armenian terrorists against Turkish and other officials and diplomats. The toll, in 1982 and so far in 1983, had been 28 dead and 119 wounded. The target of those bloody attacks was not only Turkey, but all the countries of the world and mankind as a whole.

(Mr. Akdag, Turkey)

7. Turkey believed in the need for international co-operation to combat terrorism. Accordingly, the President of the Republic of Turkey, the Prime Minister and the Minister for Foreign Affairs had, on several occasions, appealed to all the countries of the world to launch a firm and resolute campaign against terrorism. It was encouraging to note that those appeals had met with a favourable response, as reflected in the Final Act of the Conference on Security and Co-operation in Europe and the statement by the President of the United States of America on 28 July 1983. The Government and people of Turkey hoped that that major development would be translated, at the United Nations, into effective action to eradicate terrorism, which endangered human rights and fundamental freedoms and violated the purposes and principles of the Organization.

8. The reporting system established by resolution 35/168 and improved by resolutions 36/33 and 37/108 had produced good results. It should be continued and further improved so that it could become an effective tool in combating acts of violence. His delegation was pleased that the Committee on Information had adopted a recommendation appealing to the relevant United Nations organs to alert world public opinion to the Organization's activities in that area. It would be useful for the General Assembly to keep the item in the agenda of its future sessions with a view to adopting appropriate measures to tackle the situation. It was important to call on all States which had not yet done so to consider becoming parties to the conventions relevant to the protection, security and safety of diplomatic and consular missions and representatives.

9. Another important aspect of the anti-terrorism campaign was the punishment of offenders. The sympathy, moral or material support, and impunity enjoyed by those criminals in some countries only served to encourage their crimes and to increase the number of victims. States should adopt the necessary legislative and administrative measures to pursue, apprehend and prosecute the criminals.

10. The most important aspect of the anti-terrorism campaign was undoubtedly the observance and enforcement of the rules of international law in that area. States, including those that were not parties to the relevant conventions, should scrupulously abide by the principles and norms of international law governing diplomatic and consular relations; they had an obligation to take all necessary steps to guarantee the protection, security and safety of all diplomatic and consular missions and representatives in the territory over which they had jurisdiction. In particular, they had an obligation to prohibit the illegal activities of individuals, groups or organizations encouraging, inciting, organizing or committing acts against the security and safety of such missions and representatives.

11. The United Nations should consequently consider and define the responsibility of a State which failed to offer adequate protection in accordance with the principles and rules of international law, as well as its obligation to provide compensation for damage to diplomatic and consular missions and representatives. The Secretary-General should intercede with the States concerned with a view to obtaining such compensation; his mandate should be broadened so that he could effectively carry out that task.

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12. Mr. CULLEN (Argentina) said that, since the item on the protection, security and safety of diplomatic and consular missions and representatives had first been included in the agenda, Argentina had been reiterating its desire to co-operate in strengthening the measures in that area. The report gave some reason for optimism, since the number of incidents had decreased from the previous year. However, several extremely serious incidents had occurred.

13. The reporting system was being used more widely, the relevant data were being supplied both by the States whose officials had been the victims of attacks and by the States in whose territory the acts had been committed. Details had been included regarding the outcome of proceedings against the offenders. As far as Argentina was concerned, it was gratifying that there had been no major incidents during the period 1 January to 31 December 1982. It had to be recognized, however, that the conditions conducive to such attacks still existed. The item, part of the broader question of the establishment and maintenance of guarantees and conditions for the untrammelled development of international relations, was of profound concern to Argentina.

14. His delegation believed that the international community should continue considering the item and devise new ways of giving effect to the concept of State responsibility. Argentina also believed that the system of exchanging information should continue. It was very useful for Governments to submit their views and for those views to be taken into account.

15. With regard to section III of the report, it was hoped that the process of accessions to the relevant conventions could be expedited. Argentina had ratified the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. In March 1982, it had acceded to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

16. Mr. GOERNER (German Democratic Republic) said that his country believed that consideration of the agenda item before the Committee was extremely useful and timely and that it was imperative to ensure that the activities of diplomatic agents and other official representatives of States, whose mission consisted in maintaining the political dialogue at both the bilateral and multilateral levels and achieving peaceful conciliation of the legitimate interests of all States through negotiations, were not impeded. All States must therefore assume a greater degree of responsibility for ensuring the protection and security of foreign official missions located in their territory.

17. In view of the fact that diplomatic, consular and other relations were important instruments for preserving international peace and security, the representatives of the States participating in the Conference on Security and Co-operation in Europe had declared, in the Final Act of the Conference, their determination to do their utmost to provide the necessary security to all diplomatic and consular representatives in their territory.

(Mr. Goerner, German Democratic Republic)

18. The German Democratic Republic was of the view that it was important that all States should consistently fulfil their obligations under international conventions and live up to the generally recognized principles of international law, including the enactment and effective enforcement of the domestic legislation required. Furthermore, it was incumbent upon the representatives of foreign countries strictly to observe the laws and regulations of the receiving country.

19. As a State sending numerous diplomatic and other official missions, his country conscientiously fulfilled all its obligations in that connection and, as a receiving State, adopted all the necessary measures to ensure the effective protection of such missions and their representatives.

20. Multilateral diplomacy had gained in importance over the past few years, and greater attention must be paid to the protection and inviolability of missions accredited to international organizations. It was unfortunate that the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character of 1975 had not yet entered into force.

21. Since it was in the interest of all States that the Convention should take effect as early as possible, his delegation proposed that the relevant resolution on the agenda item under consideration should call upon those States that had not yet acceded to the Convention to consider the possibility of doing so. Furthermore, it proposed that the Secretariat should take account of the Convention in its report on the state of ratification of and accessions to conventions concerning the protection and security of official missions and representatives. It was essential for the organizations of the United Nations system and other international organizations and for the missions accredited to them that the receiving country should guarantee normal working conditions. Campaigns aimed at discrediting the Organization or at generating hostility towards certain representatives accredited to the United Nations or other international organizations and attacks on diplomats and other official representatives were gross violations of international law that were to be strongly and unanimously condemned.

22. His delegation also thought it appropriate to reaffirm, in the relevant resolution on the agenda item under consideration, the principle of international State responsibility for the violation of the obligation to guarantee the protection and security of foreign missions and representatives, as well as the obligation of the State to pay compensation for any damage resulting from such a violation.

23. Mr. BERMAN (United Kingdom) said that he had not intended to intervene in the debate, but the horrible tragedy that had taken place at Rangoon over the weekend, in which the Minister for Foreign Affairs of the Republic of Korea, the Ambassador of that country to Burma and other high-ranking officials had been killed, had made it necessary for him to speak in order to express his delegation's outrage. He expressed his sympathy and joined with those who had requested the Burmese authorities to make every effort to bring the perpetrators of that attack to justice.

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24. Mr. AENA (Iraq) said that attacks against diplomatic and consular missions and representatives were becoming more frequent and that it was necessary to intensify the security of missions and to put an end to terrorist activities. To achieve that goal, it was necessary to have the co-operation of all the parties concerned, including the United Nations, which must establish the international responsibility of States that tolerated such activities in their territory.

25. Furthermore, it was necessary to promote implementation of the relevant United Nations resolutions and to strengthen the reporting procedure laid down in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973.

26. Experience showed that the measures adopted in that area had met with only limited success, and his delegation hoped that in time the system would improve as a result of the further efforts that were being made, although it should be borne in mind that not all countries had at their disposal the advanced protective technical equipment available to the developed countries.

27. It was also necessary to implement and complement existing conventions, including the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, the Convention on Special Missions, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973 and the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, and he urged all States that had not yet acceded to the conventions in question to do so. Those conventions constituted a precise and complete legal régime concerning diplomatic and consular relations. However, if the conventions were to be implemented, States must ratify them and accede to them. Since not all States had done so, his delegation believed that the item under consideration should continue to be included in the agenda. Furthermore, countries should be encouraged to adopt legislation in the area in question. In Iraq the 1969 Penal Act contained relevant provisions, and violations were punished in accordance with the rules on offences committed against public officials. He also wished to point that the Government of Iraq had ratified all the conventions to which he had just referred and that it was implementing them resolutely and expeditiously.

28. Mr. YIMER (Ethiopia) said that the question before the Committee was of great significance for international relations. In today's interdependent world, diplomatic and consular relations were more important than ever, as demonstrated by the increase in the number of diplomatic and consular missions, showing the need for the protection of missions. Furthermore, the growing complexity of international relations and the consequent need for clarity and certainty in the relevant rules had made it necessary to codify the rules governing diplomatic and consular intercourse, first of all in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations and, more recently, in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973.

(Mr. Yimer, Ethiopia)

29. Despite the fact that those conventions contained clear and exhaustive rules on the protection and security of diplomatic and consular missions and representatives, virtually every year there were further infringements of their inviolability. Moreover, as indicated in the report of the Secretary-General (A/38/379 and Add.1), such violations were an increasingly serious problem. The United Nations must therefore continue to consider the question of the protection, security and safety of diplomatic and consular missions and representatives and, in particular, carry on with the reporting procedure in order to make the international community aware of the threat to the stability of international relations.

30. States themselves should adopt the necessary administrative and legal measures to enhance the protection of diplomatic and consular missions and representatives. His country was among the States parties to the Vienna Convention on Diplomatic Relations, and the Penal Code of Ethiopia provided for the punishment of violations of international law, including offences committed against representatives of foreign States. He was happy to say that in Ethiopia there had not been any violations of the protection, security and safety of diplomatic and consular missions and representatives.

31. As indicated in article 41 of the Vienna Convention on Diplomatic Relations, diplomatic and consular representatives had a duty not to interfere in the internal affairs of the receiving State, which was a principle that should be borne in mind by both the receiving and the sending State.

The meeting rose at 11.45 a.m.