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SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. DENG (Sudan)

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OF THE SECRETARY-GENERAL

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The meeting was called to order at 3.10 p.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 (A/43/527 and Add.1, A/43/574)

1. **Mr. FLEISCHHAUER** (Under-Secretary-General, The Legal Counsel), introducing the report of the Secretary-General on item 132 (A/43/527 and Add.1), recalled that the item had first been included in the agenda of the General Assembly in 1980, at the initiative of the Nordic countries. The General Assembly had always recognized the important role of diplomatic and consular missions and representatives, and of missions and representatives to the intergovernmental international organizations and their officials, in maintaining international peace and fostering friendly relations between States.
2. The procedure for reporting under the item, which had been modified on various occasions, was currently as established by resolution 42/154 of the General Assembly.
3. Section II.A of the report concerned new violations reported by States and included additional information on one case that had been reported previously. Before publication of the report of the Secretary-General, a note dated 1 July 1988 had requested all States, in accordance with paragraph 10 (d) of General Assembly resolution 42/154, to state whether there had been any violations during the 12 preceding months. Section II.B of the report contained the views received from States pursuant to paragraph 11 of General Assembly resolution 42/154. Section III contained information, submitted in accordance with paragraph 12 of General Assembly resolution 42/154, on the state of ratification of and accessions to the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963 and the respective optional protocols thereto, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973. After consideration of the item by the Sixth Committee during the forty-second session, Albania, Dominica and Samoa had become parties to the Vienna Convention on Diplomatic Relations of 1961; Saudi Arabia, Dominica, Guinea and Samoa had become parties to the Vienna Convention on Consular Relations of 1963, and Oman and the Syrian Arab Republic had become parties to the 1973 Convention, all of which constituted most encouraging evidence of the desire to strengthen compliance with the norms of international law governing diplomatic and consular relations.
4. At its forty-second session, the General Assembly had emphasized 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 that regard.
5. **Mr. HILLO** (Finland), speaking on behalf of the five Nordic countries, said that on introducing the item to the Committee in 1980, the Nordic countries had stressed the serious and urgent nature of the matter. More recent experience had clearly indicated that the deep concerns expressed were shared by the international community

(Mr. Hillo, Finland)

as a whole. During the preceding year there had been further reports of violations of the safety of diplomatic and consular missions and representatives, although it was to be hoped that the decreasing number of incidents reported was a sign that actual violations were becoming less frequent.

6. The norms and principles of international law governing diplomatic and consular relations were the product of long-established State practice. Respect for those norms and principles by all States, and fulfilment of the purposes and principles of the Charter of the United Nations, constituted a basic prerequisite for the normal conduct of international relations. The privileges and immunities granted to diplomatic and consular representatives were intended to ensure that their normal work was not impeded, and the Nordic countries reiterated the importance of close co-operation between States to guarantee effective exercise of those functions. An essential element of that co-operation was the proper conduct of diplomatic and consular representatives in the receiving State. Those important criteria had been referred to recently in resolution 42/154 of the General Assembly.

7. As the Secretary-General had stated in his report (A/43/1), respect for international agreements was not only one of the fundamental principles of international law; it was the foundation of the organized international community. Similarly, the resolutions thus far adopted under that item had referred to the existing conventions, which had a central role to play in the protection of diplomats. As previously, the Nordic countries appealed to all States that had not yet done so to become parties to the relevant international conventions. Fulfilment of the objectives of the item under consideration would certainly be facilitated by the effective and universal implementation of measures such as those contained in the 1973 Convention on the Prevention and Punishment of Crime against Internationally Protected Persons, including Diplomatic Agents.

8. The reporting procedure and the established guidelines constituted a central element in the most recent resolutions and, if appropriately implemented, would also strengthen diplomatic protection in practice, by drawing attention to violations. The resolutions also clarified the fundamental obligations of the sending and receiving States.

9. As previously, the Nordic countries were proposing to prepare a draft resolution on the item, the intention being to produce a shorter text, in line with the recommendations of the Charter Committee. Lastly, in the view of the delegations of the Nordic countries, the Sixth Committee's deliberations on the item also served the ultimate goal of strengthening the legal framework as a guarantee for diplomatic protection. However, attainment of such a goal would not be jeopardized were the item to be considered only every other year.

10. Mr. MAKAREVITCH (Ukrainian Soviet Socialist Republic) said that it would be possible to create a better world only through healthy international relations and close co-operation to achieve security and the survival of mankind. Diplomatic and consular missions and their representatives were playing an increasingly important role in that regard.

(Mr. Makarevitch, Ukrainian SSR)

1) The fact that the General Assembly had periodically considered the topic since its thirty-fifth session was an acknowledgement of that important function, and the resolutions it had adopted showed that the Assembly was convinced that observance of the principles of international law governing diplomatic and consular relations and the functions of diplomatic and consular representatives constituted a prerequisite for the maintenance of normal relations between States and compliance with the United Nations Charter. Thus Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963 and other similar instruments were one tangible outcome of that acknowledgement.

12. The security and safety of diplomatic and consular representatives was, first and foremost, the responsibility of receiving States. Consequently, the Ukrainian SSR set great store by compliance with its international obligations in that regard, and was accordingly applying various measures which unconditionally guaranteed the inviolability and immunity of diplomatic missions and diplomatic representatives and their residences. The privileges and immunities enjoyed by missions and their representatives were intended to provide conditions enabling them to perform their functions effectively. The Ukrainian SSR was pleased to say that in recent years there had been no violation of the norms in that regard on its territory.

13. The machinery for reporting on the social, economic and political situation of the receiving State was standard procedure, which benefited both the receiving and the sending State. The process of democratization and *glasnost* currently under way in the Ukrainian SSR was awakening enormous interest; diplomatic and consular representatives were being provided with all necessary information, and excursions had been organized enabling them to visit various parts of the country and make contact both with prominent figures and with the general public. *Glasnost* extended not only to diplomatic and consular representations, but also to others, and was helping to eradicate lingering prejudices.

14. This report showed that there continued to be instances of interference in the activities of diplomatic missions and their representatives. The Ukrainian SSR was particularly concerned at the rate of terrorism directed against diplomatic representatives, acts which sometimes threatened their lives. It also categorically condemned international terrorism and the use of force, particularly when the victims were diplomatic or consular representatives. The receiving State must ensure, at both legal and practical levels, that organizations or individuals did not promote or perpetrate hostile acts against diplomatic and consular missions. It was unacceptable that protection of missions and representatives should be the responsibility of the sending State; such a situation complicated international relations, and might be detrimental to confidence and understanding between States. Similarly, it was important that this media should not be used as a means of waging hostile campaigns against other States, people or representatives. On the contrary, they must be used to create conditions in which diplomatic and consular missions could perform their functions.

15. Lastly, his delegation believed that in order to increase the protection, safety and security of diplomatic and consular missions, it was necessary to strengthen

(Mr. Makarevitch, Ukrainian SSR)

implementation of the international legal instruments in force, particularly the 1961 Vienna Convention on Diplomatic Relations; to broaden international co-operation in that area; and to ensure that more States became parties to the Conventions. The item should therefore continue to be included in the agenda of the General Assembly.

The meeting rose at 3.50 p.m.