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## Sixth Committee

### Summary record of the 15th meeting

Held at Headquarters, New York, on Tuesday, 21 October 2014, at 10 a.m.

*Chair:* Mr. Manongi. . . . . (United Republic of Tanzania)

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*The meeting was called to order at 10.05 a.m.*

**Agenda item 79: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts** (*continued*)  
(A/69/184 and Add.1)

1. **Ms. Abdulhaffar** (Bahrain) said that her country was a party to the four Geneva Conventions, the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims international armed conflicts (Protocol I) and the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II). In 2014, a national committee on human rights comprising relevant Government stakeholders had been established. Its tasks included developing human rights policy and relevant proposals, reviewing legislation, formulating curricula and training programmes, exchanging information with Arab and international organizations and fostering cooperation with the International Committee of the Red Cross (ICRC). Bahrain had been a keen participant in the Global Summit to End Sexual Violence in Conflict, held in London from 10 to 13 June 2014, and had made a donation to the United Nations Trust Fund to End Violence against Women.

2. Her Government had taken action at the domestic level to raise awareness of the Geneva Conventions and Protocols I and II. In cooperation with ICRC, it had organized training courses for civil servants in order to clarify the principles of international humanitarian law and peacekeeping operations, the crimes that came within the remit of the International Criminal Court and the implications for the work of the armed forces. Courses had also been held for junior human rights lawyers, journalists, medical professionals, volunteer emergency service providers, academics and the police. A seminar on diplomacy and human rights for Government agencies and foreign diplomats would take place in November 2014.

3. **Mr. Adamov** (Belarus) said that his country was a party to all the basic international humanitarian law instruments, which formed the basis of its participation in peacekeeping and peacebuilding operations. Compliance with the principles and rules of international humanitarian law when conducting peacekeeping operations was enshrined in the rules of engagement for the collective rapid deployment forces

of the Collective Security Treaty Organization. The Commission on the Implementation of International Humanitarian Law, under the Council of Ministers, coordinated the analysis and monitoring of new developments in that field. Having completed its work on implementing the Third Additional Protocol in 2011, his Government continued to take administrative, technical and other measures to implement the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols, and had marked more than 5,000 cultural properties for protection.

4. Among the efforts undertaken by Belarus to disseminate knowledge about international humanitarian law in the military and legal faculties of its higher education institutions were the international youth Olympiads, “Youth for Peace”, and a resource centre on international humanitarian law established with the support of ICRC. In 2013, a number of activities had been held to celebrate the 150th anniversary of the founding of ICRC. There was currently a photo exhibition at the national library, the sponsors of which included the National Red Cross Society and ICRC.

5. The current international climate was such that international humanitarian law was more important than ever: his delegation proposed establishing an educational programme incorporating the use of modern technology to disseminate and promote international humanitarian law. He hoped that ICRC and other international organizations would join Belarus in that endeavour.

6. **Mr. Townley** (United States of America) said that States needed to work together within a rule-of-law framework to address current security challenges. The United States, for its part, continued to ensure that its military operations conducted in connection with armed conflict complied with international humanitarian law, and all other applicable international and domestic law.

7. Following an inter-agency review, his country had concluded that its military practice was already consistent with the provisions of the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II). It was currently seeking Senate advice and consent to ratification of that Protocol. While it continued to have significant concerns about many aspects of Protocol I,

relating to the protection of victims of international armed conflicts, article 75 of that Protocol was an important provision as it provided fundamental guarantees for persons in the hands of opposing forces in an international armed conflict. The United States had accordingly chosen, out of a sense of legal obligation, to treat the principles set out in that article as applicable to anyone it detained in an international armed conflict and expected other nations to do likewise.

8. Weapons reviews to determine consistency with a State's international obligations warranted the international community's renewed attention. The United States had long-standing policies for conducting such reviews and, in that connection, supported continued informal discussions on lethal autonomous weapons systems in meetings of States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. He hoped that the Convention would serve as a useful vehicle for a broader exchange of good practices in that area, while recognizing States' needs to protect national security and proprietary information.

9. Although implementation of international humanitarian law had improved over the past few decades, much remained to be done. His delegation supported the joint initiative of Switzerland and ICRC to establish a dedicated forum for States to engage in substantive, non-politicized discussions on ways they had implemented international humanitarian law. Such a forum would also likely facilitate capacity-building.

10. The United States also supported the multi-year ICRC project on strengthening legal protection for victims of armed conflict, specifically in respect of the protection of persons deprived of their liberty in relation to non-international armed conflicts. Such efforts ensured that international humanitarian law remained practical and relevant in providing legal protection to detainees and internees and would help ICRC to present a range of options and recommendations to the thirty-second International Conference of the Red Cross and Red Crescent. Having participated in the first two consultations with government experts, which dealt with the conditions of detention and the protection of particularly vulnerable groups, his Government looked forward to the next round of discussions, which would consider the

grounds and procedures for deprivation of liberty in non-international armed conflict, as well as transfers from one authority to another. The situations in non-international armed conflict that might warrant detention were quite varied, operationally complex and logistically challenging. It was therefore important that, apart from the legally required baseline protections, detention procedure and processes should remain flexible, practical and appropriate to a given situation.

11. International mechanisms should not in any way lend legitimacy to non-State actors that frequently violated international humanitarian law. In discussing non-international armed conflict, it would be essential to identify ways to address the conduct of non-State actors. In that connection, his delegation strongly supported the ongoing work to establish a Montreux Document forum for the consideration of issues relating to private security companies.

12. **Mr. Li Yongsheng** (China) said that the Geneva Conventions of 1949 and the Additional Protocols thereto played a significant role in protecting victims of armed conflicts. China had consistently complied with its obligations under those instruments and called on all parties to do the same. His delegation commended ICRC for its efforts to disseminate and effectively implement the Convention and the Additional Protocols.

13. His Government had adopted a number of measures to promote the study, dissemination and implementation of the Additional Protocols, including the incorporation in its domestic legislation of the obligation to comply with them. The National Committee on International Humanitarian Law, established in 2007, was responsible for conducting research on and coordinating the dissemination and implementation of such law.

14. China supported and actively participated in the process initiated by ICRC and the Government of Switzerland to strengthen the mechanisms of compliance with international humanitarian law. That process should focus on enhancing the effectiveness of existing mechanisms on the basis of real needs relating to the application of international humanitarian law. Any new measure should be based on the consensus of all countries.

15. **Mr. Belaid** (Algeria) said that Algeria was a party to all the major instruments of international

humanitarian law, including the four Geneva Conventions and the two Additional Protocols of 1977. Its Constitution provided for the incorporation of those and other international instruments and standards into domestic law; moreover, international humanitarian law was a basic component of the curriculums of Algerian military schools and academies. The Algerian Red Crescent was involved in the dissemination of related standards among civil society and the local population.

16. The recent devastating war waged by Israel, the occupying Power in the Gaza Strip, which was still under blockade, constituted a grave violation of international humanitarian law. To ensure the protection of defenceless Palestinian civilians and to prevent further breaches of the Geneva Conventions and the Additional Protocols thereto, his delegation supported the request of the State of Palestine for the convening of a conference of high contracting parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem.

17. **Ms. González López** (El Salvador) said that compliance with international humanitarian law was essential in order to limit the destructive consequences of war and to protect and assist all of its direct and indirect victims. Referring to the report of the Secretary-General (A/69/184), she reiterated the importance of the work of the Inter-Agency Committee on International Humanitarian Law in El Salvador, which focused on strengthening institutions and supporting the Ministry of Defence in matters relating to international humanitarian law, as well as its dissemination in different sectors of society.

18. Recognizing the need to safeguard cultural properties as part of the identity of El Salvador, her Government had furthermore raised awareness about and marked a number of cultural properties for protection under the Convention for the Protection of Cultural Property in the Event of Armed Conflict. Lastly, she highlighted the importance of complying with both international humanitarian law and international human rights law, as essential requirements for the rule of law.

19. **Mr. Aldahhak** (Syrian Arab Republic) said that Israel had, since its establishment, repeatedly perpetrated grave violations of international

humanitarian law, including mass killings, war crimes and crimes against humanity. The Israeli occupation authorities had persisted with a policy of systematically targeting civilians, including women, children and older persons; destroying infrastructure; displacing the population of the occupied Arab territories, including the occupied Syrian Golan, to make space for settlers from around the world; destroying Islamic and Christian holy sites; building an apartheid wall in the Occupied Palestinian Territory; and preventing the Palestinian people from accessing their fields, olive groves and water resources. In the area of separation of the occupied Syrian Golan, Israel was supporting terrorist organizations that had repeatedly stolen United Nations materiel and attacked and abducted peacekeepers of the United Nations Disengagement Observer Force (UNDOF). Since 1948, Israel had launched aggressive wars and tortured and killed prisoners, including by burying them alive. It had used prohibited weapons against civilian centres, including United Nations premises where women and children had sought refuge; the 1996 shelling of Qana, in south Lebanon, and the recent incidents in the Gaza Strip were two cases in point. United Nations commissions of inquiry had compiled conclusive evidence of Israel's contempt for international law. The fact that those savage crimes had gone unchecked was a testament both to the support of certain States for Israel and to the disarray of the international community. His delegation supported the convening of a conference of high contracting parties to the Fourth Geneva Convention on measures to enforce the Convention in the occupied Arab territories.

20. Certain Governments that mendaciously claimed to uphold humanitarian law were in fact violating it indirectly, using foreign terrorist fighters and mercenaries as proxies. In Syria and Iraq, terrorists had targeted civilians of all faiths and backgrounds. They had abused, raped and trafficked women; decapitated and dismembered prisoners; taught children to kill; sold children as slaves and harvested their organs; and destroyed Syrian civilization and collective human heritage, including Islamic and Christian holy sites. The United Nations must show its credibility and effectiveness by protecting the victims of armed conflict and enforcing the Geneva Conventions and the Additional Protocols thereto.

21. **Ms. Strasser-King** (Sierra Leone) said that her Government attached great importance to the topic in

the light of the brutal atrocities that had been committed against civilians during the 11 years of civil war in her country; while international humanitarian law did not cover domestic conflicts, it was closely related to human rights law. The agenda item was also important in view of the present global security challenges. International humanitarian law, as defined by ICRC, was people-centred and sought to mitigate human suffering and protect non-combatants during armed conflicts; it was designed to strike a balance between humanitarian concerns and military necessity.

22. There was no lack of jurisprudence in respect of international humanitarian law; its history went as far back as biblical times and many of its provisions were accepted as customary law by which all States were bound. There was, however, instead a need for political leadership and the commitment of States to abide by their international obligations. War and the prospect of war remained a constant, with civilians, particularly women, children and the aged, comprising 80 to 90 per cent of victims. All States had the moral duty to investigate and prosecute gross violations of international humanitarian law. In that regard, her Government would continue to show strong support for the Rome Statute of the International Criminal Court and the work of the Court, which was a credible international legal institution that sought to eliminate impunity for grave crimes.

23. Her Government supported the promotion of international humanitarian law, as its rules were consistent with the core principles of the Charter of the United Nations, including the belief that the fundamental human rights of people and the principles of the rule of law should be respected. It also welcomed the Secretary-General's initiatives enjoining Member States to show commitment to obligations relating to the covenants of international humanitarian law. Her Government would continue to support the activities of ICRC, the Red Crescent Society and the Sierra Leone Red Cross Society, and it regretted that in recent conflicts, ICRC staff had been the target of attacks in the course of their service.

24. Based on Sierra Leone's experience as a post-conflict country, her Government supported the Preventing Sexual Violence Initiative launched by the Government of the United Kingdom, including the Declaration of Commitment to End Sexual Violence in Conflict, as well as the work of the United Nations Office of the Special Representative of the Secretary-

General on Sexual Violence in Conflict. It also commended the leadership demonstrated by the Government of the United Kingdom in promoting global advocacy against the use of children in armed conflicts. Her delegation hoped that the thirty-second Conference of the Red Cross and Red Crescent, to be held in December 2015, would produce the desired objectives, including improving implementation of international humanitarian law.

25. At the regional level, Sierra Leone worked in close collaboration with the African Union and other regional organizations. In particular, the annual seminars organized by ICRC and the Economic Community of West African States (ECOWAS) facilitated information-sharing, the exchange of good practices and updates on developments in international humanitarian law.

26. At the national level, the formation of a National Committee for the implementation of international humanitarian law, in line with ICRC guidance and the ECOWAS Humanitarian Policy and Plan of Action, clearly demonstrated the President's commitment to honouring the State's international obligations. The National Committee members included representatives of Government ministries, academia, opposition parties, non-governmental organizations and the Sierra Leone Red Cross Society. It had championed the promulgation of important laws to protect refugees and give effect to the Geneva Conventions. In addition, Sierra Leone peacekeeping and military contingents received training on the rules of international humanitarian law.

27. The legacy of the Special Court for Sierra Leone was to serve as a constant reminder that serious crimes committed against civilian populations would never go unpunished. The Residual Special Court, which succeeded the Special Court, had powers to prosecute crimes against humanity and crimes that were in contravention of the Geneva Conventions and the Additional Protocols. She called on all Member States to continue to support the Court, which needed sustained financial assistance in order to discharge its functions and conclude its activities.

28. **Ms. Mansour** (Observer for the State of Palestine) said that the State of Palestine was deeply committed to ensuring respect for and adherence to international humanitarian law. Her delegation believed that the international community must continue to work

together to promote greater compliance with that law so that civilians were afforded the utmost protection in times of war.

29. The Palestinian people were being subjected to an illegal military occupation by Israel, the occupying Power, which had brought 47 years of conflict and suffering. Numerous United Nations resolutions had affirmed the applicability of the Geneva Conventions and the Additional Protocols thereto. However, Israel continued its blatant refusal to abide by the provisions of international humanitarian law regarding the protection of the civilian population in the Occupied State of Palestine, including East Jerusalem. That was evident by the gross number of civilian casualties that had resulted from the Israeli aggression against Gaza in 2014, the eight-year illegal and inhumane blockade that inflicted collective punishment on an entire civilian population. That was in addition to the countless other illegal policies and practices in the occupied West Bank, including East Jerusalem, such as illegal settlement activities, arrests, mistreatment of prisoners, forced displacement and home demolitions. The occupying Power had made some absurd and unacceptable assertions that the Palestinian people had intentionally placed their children and other civilians in harm's way. Rather, it was Israel that was harming them, among other means by using them as human shields.

30. The State of Palestine had acceded to the four Geneva Conventions and to Additional Protocol I in 2014. Subsequently, the occupying Power had filed a depositary notification, claiming that it did not recognize the State of Palestine as a State party to the Geneva Conventions. Her delegation therefore found to be unsubstantiated the assertion made by the representative of Israel at a previous meeting of the Sixth Committee that the State of Palestine did not see itself as bound by the law of armed conflict, and that it abused the principles of international humanitarian law.

31. The State of Palestine had requested from the Government of Switzerland, in its capacity as the depositary of the Geneva Conventions and the Additional Protocols thereto, to convene a meeting of the High Contracting Parties to consider measures to enforce the Conventions in the Occupied Palestinian Territory, including East Jerusalem, including measures to protect the Palestinian people against the grave breaches of the Conventions being committed by Israel.

Her delegation appealed to all High Contracting Parties to support the urgent convening of that meeting. It also strongly endorsed all efforts to address the issue of enforcement mechanisms to promote compliance with all provisions of the Conventions and the Additional Protocols thereto.

32. **Ms. Elyahou** (Observer for the International Committee of the Red Cross (ICRC)) said that implementation of the outcomes of the thirty-first International Conference of the Red Cross and Red Crescent, held in 2011, should be examined, as the thirty-second Conference was forthcoming in 2015. ICRC had been invited to propose recommendations for enhancing the effectiveness of international humanitarian law compliance mechanisms and to work towards strengthening the legal protection of persons deprived of their liberty in relation to non-international armed conflict. That work was proceeding on two tracks. The first, a joint initiative with the Swiss Government, was aimed at creating a new system to improve compliance with international humanitarian law in order to better identify, prevent and halt violations while they were occurring. It was driven by the fact that the principal cause of suffering during armed conflict was not a lack of rules, but insufficient respect for them. Furthermore, the existing mechanisms were rarely used and were not applicable to non-international armed conflict, which comprised the majority of conflicts.

33. Based on discussions with Member States, the possible elements of a compliance system had been identified. They included a regular meeting of States that would serve as an anchor for several compliance functions, including national reporting and thematic discussions. States had indicated that the system should be voluntary in nature, as most were unwilling to amend the Geneva Conventions or to adopt a new treaty. Thus, a key challenge would be to ensure the system's effectiveness in improving compliance with international humanitarian law on the ground. On the basis of upcoming consultations, ICRC and Switzerland would propose options and recommendations for consideration by the 2015 Conference.

34. Existing treaty rules on detention had been found to be inadequate, leading to uncertainty about their source and content. The second track was therefore aimed at clarifying and strengthening international humanitarian law standards concerning the general conditions of detention; the conditions for vulnerable

groups of detainees; and the grounds and procedures for internment and for the transfer of detainees. Following regional consultations in 2012 and 2013, ICRC was holding centralized consultations to determine whether and how to strengthen the law to address those areas. It would prepare its final report and present recommendations for further action by the 2015 Conference. The ultimate goal was to produce an instrument that would strengthen international humanitarian law applicable to detention during non-international armed conflicts. Member States were strongly encouraged to continue to participate in the ongoing consultations.

35. Although the protection of the wounded and sick had been the starting point for the development of international humanitarian law, violence against health care personnel, facilities and transport had become one of the most serious issues of humanitarian concern. In response, through its Health Care in Danger project, the ICRC had organized expert workshops around the world in order to identify recommendations and good practices. As a result, ICRC was developing a set of practical and concrete recommendations to assist Governments in reviewing and amending their domestic normative frameworks in order to prevent or mitigate obstacles to the safe delivery of health care that might arise during armed conflict.

36. ICRC welcomed the recent accessions to the Geneva Conventions and the Additional Protocols thereto, together with the significant progress achieved by the 106 national committees for the implementation of international humanitarian law established by Member States. ICRC was continuously developing new tools to facilitate related activities. For example, the National Implementation Database on international humanitarian law, which contained information on the national legislation and case law of 194 States, had been updated and modernized in 2013.

37. **Mr. Corujo** (Observer for the International Humanitarian Fact-Finding Commission) said that the International Humanitarian Fact-Finding Commission, established under article 90 of Protocol I, was a tool whereby States and the international community could ensure that international humanitarian law was applied in all types of armed conflict. It was a specialized mechanism composed of 15 members elected by States that had recognized its competence. However, members did not represent their States and served in their personal capacity; they came from all over the

world and from a wide variety of professional backgrounds. The Commission's procedure was designed to facilitate cooperation with the parties to a conflict, who could appoint ad hoc members. It could not operate without a specific mandate from the parties to the conflict and could not publish its report on its findings unless they so requested. If the Commission was unable to secure sufficient evidence for factual and impartial findings, it was required to state the reasons for that inability.

38. Although the Commission had offered its good offices in a number of situations and had carried out delicate negotiations, it lacked the specific mandate required from the parties to the conflict in order to operate effectively. In that regard, he recalled that in its resolution 55/148 of 2001, the General Assembly had called on States parties to Protocol I to make the additional declaration of acceptance of the competence of the Commission. To date, a total of 76 States had made the declaration, but more States were needed in order to guarantee equitable geographic representation and ensure a critical mass of members on the Commission.

39. It was hoped that the General Assembly would once again call upon States to make use of the services of the Commission in appropriate cases and thus help restore respect for international humanitarian law. The task of the Commission was not to accuse States, but to investigate allegations of violations of international humanitarian law, with a view to establishing a greater respect for it. The Commission's good offices could also be used to avoid the escalation of conflicts and their harmful effects on civilian populations.

40. The Commission drew attention to the possibility that it could offer its expertise and experience, including through the ad hoc use of individual commissioners, to complement the work of fact-finding missions established by human rights bodies and other United Nations organs that were mandated to investigate facts or events where parties to a conflict could not agree.

41. As an international mechanism of the kind envisaged by the General Assembly in its declaration of 19 September 2012 on the rule of law at the national and international levels (A/67/L.1), which States had undertaken to use for the investigation of violations of international humanitarian law, the Commission would welcome comments from all those concerned on why

they had not yet made use of the services it offered, apparently preferring instead to appoint ad hoc bodies. In fact, the Commission was the only permanent international mechanism specializing in international humanitarian law that could investigate violations, as called for in the declaration.

42. Lastly, he noted that the Commission was supporting the joint initiative of ICRC and Switzerland to strengthen compliance with international humanitarian law, based on the outcome of the thirty-first International Conference of the Red Cross and the Red Crescent of 2011.

43. **Mr. Heumann** (Israel), speaking in exercise of the right of reply, said that it was absurd that a number of delegations from Middle Eastern countries had directed condemnations against his Government, the region's only democracy. The Syrian delegation's cynical attack against Israel was a desperate attempt to divert from the grave situation in its country. That delegation represented a Government with no credibility that was only interested in maintaining the regime of President Assad, a regime that was responsible for torturing children, raping women and killing 200,000 civilians.

44. The representative of Algeria had used his time to slander democratic Israel, while his own Government restricted public protest, controlled the mass media and sustained a corrupt judicial system.

45. The remarks of the observer delegation of Palestine concerning the protection of civilians had ironically omitted mention of Hamas. They had served no constructive purpose and only inflamed hostilities with Israel. Over the 50 days of the Gaza conflict in July and August 2014, Israel had done everything to protect civilians on both sides. In fact, the Israel Defense Forces had taken measures that went beyond those required by international law, while Hamas had used Palestinians as human shields and fired more than 4,500 rockets at Israeli civilians. Hamas had ordered civilians not to evacuate after Israel had warned of imminent attacks. Hamas was the real problem and perpetrator of international crimes.

46. **Mr. Aldahhak** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the representative of the Israeli occupation had again sought to twist the facts and peddle lies. Israel's violations of international law were documented facts to which the United Nations had been a witness since

its inception. There was no illegal act, crime, war crime or crime against humanity that Israel had not committed against the Arab populations of the occupied Syrian Golan, the Occupied Palestinian Territory and Lebanon. Israel had lashed out against anyone opposed to the occupation; the United States peace activist Rachel Corrie, who had been deliberately crushed by an Israeli bulldozer in 2003 in full view of the cameras, was one example among many.

47. The representative of the Israeli occupation had endeavoured to give lessons on the subject of international humanitarian law at a time when the memory of Israel's victims in the Gaza Strip was still fresh, the infrastructure that had been built with donor funds lay in ruins, and the terrorist attacks on UNDOF peacekeepers remained an active concern. Israel was constantly developing new forms of crimes against humanity, but occupation was in itself the worst violation of international law. The Israeli delegation preached democracy; but democracy was incompatible with racism, expropriation, occupation, forced displacement and crimes against civilians.

**Agenda item 80: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (A/69/185 and Add.1)**

48. **Ms. Guillén-Grillo** (Costa Rica), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the protection of diplomatic representatives and the inviolability of diplomatic and consular missions were privileges granted to ensure that State representatives were able to perform their functions effectively, and measures to protect diplomatic and consular missions and representatives were essential for the development of peaceful and constructive relations among States. Any transgressions against the security of diplomatic and consular missions and representatives might endanger lives, cause damage and adversely affect the promotion of the shared interests of the international community, and must therefore never go unpunished.

49. The CELAC countries were concerned at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, might have on the inviolability of diplomatic and consular archives, documents and communications, and would welcome a

transparent and constructive dialogue in that regard. They considered it essential for States to observe, implement and strictly enforce the principles and norms of public international law as well as United Nations resolutions on the subject, and to ensure the same protection through their national legislation. They urged States to take all necessary measures at the national level to prevent acts of violence against diplomatic and consular missions and representatives and against the missions and officials of international intergovernmental organizations.

50. CELAC also urged all States to prevent abuses of diplomatic or consular privileges and immunities, especially those involving the use of violence, and to cooperate with the receiving State in cases where such abuses had been committed. It was imperative that any disputes in that regard should be resolved by peaceful means, without the use or threat of use of force or any other violation of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. CELAC called on States that had not yet done so to consider becoming parties to those Conventions.

51. **Ms. Cujo** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, Turkey and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that ongoing violent incidents involving diplomatic and consular personnel and premises were a matter of great concern to all. The European Union urged States to strictly observe, implement and enforce the relevant provisions of international law and to cooperate on security matters not only internationally, but also nationally between the missions and the competent local authorities. It strongly condemned the recent attacks against the Indian and Turkish consulates in Afghanistan and those against other diplomatic consular missions. Acts such as the abduction of a member of the Embassy of the Islamic Republic of Iran in Yemen in July 2013 and others mentioned in the report of the Secretary-General (A/69/185 and Add.1) could never be justified. All States concerned should bring the perpetrators to justice.

52. Under the Vienna Conventions on Diplomatic Relations and on Consular Relations, respectively, receiving States had a special duty to protect

diplomatic missions and consular premises and to guarantee, in particular, the physical safety of staff. In that regard, particular attention must be paid to the threats posed by terrorists and other armed groups, which sometimes forced States to shut down their embassies or consulates, as was the case in Libya and Yemen. Moreover, in view of the number of breaches of international law in that regard, efforts to protect such staff and premises should continue or indeed be stepped up. Diplomatic relations were of eminent importance in establishing trust among nations and must be protected. The European Union reiterated the call to States that had not yet done so to consider becoming parties to the aforementioned Vienna Conventions.

53. **Ms. Mäkelä** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that it was of great concern that diplomatic and consular agents and premises continued to be victims of attacks in receiving States, despite general recognition of the special duty to protect them. The Nordic countries appreciated the information contained in the report of the Secretary-General, which would help to raise awareness in the international community of violations encountered by sending States and the follow-up measures taken by receiving States. They welcomed the new States parties to international legal instruments relating to the protection, security and safety of diplomatic and consular missions and representatives, and called on States not yet parties to join them. It was equally important that all States parties should fully implement those instruments.

54. Receiving States were required by international law, in particular the Vienna Conventions on Diplomatic Relations and on Consular Relations, respectively, to protect diplomatic and consular premises and to prevent any attacks against diplomatic and consular representatives. Where they failed to do so, the injured State was entitled to claim prompt compensation for any resulting loss or injury. That duty of protection also extended to foreign missions and representatives to international intergovernmental organizations and officials of those organizations. Effective measures to enhance such protection and the security and safety of those missions, representatives and officials were crucial in enabling those representatives and officials to fulfil their mandates.

55. Notwithstanding the efforts made, serious violations had occurred, as documented in the report of

the Secretary-General (A/69/185 and Add.1). The Nordic countries strongly condemned all such acts, which could never be justified and must not go unpunished.

56. **Mr. Leonidchenko** (Russian Federation) said that ensuring the safety and security of diplomatic missions and consular offices, as well as their staff and resources, was the best way to maintain the sovereign equality of States and friendly relations among them. The most important element of diplomatic and consular law was therefore the special duty of host States to take all appropriate steps to protect the premises of official foreign missions against any intrusion or damage and to prevent any disturbance of the peace of the missions or impairment of their dignity.

57. Violent acts against official missions were of serious concern. No host State was immune to such incidents: unfortunately, those States did not always take the necessary measures to prevent them. In June 2014, the Russian Consulate had suffered an attack in Kiev. The building and the property of the Russian diplomatic mission had been significantly damaged, the Russian flag had been desecrated and the personnel's safety had been threatened. The current situation was unacceptable: the inviolability of diplomatic and consular missions and representatives was not negotiable. Governments of the States concerned must take decisive measures to guarantee the safety of such missions and their staff in accordance with their international law obligations. Steps must also be taken to conduct thorough investigations of violent acts committed against diplomatic and consular missions and staff in order to call the perpetrators to account.

58. **Mr. Luna** (Brazil) said that despite the serious incidents mentioned in the report of the Secretary-General, the number of violations of diplomatic and consular immunities had been on the decline, thereby demonstrating the effectiveness of the protective mechanism established when the topic of the protection, security and safety of diplomatic and consular missions and representatives was first included in the Sixth Committee's agenda in 1980. In its discussion of the topic, the Committee should address not just the inviolability of diplomatic and consular staff and premises, but also the protection of archives, documents and communications, whether in hard copy or on digital platforms, which were also covered under the Vienna Conventions.

59. His delegation was concerned at the negative impact that State surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, might have on the exercise and enjoyment of human rights and on the inviolability of diplomatic and consular archives, documents and communications. It was also concerned that the premises of diplomatic and consular missions might have been used as bases for such surveillance and/or interception of communications in receiving States. The Committee's resolution on the current agenda item should address the new challenges faced in protecting diplomatic and consular immunities, including those of archives, documents and communications, and the General Assembly should express its concern about those challenges and call for the full implementation of the applicable international law.

60. **Ms. Dieguez La O** (Cuba) said that Cuba unequivocally condemned the continued transgressions against the safety of diplomatic missions and diplomatic and consular representatives, and was concerned at recent reports of violations of the archives and communications of diplomatic missions. It therefore urged the adoption of measures to prevent and punish such acts. Her delegation called on all States to comply with their obligations under the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. It condemned all recent practices of using the premises of diplomatic and consular missions as bases for monitoring, intercepting and collecting data on internationally protected persons, and for attempting to subvert or destabilize legitimately elected Governments. Those acts constituted flagrant violations of the Vienna Conventions and must be stopped. In that regard, she expressed her delegation's support for the maintenance of the item on the Committee's agenda for consideration on a biennial basis.

61. Her Government had taken a number of measures, including establishing a multiple response system for the security and protection of the diplomatic corps, to punish and prevent offences and to ensure that all diplomats in that country enjoyed a calm and safe climate for the performance of their functions. As a result, there had been a notable decrease in the

number of criminal acts, and no instances of violent intrusions into diplomatic offices had been reported. Improvements had also been made in the investigation of offences committed against the diplomatic corps. Her Government would continue to give special attention to the protection and security of diplomatic missions and accredited representatives in its territory, as evidence of its commitment to existing international norms on the issue, in particular the Vienna Convention on Diplomatic Relations.

62. **Mr. Zewdu** (Ethiopia) recalled that the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations specifically required host States to take all appropriate steps to protect the premises of missions against any intrusion or damage, to treat diplomats with all due respect and protect them from attack and to prevent others from violating the premises and person of diplomats. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, further required States to make such attacks punishable under their internal laws, prevent them from being committed and prosecute or extradite alleged offenders.

63. His delegation was greatly concerned about the violation of those diplomatic laws, which were the basis for good relations between States. Some of the diplomatic and consular missions and government representatives of Ethiopia had been targeted by attacks. It was not enough to condemn such acts; they must be investigated and their perpetrators brought to justice. States should prevent and prohibit in their territories illegal activities of persons, groups and organizations that encouraged, instigated, organized or engaged in acts against the security of diplomatic missions and representatives. States in which violations had been committed should communicate the measures taken to bring offenders to justice and the final outcome of the proceedings against the offenders; they should adopt effective measures to prevent their reoccurrence.

64. As a seat of the African Union, the United Nations Economic Commission for Africa and various diplomatic missions and international organizations, Ethiopia made every effort to fulfil its obligations towards foreign missions and diplomats and expected other countries to do the same. There had been cases where all the necessary support had not been provided

to those whose rights had been violated; such a trend could undermine good relations between States.

65. **Ms. Heumann** (Israel) said that the physical well-being of diplomatic and consular missions and representatives was a fundamental prerequisite for the execution of their duties and, as such, was essential for the maintenance of effective international relations. However, attacks against such missions and representatives in the Middle East and elsewhere had shown that no one was immune from the phenomenon, which had affected Israel countless times. The international nature of those crimes required an effective and resolute international response. Her delegation called on the international community to cooperate closely in every sphere, particularly at the operational, legal and intelligence-sharing levels, to ensure adequate protection for all diplomatic and consular missions and representatives.

66. Israel remained committed to upholding the provisions of the Vienna Conventions on Diplomatic and on Consular Relations and all other relevant instruments of international law and called on the Committee to emphasize the obligations arising therefrom. In accordance with those obligations, host countries must take all appropriate steps to prevent any attack on the person, freedom and dignity of diplomatic and consular representatives and to protect the premises of missions. Her delegation urged Member States to cooperate in ensuring a safe international environment in which diplomatic and consular missions and representatives might perform their essential duties and official tasks free from fear and harm.

67. **Ms. Haile** (Eritrea) said that all Member States needed to show concretely their commitment to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and all other relevant instruments. The greater public accessibility of diplomatic and consular missions had increased their vulnerability and made it all the more necessary to secure their premises, which was financially a challenge for developing countries. All receiving Member States were required to protect diplomatic and consular staff and missions against any groups or organizations that might threaten their security and safety. Furthermore, the secret, illegal collection of information from diplomatic personnel and missions was a violation of the Vienna Conventions, which guaranteed the immunity and inviolability both of

diplomatic premises and of their official communications. Recent revelations concerning secret, illegal electronic data gathering were a source of concern for everyone.

68. The hosting of regional and international organizations was an obligation and not a right, and one that required host countries to respect the Vienna Conventions. Not only should they protect diplomatic personnel and missions; they should also ensure a suitable environment for diplomats to perform their duties. Diplomats assigned to the African Union and the United Nations or attending meetings sponsored by those organizations should not be subjected to targeted actions and intimidation. Such behaviour by any country hosting an international or regional organization should not be tolerated: the letter and spirit of the Vienna Conventions and host country agreements must be fully respected.

69. **Mr. Simonoff** (United States of America) said that respect for the rules protecting diplomatic and consular officials was a basic prerequisite for the normal conduct of relations among States. Indeed, the protection extended to diplomatic envoys in ancient Rome had come to be part of the law of nations, not only shielding them from hostile actions by States but also requiring States to protect diplomats from harmful acts by non-State actors. However, the facts and circumstances of attacks on diplomatic and consular officials had changed: they had increased in number, more often involved non-State armed groups and had become more brazen. In the previous 10 years, the United States had sustained more than 200 attacks against its diplomatic facilities and personnel, resulting in the deaths of over 40 personnel, and it was not alone in that regard. Those brutal acts by armed groups should be universally condemned.

70. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, not only required the punishment of violent attacks against foreign government officials but also called on States parties to cooperate in the prevention of such crimes. Furthermore, since 1980, a number of resolutions had been adopted by the United Nations General Assembly condemning such attacks; a further such resolution might well be envisaged at the current session, in order to re-emphasize the importance of the issue. The 2012 resolution had also stressed practical measures of

prevention, which was indeed a critical part of the obligations of receiving States.

71. Such measures would depend on the potential threat and would have to change in accordance with the changing facts and circumstances of attacks. His Government, for its part, paid special attention to enhanced security training and good personal security practices. Prevention was also facilitated by collaboration: United States embassies often worked with local law enforcement and other authorities to prepare for eventualities, for instance by conducting drills and sharing information when appropriate. In the face of forces in the world that wished harm to diplomats, the international community must stand united and must continue to develop means of preventing violence before it occurred.

72. **Mr. Rao** (India) said that diplomatic and consular missions played a crucial role in fulfilling the purposes enshrined in the Charter of the United Nations, in particular by promoting friendly relations among nations. Because of the importance of their role, it was essential to ensure the security and safety of diplomatic and consular representatives so that they could perform their official functions smoothly, in a peaceful and conducive environment. Acts of violence against the security and safety of diplomatic and consular missions and representatives were a serious concern that needed to be effectively addressed.

73. As a party to the Vienna Conventions on Diplomatic Relations and on Consular Relations and the Optional Protocols thereto, and to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, India urged all States that had not yet done so to also become a party to them. In addition, all further measures required to protect diplomatic and consular missions and representatives should be taken, in the interests of peaceful international discourse.

74. **Ms. Pan Kun** (China) said that her delegation was concerned about recent criminal incidents targeting diplomatic and consular missions and representatives that had placed individuals in personal danger and hampered the performance of their duties. States should adopt effective measures to ensure the safety of diplomatic and consular missions and representatives. First, preventive and protective measures should be strengthened. Under the Vienna Conventions on Diplomatic Relations and on Consular

Relations, receiving States were required to take all appropriate preventive measures to protect diplomatic and consular missions and representatives. In practice, such measures included the provision of special security personnel for those missions and reinforced security where appropriate. In special circumstances, sending States could provide receiving States with security personnel for that purpose. Secondly, measures to pursue and punish perpetrators should continue to be improved. Receiving States should adopt appropriate legislative, administrative and judicial measures to investigate and punish criminal acts against diplomatic and consular missions and representatives and should be held accountable in the event of their failing to do so.

75. Mindful of the need to ensure the safety of diplomatic and consular missions and representatives in China, her Government provided permanent armed police protection for such missions and had strengthened its emergency response management capacity. It had also put in place regulations on their privileges and immunities. Diplomatic and consular representatives were required to respect the laws and regulations of the host State: the premises of diplomatic and consular missions could be used only for their official purposes. In cases of abuse of diplomatic and consular privileges and immunities, her Government requested sending States to consult with it in a responsible and cooperative spirit in order to resolve the problem.

76. **Ms. Özkan** (Turkey) said that the protection of diplomatic and consular missions and representatives was essential for the development of friendly relations among nations. Turkey was strongly supportive of the Vienna Conventions on Diplomatic Relations and on Consular Relations, and it attached the utmost importance to the special duty of host countries to protect such missions. Her Government condemned all attacks against diplomatic and consular missions and representatives and, to protect those stationed in Turkey, took all necessary measures, which were constantly assessed and improved in order to maintain the highest standards of safety and security. In that effort, cooperation among States, including in the fight against terrorism, was crucial.

77. In the previous two years, Turkish diplomatic and consular representatives had been the targets of a number of attacks, notably in Mosul in northern Iraq in June 2014. Her delegation appreciated the solidarity

expressed in that connection by the Observer for the European Union.

78. **Mr. Belaid** (Algeria) reiterated his delegation's condemnation of the terrorist attacks against the United Nations Multidimensional Integrated Stabilization Mission in Mali. Algeria strongly condemned all acts of violence against diplomatic and consular missions and their representatives as well as those directed against missions and representatives of the United Nations and all other international organizations. Respect for the universally accepted principles governing diplomatic and consular relations was an absolute prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles set out in the Charter of the United Nations. In addition, receiving States had a special duty to protect diplomatic and consular missions against any intrusion or damage.

79. His Government remained committed to its obligations under international law to ensure appropriate protection and security for diplomatic and consular missions and personnel in Algeria. It called for close cooperation in the development of practical preventive measures to enhance the protection, security and safety of diplomatic and consular missions and representatives and in the prompt exchange of all relevant information.

80. Algerian missions and diplomats had not been spared by the spate of violent attacks against diplomatic and consular missions and representatives in recent years. His delegation wished to pay a special tribute to the Algerian consul and deputy consul in Gao, Mali, who had lost their lives during detention by a terrorist group. Such occurrences, affecting the very lives of diplomats, should bring together all members of the international community in order to enforce appropriate preventive measures at the national and international levels and ensure that such acts were fully investigated and their perpetrators brought to justice.

81. **Ms. González López** (El Salvador) recalled that, under article 22 of the Vienna Convention on Diplomatic Relations, to which her country was a party, receiving States were under a special duty to take all appropriate steps to protect the premises of diplomatic missions against any intrusion or damage and to prevent any disturbance of the peace of missions or impairment of their dignity. That fundamental provision was a binding norm of international law that

had been fully consolidated within the international legal framework, as reflected in the high number of ratifications of that Convention, which currently stood at 190. The challenge was to ensure its effective implementation. To that end, measures should be taken to prevent and punish criminal acts against diplomatic and consular missions and representatives, particularly when they directly affected individuals' lives and personal integrity. El Salvador, for its part, had put in place mechanisms to ensure the protection of diplomatic and consular representatives. All accredited diplomatic missions and international organizations in the country could officially request permanent police protection.

82. Her delegation felt that legal analysis was essential for the consolidation of the various principles and norms of international law governing diplomatic and consular relations throughout the international community and urged the Committee to continue discussing the topic.

83. **Mr. Aldahhak** (Syrian Arab Republic) said that the success of diplomacy depended in part on securing a safe and secure environment for diplomatic representatives. Over the previous four years, many missions of the Syrian Arab Republic had come under attack. In several cases, embassies had been stormed and property damaged. All such attacks, regardless of their nature and location, were crimes that must be condemned and whose perpetrators must be held to account. While some countries had dealt with attacks in line with their obligations under international law, others had not responded adequately.

84. His Government was doing its utmost to guarantee the safety and security of the missions and representatives on its territory. He called on other Member States to comply with the Vienna Conventions on Consular and on Diplomatic Relations.

*The meeting rose at 12.56 p.m.*