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## Sixth Committee

### Summary record of the 17th meeting

Held at Headquarters, New York, on Thursday, 18 October 2018, at 10 a.m.

*Chair:* Mr. Luna (Vice-Chair) ..... (Brazil)  
*later:* Ms. Kremžar (Vice-Chair) ..... (Slovenia)

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*In the absence of Mr. Biang (Gabon), Mr. Luna (Brazil), Vice-Chair, took the Chair.*

*The meeting was called to order at 10.10 a.m.*

**Agenda item 83: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**  
(continued) (A/73/277)

1. **Mr. Musikhin** (Russian Federation) said that his Government was fully committed to the Geneva Conventions of 1949 and their Additional Protocols, which were key components of international humanitarian law. It called on all States that had not yet consented to be bound by the principles and norms set out in those instruments to consider doing so as soon as possible.

2. The Russian Federation greatly valued the role of the International Committee of the Red Cross (ICRC) in offering protection to victims of armed conflicts. In addition to maintaining a constructive dialogue with ICRC, his Government had decided to make a voluntary contribution of one million Swiss francs to the organization in 2018 to support humanitarian operations in areas affected by armed conflicts. Although ICRC played a valuable role in disseminating information about international humanitarian law and promoting strict compliance with its norms in situations of armed conflicts, States bore the primary responsibility for doing so, as indicated in article 83 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). Therefore, the commentaries on the Geneva Conventions published by ICRC could only gain the status of international customary law if the States parties to the Conventions agreed with them and reflected them in their practice. His Government, like many others, was studying the updated commentaries and would make a determination regarding their applicability following that analysis.

3. As part of its own efforts to disseminate international humanitarian law, his Government had in 2018 organized a conference on international security and an international forum on the development of parliamentarism, a portion of which dealt with international humanitarian law. Later in the year it would also host, together with ICRC and the Interparliamentary Assembly of the States members of the Commonwealth of Independent States, an international conference on international humanitarian law to mark the 150th anniversary of the adoption of the Declaration Renouncing the Use, in Time of War, of

Explosive Projectiles Under 400 Grammes Weight. The principles set out in that declaration remained relevant in view of the continued use of new technologies in modern warfare and the prevalence of armed conflict and humanitarian catastrophes around the world.

4. States also bore the primary responsibility for ensuring the observance of international humanitarian law. Accordingly, the Russian Federation had continued to make every effort to implement the Additional Protocols to the Geneva Conventions. The Government had incorporated its obligations under international humanitarian law into its internal guidelines and into military training programmes. It had also developed comprehensive instructions to assist military personnel in the application of the rules of international humanitarian law before and during armed conflict.

5. Efforts by States to ease the plight of civilian populations in areas affected by armed conflict were to be commended, but it should be borne in mind that armed conflict itself was the true cause of their suffering. He called on all States to live in peace with one another in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

6. **Ms. Katholnig** (Austria) said that her delegation was concerned about the recent reports of serious violations of international humanitarian law in conflict situations in various parts of the world. The international community must address the major challenge of upholding international humanitarian law and protecting human dignity in such situations and do much more to protect civilians in armed conflicts. The Geneva Conventions and their Additional Protocols contained the most important rules to limit the barbarity of war, but only the Conventions had been universally ratified. Austria called on all States that had not yet done so to accede also to the Additional Protocols.

7. Austria continued to support the process to strengthen compliance with international humanitarian law as well as the proposal to establish a regular specific forum for the discussion of issues relating to that law. The protection of civilians in armed conflicts was a long-standing foreign policy priority of her country, which was also committed to strengthening the efforts of the European Union to that end and, during its presidency of the Council of the European Union, to enhancing the Union's capabilities and structures for promoting international humanitarian law and international criminal justice.

8. Fact-finding was an essential means of ensuring compliance with international humanitarian law and the

International Humanitarian Fact-Finding Commission could play an important role in that regard, under article 90 of Additional Protocol I to the Geneva Conventions. Austria had contributed to the first activation of that Commission during the period of its chairmanship-in-office of the Organization for Security and Cooperation in Europe in 2017, in connection with an incident in Eastern Ukraine, and strongly supported the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which had an important role in documenting human rights violations for future prosecutions. It also welcomed the recent establishment of a similar mechanism for Myanmar.

9. Accountability and the fight against impunity for violations were essential elements in the humanitarian law system. Austria had been a strong supporter of the International Criminal Court since its creation and continued, together with other European Union member States, to promote universal acceptance of its jurisdiction. The recent activation of the Court's jurisdiction over the crime of aggression was a deterrent to war and played an important role in enhancing the protection of civilians. Austria supported efforts to amend the Rome Statute of the International Criminal Court to bring it into line with the Geneva Conventions and their Additional Protocols, including the recognition of starvation as a method of warfare in non-international armed conflicts.

10. A nuclear-weapon-free world and the maintenance of the global non-proliferation regime were other foreign policy priorities of her Government. Austria had been among the first 10 States to ratify the Treaty on the Prohibition of Nuclear Weapons, which strengthened and complemented existing disarmament obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and was an important step to ensure human security and promote the protection of civilians.

11. Lastly, Austria had taken a number of measures during the year to strengthen the implementation and dissemination of international humanitarian law, including the organization of seminars and courses for military legal advisers, and the publication of documents to serve in the training of members of the armed forces.

12. **Mr. Varankov** (Belarus) said that his country was a party to the 1949 Geneva Conventions and the three Additional Protocols thereto and was committed to upholding those instruments and international humanitarian law in general. In that connection, his

Government had established a committee for the implementation of international humanitarian law, to oversee efforts to incorporate the relevant rules into national laws and to raise awareness of international humanitarian law. It would be organizing a conference in 2019 together with ICRC to mark the seventieth anniversary of the 1949 Geneva Conventions. In addition to its annual "Youth for Peace" international law competition, it would also hold a series of events on the humanitarian dimension of contemporary challenges and threats to European security for secondary school and university students and junior researchers. It also planned to hold public lectures on the transformation of armed conflict in modern times, as well as a joint seminar with ICRC on international humanitarian law for instructors at national institutions of higher education.

13. Belarus was involved in the development of a regional framework to enable cooperation among national committees for the implementation of international humanitarian law in Eastern Europe and Central Asia. It was also actively engaged in the intergovernmental process aimed at strengthening compliance with international humanitarian law. In that connection, it noted that there was no consensus in support of the proposal to establish an entirely independent forum of States on international humanitarian law and that the proposal was not viable. Instead, the International Conference of the Red Cross and Red Crescent should be adapted to play that role and any mechanism aimed at strengthening international humanitarian law must report to the Conference, or be associated with it, and involve ICRC. His Government hoped that the intergovernmental process would continue to function in a constructive and open manner.

14. **Ms. Picco** (Monaco), noting that the Secretary-General had indicated in his report (A/73/277) that there had been no improvement in the protection of civilians in ongoing armed conflicts, called on Member States that had not yet done so to ratify and comply with the three Protocols Additional to the Geneva Conventions of 1949 as soon as possible and without reservation. Their ratification was but the first step towards implementing the principles of international humanitarian law for civilian populations on the ground, at a time when the very nature of armed conflicts had changed, since such conflicts often involved non-State or terrorist groups.

15. The Additional Protocols had been welcome additions to the body of law established by the Geneva Conventions in that they had introduced new standards and served to codify practices that had existed before 1977 but that had not been covered by the Conventions

themselves. Protocol I, on the protection of civilians in international armed conflicts, introduced numerous rules as to the conduct of hostilities, such as the fundamental principle of distinction between combatants and the civilian population and the provision that parties to a conflict were under an obligation to attack only military targets, with due regard for the principle of the military objective. It also categorized certain prohibited practices as war crimes, such as the deportation of civilians and made greater provision for medical assistance. The International Humanitarian Fact-Finding Commission, which, like the International, Impartial and Independent Mechanism for the Syrian Arab Republic, offered a means of monitoring the proper conduct of States and other parties to conflicts, was indeed established pursuant to article 90 of Additional Protocol I.

16. Protocol II, on non-international armed conflicts, extended existing rules by prohibiting attacks against civilian populations and establishing fundamental guarantees for individuals, whether or not imprisoned. In that connection, Monaco denounced attacks against schools and hospitals. Although the two Protocols were not yet universal, they were at the very core of international humanitarian law and had been drafted with the participation of countries in all regions of the world. Monaco urged that they be more fully implemented and universally ratified.

17. Her delegation commended the International Committee of the Red Cross (ICRC) for its work, particularly for its legal assistance to States, and the International Red Cross and Red Crescent Movement for its action in support of the victims of conflicts. Her Government had recently signed a cooperation agreement with ICRC in which it had reiterated its commitment to upholding international humanitarian law, international human rights law and basic humanitarian principles. A Monegasque delegation had participated in the Thirty-second International Conference of the Red Cross and Red Crescent in 2015 and would participate in the Thirty-third, in 2019, to mark the seventieth anniversary of the Geneva Conventions, which remained as relevant as ever.

18. **Ms. Kim Hye Mi** (Republic of Korea) said that the adoption of the Protocols Additional to the Geneva Conventions had been a landmark in the development of international humanitarian law; after 40 years, they remained as relevant as ever, if not more so. The challenges for international humanitarian law were growing increasingly complex, owing to rapid developments in science and technology and the evolving and multifaceted nature of modern armed conflict. Her delegation therefore welcomed the

universal acceptance of the Geneva Conventions and the trend towards a similarly wide acceptance of its Additional Protocols I and II; however, much still needed to be done to ensure wider dissemination and full implementation of international humanitarian law.

19. Her Government took note of the resolutions adopted at the Thirty-second International Conference of the Red Cross and the Red Crescent, held in 2015, and stood ready to contribute constructively to the intergovernmental process to find agreement on the features and functions of a potential forum of States to address international humanitarian law and to find ways to enhance the implementation of that law.

20. Her country's sustained effort to promote international humanitarian law included the establishment, 15 years earlier, of the Korean National Committee for International Humanitarian Law, which had played a key role in monitoring and coordinating the dissemination and implementation of international humanitarian law at the domestic level. Her delegation wished to stress that perpetrators of the most serious crimes of international concern and international humanitarian law must be held accountable so that there could be an end to impunity. States must also make more concerted collective efforts to prevent, contain, limit and settle conflicts and thus ease the plight of innocent civilians, including women and children.

21. The Korean Government commended the work of ICRC, undertaken at considerable risk, to protect the victims of armed conflicts and to promote and disseminate knowledge of international humanitarian law. It would continue to collaborate in those efforts, both regionally and internationally, and looked forward to contributing to a constructive outcome at the Thirty-third International Conference of the Red Cross and Red Crescent in 2019.

22. **Mr. Simcock** (United States of America) said that the United States had long been a strong proponent of the development and implementation of international humanitarian law and 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. Interagency reviews had found his country's military practice to be consistent with the provisions of Additional 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, his Government continued, out of a sense of legal obligation, to treat the principles set forth in its

article 75 as applicable to anyone it detained in an international armed conflict and expected all other nations to do likewise.

23. Proper compliance with obligations under international humanitarian law was critical to reducing the risk to civilians and civilian objects during armed conflict. As that risk still existed even when parties complied with those obligations, compliance with international humanitarian law was all the more important, including with the principles of distinction and proportionality, as well as with the obligations of both attacking and defending parties to take precautionary measures for the protection of the civilian population and other protected persons and objects. In taking such precautions, the United States routinely imposed, as a matter of policy, certain heightened standards that were more protective of civilians than would otherwise be required under international humanitarian law.

24. Moreover, his Government encouraged States to take a number of practical measures for the effective implementation of international humanitarian law. One such measure could be for States to require a legal review of any intended acquisition or procurement of weapons or weapon systems, to ensure that it was consistent with the law of war. For example, although the United States was not bound by article 36 of Additional Protocol I and customary law did not require weapons reviews as such, it required such a review, which it considered a best practice for implementing customary law and treaty law relating to weapons; the review could also be especially important with respect to weapons that incorporated emerging technologies in novel ways, such as new developments in artificial intelligence.

25. A second measure that States could take consisted in the voluntary and non-politicized sharing of State practice, including official publications, policies and procedures. The State-driven intergovernmental process referred to in resolution 2 of the Thirty-second International Conference of the Red Cross and Red Crescent for the implementation of international humanitarian law provided a valuable opportunity to create a non-politicized space for that type of regular exchange and dialogue. In that connection, the United States had recently submitted an official proposal to create an online repository of official documents regarding States' practices and policies related to their implementation of international humanitarian law, which might be complemented by any other outcomes agreed upon by States.

26. Providing ICRC with notification of and access to detainees in non-international armed conflicts was a third measure that States could take. That measure was codified as a requirement under his country's domestic law. The United States military had found it beneficial, in part because of the practical experience of ICRC in understanding the challenges of detention and the confidential modalities under which access was granted. Providing ICRC with notification of and access to detainees in military detention facilities was a good practice for parties to armed conflict as it could help them to identify better ways to implement international humanitarian law and further ensure the humane treatment of detainees.

27. The three types of measures would contribute to the sound and efficacious implementation of international law, given that while the fundamental principles of that law were clear and universally recognized, that was not always true of how they might be most effectively implemented. The United States therefore encouraged other States to adopt those measures to further strengthen the implementation of and respect for international humanitarian law.

28. **Mr. Kazi** (Bangladesh) said that, as a party to the four Geneva Conventions and the two Additional Protocols of 1977, his country remained concerned about the current reports of violations of international humanitarian law by both State and non-State actors in different conflict situations around the world. The perpetrators of such violations must be held accountable. In Rakhine State, egregious violations of international humanitarian law and human rights law had been committed against Rohingya civilians by the Myanmar armed forces, aided by local vigilante groups, under the pretext of counter-terrorism. Bangladesh appreciated the efforts made by ICRC to protect the Rohingya, in particular through the confidential dialogue conducted bilaterally with the Myanmar authorities.

29. His Government was also strongly concerned about sexual and gender-based violence and mindful of its obligation to protect and assist the survivors of such violence in armed conflict. A gender-sensitive approach was needed to ensure the equal and non-discriminatory application of humanitarian law and provide effective humanitarian assistance, including safe and accessible health care, to victims. Bangladesh had recently signed a framework agreement with the Special Representative of the Secretary-General on Sexual Violence in Conflict to address conflict-related sexual violence committed against members of the Rohingya population.

30. In 2014, with the support of ICRC, his country had established a national committee on international humanitarian law, which continued to explore the possibility of further comprehensive legislation for the implementation of the Geneva Conventions and their Additional Protocols. It also advocated further dissemination of international humanitarian law among the general population, including through its incorporation into national education curricula. As a leading contributor of troops and police to United Nations peacekeeping operations, Bangladesh gave importance to the training of its peacekeepers in the fulfilment of their mandates for the protection of civilians.

31. **Ms. Rivera Sánchez** (El Salvador) said that compliance with the Additional Protocols to the Geneva Conventions and all other norms of international humanitarian law was essential to limiting the grave consequences of war and ensuring protection and assistance for victims, as well as for all those who were not directly engaged, or had ceased to engage, in hostilities.

32. States had obligations under international humanitarian law in peacetime as well as in times of war. Accordingly, 26 years after the end of the internal armed conflict in her country, El Salvador was still making every effort to strengthen its institutional legal framework to ensure the full dissemination and application of all the relevant normative instruments. Its criminal laws provided for the punishment of persons engaging in acts that violated international law or the customary law of war in the context of both domestic and international conflicts, including any action causing physical or psychological harm to civilians, the mistreatment of prisoners of war, the killing of hostages and wanton destruction of buildings.

33. In 2000, El Salvador had passed a law for the protection of the emblem of the Red Cross, regulating its use by those working under the Geneva Conventions and their Additional Protocols during armed conflict. Since 1997, its inter-institutional committee on international humanitarian law had been serving as an advisory body to the Government on the means of implementation and dissemination of international humanitarian law instruments and on the norms of national and international humanitarian law. One of the committee's main achievements had been the approval of a national action plan concerning women, peace and security, designed to further advance her country's compliance with Security Council resolution [1325 \(2000\)](#) and subsequent resolutions, in particular by improving the situation of women affected by armed conflict and by new phenomena such as terrorism. A

national committee had been established to propose policies and regulations for the implementation of those resolutions.

34. The broad dissemination at national level of international humanitarian law instruments required the involvement of various sectors of society. The inter-institutional committee therefore provided the necessary support for the conduct of dissemination campaigns targeted at university students and civil servants, in particular through the publication of a compilation of international humanitarian law instruments and the creation of a webpage dedicated to related matters. Training in international humanitarian law was also provided by other national institutions aimed particularly at members of the national police wishing to join United Nations peacekeeping forces.

35. El Salvador had thus made real progress at the national level and remained committed to fulfilling its obligations under international humanitarian law.

36. **Ms. Dickson** (United Kingdom) said that in 2017, the United Kingdom had enacted the Cultural Property (Armed Conflicts) Act, which provided for the ratification of and accession to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols. The Act had entered into force and two guidance documents had been published to support the implementation of both the Act and the Convention and its Protocols. The United Kingdom was currently considering establishing a military cultural property protection unit. Earlier in 2018, it had endorsed the Safe Schools Declaration, thereby joining a community of 81 States that had agreed to meet on a regular basis to review the implementation of the Declaration and the application of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. It continued to encourage other international partners to sign and implement that Declaration.

37. The United Kingdom had played a leading role in wider initiatives relating to international humanitarian law. On the Preventing Sexual Violence in Conflict initiative, it had launched the second edition of the *International Protocol on Documentation and Investigation of Sexual Violence in Conflict*, which it had used as a tool to provide capacity-building to practitioners in various countries, including the Democratic Republic of the Congo. In 2019, the United Kingdom would be hosting an international meeting on the topic. It also continued to play an active role across the full range of conventional arms control treaties and conventions, which operated within international humanitarian law principles. In 2018, for

instance, it had acted as Chair of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

38. The United Kingdom underlined its support for the Thirty-third International Conference of the Red Cross and Red Crescent, to be held in 2019, which would offer an ideal opportunity to work collaboratively to tackle pressing humanitarian challenges. It also continued to support the intergovernmental process to strengthen respect for international humanitarian law. Her delegation urged States to work constructively to find common ground to support that initiative.

39. Support for international criminal justice and accountability was a fundamental element of its foreign policy. In that connection, the United Kingdom reiterated its support for the role of the International Criminal Court, the International Residual Mechanism for Criminal Tribunals and other tribunals established to address serious violations of international humanitarian law. It also supported the establishment of evidence-gathering mechanisms and fact-finding missions, including the Mechanism for the Syrian Arab Republic, and remained fully committed to the promotion and implementation of international humanitarian law.

40. **Mr. Atlassi** (Morocco) said that Morocco had established a national authority to ensure that its legislation was consistent with the Geneva Conventions and their Additional Protocols. Mindful of articles 80 and 83 of Additional Protocol I, it had concluded agreements with a view to disseminating those instruments and sharing expertise in international humanitarian law. Draft legislation that was currently under consideration would define and criminalize genocide, crimes against humanity and war crimes, and efforts were under way to raise awareness of the country's obligations under the two Additional Protocols. In accordance with article 6 of Additional Protocol I, and in cooperation with stakeholders, his Government had organized several events on international humanitarian law aimed at parliamentarians, civil society organizations and other relevant audiences. Moroccan experts had also provided and received training in humanitarian law at a number of events organized for participants from across the Arab world.

41. **Mr. Elshenawy** (Egypt) said that his Government underscored its principled positions concerning international law, in particular international humanitarian law, and appealed to States to comply fully with its provisions, in particular those of the Geneva Conventions and their Additional Protocols. It was

concerned about the situation in the occupied State of Palestine, including East Jerusalem, and called for the immediate cessation of actions against the Palestinian people and their land that violated international law, particularly international humanitarian law. The transfer of populations into the occupied land and the forcible transfer of people under occupation were violations of the Geneva Conventions and other relevant international instruments. Verbal condemnation of the settlement regime must be translated into action that could change the situation on the ground and secure the independence of the State of Palestine and its sovereignty over the territories occupied in 1967.

42. Egypt was also concerned about the critical humanitarian situation in the Gaza Strip and called for an end to the Israeli blockade of the Strip. Respect for international law, including international humanitarian law and human rights law, was the key to a peaceful solution of the Israeli-Palestinian conflict. Egypt reiterated its calls to the international community and the concerned parties to revive the negotiations and the peace process based on the two-State solution and the relevant Security Council resolutions.

43. Egypt encouraged the promotion of respect for the obligations arising under international law, particularly international humanitarian law, and welcomed the opportunity to promote awareness through discussion and dissemination of information on international humanitarian law related to the protection of civilians in armed conflicts. It commended the International Committee of the Red Cross for its efforts to promote and disseminate international humanitarian law.

44. **Mr. Ahmadi** (Islamic Republic of Iran) said that the Geneva Conventions were among the key achievements of human civilization, providing a comprehensive body of rules and norms for the protection of victims of armed conflicts based on the key principle of distinction between combatants and non-combatants and between civilian and non-civilian objects, a principle which the International Court of Justice had recognized in its advisory opinion concerning the *Legality of the Threat or Use of Nuclear Weapons*.

45. The Islamic Republic of Iran fully recognized the essential role of international humanitarian law, in particular the four Geneva Conventions, in minimizing the negative effects of armed conflict. It had accordingly sought constantly to disseminate and promote knowledge of the related norms, including among the armed forces. The establishment in 1999 of the Iranian Committee on Humanitarian Law within the Iranian Red Crescent Society had been a turning point in that regard.

In 2016, the Committee had organized an important conference on Islam and international humanitarian law, where participants had been able to identify synergies between contemporary international humanitarian law and the rich Islamic humanitarian heritage. In 2019, the Committee would be organizing a national seminar on current issues and challenges for international humanitarian law.

46. The Islamic Republic of Iran had participated actively in the fourth intergovernmental meeting of States on compliance with international humanitarian law, hosted by ICRC in Geneva in May 2018, where it had maintained that the existing mechanisms of the International Conference of the Red Cross and Red Crescent remained the best and most viable means of strengthening such compliance, with all due regard for State sovereignty and well-established principles of international law. In November 2018, his Government and ICRC would together organize the eighth South Asian Conference on International Humanitarian Law, which would offer States and relevant stakeholders in the region a platform to discuss various aspects of international humanitarian law, enhance interaction between States, partner organizations and ICRC and strengthen institutional dialogue and collaboration on related matters.

47. In his region, violations of international humanitarian law, particularly in the Occupied Palestinian Territory, had grown dramatically worse in recent years. The occupying Power had not been complying with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), as had been declared over and over again in Security Council and General Assembly resolutions, and the illegality of its actions had been addressed by the International Court of Justice in its advisory opinion concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.

48. Violations of international humanitarian law also continued to occur on a daily basis in South-West Asia. For nearly three years, foreign military intervention in Yemen had exacerbated the humanitarian situation in that already poor country, leading to tens of thousands of deaths and injuries and widespread disease and population displacement. Moreover, because of the inhumane blockade and strict restrictions imposed, malnutrition, hunger and famine continued to spread. The provision of massive humanitarian assistance to Yemen was imperative and urgent. The Islamic Republic of Iran called on all States to make every effort to fulfil their obligation to respect international humanitarian law.

49. **Mr. Harland** (Observer for the International Committee of the Red Cross) said that on the occasion of the fortieth anniversary of the Additional Protocols of 1977, ICRC had taken several steps to promote their universalization and implementation, including publication of a policy paper on their impact and practical relevance. It had also written to States not yet parties to those instruments, encouraging them to adhere to them. ICRC reiterated its call to States that had not yet done so to ratify the Additional Protocols and other key instruments of international humanitarian law.

50. Currently, 174 States were parties to Additional Protocol I and 168 States to Additional Protocol II. Burkina Faso and Madagascar had recently become, respectively, the seventy-third and seventy-fourth States to ratify Additional Protocol III. In April 2018, Palestine had made a declaration pursuant to article 90 of Additional Protocol I, thereby becoming the seventy-seventh State to accept the competence of the International Humanitarian Fact-Finding Commission. Niger, Oman, Palestine, Papua New Guinea and Vanuatu had established national committees on international humanitarian law, bringing the total number of such or similar national bodies to 112. In 2016, ICRC had convened the fourth universal meeting of national committees and similar bodies on international humanitarian law, which had focused on enhancing protection in armed conflict through domestic law and policy. ICRC had continued to update the commentaries on the Geneva Conventions and their Additional Protocols with the publication of a new commentary on the Second Geneva Convention and promotional events in various regions.

51. Looking ahead to the seventieth anniversary of the adoption of the Geneva Conventions in 2019, ICRC encouraged States to make a special effort to ensure the proper implementation of the Conventions and their Additional Protocols, to accede to other instruments of international humanitarian law, and to consider establishing a national committee on such law if they did not have one.

52. Recalling that in its resolution 2, the Thirty-second International Conference of the Red Cross and Red Crescent had recommended the continuation of a State-driven intergovernmental process to find ways to enhance the implementation of international humanitarian law, he said that, as co-facilitators of the process, ICRC and Switzerland had to date organized four formal meetings of States and numerous preparatory meetings to enable States to exchange views on the substantive elements of the resolution and on the best ways to fulfil that mandate.

53. ICRC had continued to provide national authorities with legal advice and technical assistance for the legislative, regulatory and practical measures needed to ensure full implementation of international humanitarian law in domestic law and practice; it had also continued to develop specialized tools, such as databases, reports and technical documents, which had been made available to States and the general public, and would continue to do so in the future. ICRC remained fully committed to working with States and supporting them in their efforts to implement international humanitarian law.

*Statements in exercise of the right of reply*

54. **Mr. Al Arsan** (Syrian Arab Republic) said that while his delegation had no wish to depart from the legal scope of the Committee's work, it could not remain silent while certain parties took advantage of the situation in his country to politicize the agenda item and to promote their own biased political agendas. In her statement delivered at the 16th meeting (A/C.6/73/SR.16), the representative of Canada had referred indirectly to the biased allegations made by specific actors in the international community that had, whether directly or indirectly, contributed to the growth and consolidation of terrorist groups in and facilitated the travel of foreign terrorist fighters to the Syrian Arab Republic and Iraq. However, it was stated clearly in the four Geneva Conventions and their Additional Protocols that when medical and educational facilities were used as military bases or storage facilities for weapons and ammunition, they were no longer protected. Nowhere in those instruments was there any provision condoning the use of residential areas as launching pads for attacks against civilian or military targets.

55. His delegation objected categorically to the description of the events in his country as an armed conflict. It was becoming clearer every day that the Syrian Arab Republic was confronting armed terrorist groups that had been designated as such by the Security Council. Those groups espoused the same jihadist, Salafist and takfirist ideologies as Al-Qaida, the Nusra Front and Islamic State in Iraq and the Levant (ISIL). Over the previous eight tragic years, those groups – which some liked to describe as the “moderate opposition” or “non-State armed groups” – had repeatedly changed their names, alliances and affiliations overnight. Indeed, the political, legal and judicial authorities in a number of Member States had come to the conclusion that their own Governments had provided financial, military and political support to groups that appeared to be part of the so-called moderate opposition, but turned out to consist of extremist

jihadists who had either committed war crimes and crimes against humanity, or acted at the behest of terrorist entities.

56. His delegation was not prepared to listen to the representative of a State that had blithely ignored infringements of the counter-terrorism resolutions of the Security Council and used the Sixth Committee as a platform to promote the so-called International Impartial and Independent Mechanism. The latter was the stillborn offspring of a General Assembly resolution that had been adopted without consensus, violated Articles 10 to 12 and 22 of the Charter of the United Nations, and flagrantly encroached on the prerogatives of the Security Council.

57. He invited members of the Committee to examine the letter from the Permanent Mission of the Syrian Arab Republic addressed to the Secretary-General (A/71/799) and the letter from the Permanent Mission addressed to the President of the General Assembly (A/72/106), both of which exposed the serious legal flaws in that resolution and the shabby, self-interested political motives behind its adoption. It should be recalled, incidentally, that Canada had voted against most of the General Assembly resolutions upholding the rights of the Palestinian people and the people of the Syrian Golan under Israeli occupation, including resolutions condemning settlement expansion.

58. The Syrian Arab Republic had never used, and would never use, a chemical weapon or any internationally prohibited weapon against its own people or against armed terrorist groups. Neither would it respond to unfair and spurious allegations by signing away its legal or judicial prerogatives, its rights or claims with regard to its sovereignty or integrity, or its freedom of choice as a nation. It would not desist from its endeavour to restore safety, security and prosperity through a comprehensive national reconciliation process.

59. His Government was working closely and successfully with the International Committee of the Red Cross to provide humanitarian assistance, rebuild infrastructure and instil a culture of international humanitarian law across the public, private and educational sectors, including the armed forces. The Government was also working closely with United Nations and other international partners on the ground. Despite inevitable difficulties and tensions, those parties recognized the fundamental role of the Syrian Government in ensuring that humanitarian assistance could be delivered safely. Those activities were continuing even though certain parties had sought to divert aid to armed terrorist groups, and

other parties had attempted to misrepresent the Government's position, hold it to ransom or score vacuous political points.

60. **Ms. Seiferas** (Israel) said that her delegation hoped that a professional tone and tenor would be maintained during the exchange of views in the Committee and that any attempts at blatant politicization would be rejected. Unfortunately, in his statement delivered at the 16th meeting (A/C.6/73/SR.16), the representative of Lebanon had tried to politicize the Committee and to misrepresent events that had occurred more than a decade earlier. In fact, the war had started following acts of unprovoked aggression by Lebanon and gross violations of international humanitarian law, including the abduction of Israeli soldiers and the indiscriminate firing of rockets at innocent Israeli civilians.

61. As had been revealed by the Israeli Prime Minister in his address to the General Assembly (A/73/PV.10), Iranian-backed Hizbullah and other actors were abusing Lebanese soil by planting advanced weaponry on sensitive civilian sites in Lebanon. Like Hamas in Gaza, Hizbullah was using civilians in Lebanon as human shields and hiding weapons in houses and public institutions like schools and hospitals. Those actions constituted major violations of international humanitarian law and the principle of distinction as applicable to Lebanese civilians.

62. She also objected to the blatant politicization of the Committee and the false accusations aimed at the State of Israel by the representatives of Iran and Egypt in their statements delivered at the current meeting. Certain States needed to engage in serious soul-searching of their own before talking about humanitarian law or lobbing false accusations.

63. **Mr. Aung** (Myanmar) said that in his statement delivered earlier in the meeting, the representative of Bangladesh had failed to recognize the root causes of the current humanitarian problem in Rakhine State. The problem had been ignited by a terrorist attack launched by the Arakan Rohingya Salvation Army against Myanmar law enforcement personnel. Therefore, the 1949 Geneva Conventions and their Additional Protocol relating to the protection of victims of armed conflicts was not applicable to the situation in Rakhine State. His delegation strongly rejected the statement made by the representative of Bangladesh.

**Agenda item 84: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (A/73/189)**

64. **Mr. Escalante Hasbún** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the protection of diplomatic and consular representatives, and the security and inviolability of diplomatic and consular missions, their archives, documents and communications, was a cornerstone of international relations, enshrined in the Vienna Convention on Diplomatic Relations. Such privileges were granted to ensure that State representatives were able to perform their functions effectively. CELAC strongly condemned all violations against diplomatic and consular missions and representatives, as well as against the missions, representatives and officials of international intergovernmental organizations, and expressed its solidarity with the victims. Such acts could never be justified and should not enjoy impunity under any circumstances, bearing in mind that every such violation was a serious incident that might endanger lives, cause damage and adversely affect the promotion of the shared values of the international community.

65. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents underscored the need to cooperate in the prevention of crimes against any representative or official of a State or any official or other agent of an international organization of an intergovernmental character, and against his or her official premises. The events described in the report of the Secretary-General (A/73/189) and previous reports, some of which had even led to a loss of life, clearly showed the risk involved in representing a State. The international community should therefore redouble its efforts to ensure that the protection, security and safety of diplomatic and consular representatives and their missions remained a priority for all concerned.

66. CELAC reiterated its concern at the negative impact that State 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. It appreciated the transparent and constructive dialogue on that issue at the seventy-first session of the General Assembly and the fact that the Assembly, in resolution 71/145, had recalled that the archives, documents and communications of diplomatic and consular missions were inviolable at any time and wherever they might be.

It hoped for continued engagement on that important issue at the current session.

67. It was essential for States to observe all the principles and rules of international law on the subject, as well as the relevant United Nations resolutions, and to ensure that their national legislation was in strict compliance with international law. They should take appropriate measures to prevent violations of the protection, security and safety of diplomatic and consular missions and representatives, including their archives, documents and communications. CELAC also urged all States to prevent abuses of privileges and immunities, especially in cases involving violence, and to cooperate with the host State where such abuses had been committed. It was imperative that all disputes concerning compliance with such international obligations 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 and other relevant instruments.

68. *Ms. Kremžar (Slovenia), Vice-Chair, took the Chair.*

69. **Mr. Jaiteh** (Gambia), speaking on behalf of the Group of African States, said that it was a matter of deep concern that diplomatic and consular representatives still faced significant risks in their official functions. The Group of African States called on Member States, in particular States receiving diplomats, to adhere to international best practices in the protection of diplomats, in line with international law, as stipulated in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. Under those Conventions, receiving States had a special duty to protect such agents and to abstain from exercising any enforcement right against them, in particular arrest or detention, and to respect the principle of inviolability.

70. The Group of African States reiterated its firm condemnation of any violation of international law, including any prohibited act, such as attacks on the person, freedom or dignity of a diplomat, and encouraged States to continue to strictly enforce such prohibitions. States must not only refrain from arresting such agents but must also protect their properties and not subject them to searches of any kind by their police or armed security forces. In addition to abstaining from harmful conduct, receiving States should take preventive measures to ensure the protection of diplomats from attacks by individuals or groups of persons, in accordance with international law.

71. Recent acts of violence and intimidation demonstrated the constant threats and risks facing diplomats. The international community in general, and each Member State in particular, must continue to work relentlessly to ensure that diplomats could continue to carry out their functions in the best possible environment, without fear for their security and that of their families, and should do so irrespective of nationality, race or religion.

72. **Mr. Chaboureau** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that ongoing violent, and even deadly, incidents involving diplomatic and consular personnel and premises were a matter of great concern to all. The inviolability of diplomatic and consular missions and their representatives must be respected. The European Union urged States to strictly observe, implement and enforce the provisions of international law under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, which States members of the European Union fully applied. Close cooperation on security matters was also needed, not only internationally, but also nationally between the missions and the competent local authorities.

73. The European Union strongly condemned attacks against diplomatic and consular missions, particularly those that had occurred against German premises and equipment in Afghanistan and against the Embassy of Austria in Libya. Violent acts against such missions or their staff could never be justified. It was in the common interest of all States to ensure the physical safety of diplomatic and consular missions and representatives, which was a prerequisite for their smooth functioning. All States concerned should bring the perpetrators to justice.

74. Under the Vienna Conventions on Diplomatic Relations and Consular Relations, respectively, receiving States had a special duty to protect diplomatic missions and consular premises. In that regard, particular attention must be paid to the threats posed by terrorists and other armed groups, as attested by the events that had occurred in Somalia and Afghanistan. Moreover, diplomatic and consular personnel had the duty to comply with their respective obligations under those Conventions, in particular the obligation to respect the laws and regulations of the receiving State.

75. In view of the number of breaches of relevant international law, efforts to protect diplomatic and consular 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 called again on all States that had not yet done so to consider becoming parties to the aforementioned Vienna Conventions.

76. **Ms. Nyrhinen** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that it was of great concern that diplomatic agents and premises continued to be victims of attacks in receiving States, despite the general recognition of the special duty to protect them. The Nordic countries appreciated the information contained in the Secretary-General's report, which would help to raise awareness in the international community of violations encountered by sending States and the measures taken by receiving States in response to them. 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. All States parties should also fully implement those instruments.

77. 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 them to fulfil their mandates. Close cooperation and information-sharing on security matters, not only at the international level but also at the national level between missions and competent local authorities, were also needed.

78. Notwithstanding the efforts made, serious violations had occurred, as documented in the report of the Secretary-General. The Nordic countries strongly condemned all such acts, which could never be justified and must not go unpunished.

79. **Mr. Luna** (Brazil) said that his delegation was concerned at the increased number of incidents against diplomatic and consular missions and representatives noted in the Secretary-General's report. Furthermore, a

significant number of serious incidents involving violations of diplomatic and consular immunities, which had been reported by the press worldwide, were not reflected in the Secretary-General's compilation. Such underreporting pointed to a need to update the current reporting mandate.

80. It remained beyond doubt, bearing in mind that the Vienna Conventions covered not only the inviolability of diplomatic and consular staff and premises, but also the protection of diplomatic and consular archives, documents and communications, that such communications, archives and documents must be protected both offline and online. While, from 1980 to 2014, the Committee's discussions under the agenda item had not covered that aspect of the protection of diplomatic and consular missions and representatives, General Assembly resolutions [69/121](#) and [71/145](#) had started to fill the gap. The Committee's resolution on the agenda item to be adopted at the current session should adequately address the challenges faced in promoting all dimensions of the protection, security and safety of diplomatic and consular missions.

81. **Ms. Guardia González** (Cuba) said that Cuba was concerned at the transgressions committed against diplomatic missions and diplomatic and consular representatives, as reported by Member States. Such flagrant violations of international law undermined efforts to strengthen cooperation among States and contravened the obligations of States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

82. Cuba unequivocally condemned acts of violence against diplomatic missions and diplomatic and consular representatives and urged the adoption of measures to prevent and punish such acts. It also called for respect for all applicable principles and norms of international law pertaining to the inviolability of the premises of diplomatic and consular missions and permanent missions to international organizations, including the Convention on the Privileges and Immunities of the United Nations.

83. Under Cuban law, any acts of aggression or violations of the dignity and honour of foreign diplomats and other internationally protected persons were considered to be serious offences and were punished as such. A multiple response system for the security and protection of the diplomatic corps established to ensure the full protection of diplomatic offices and diplomatic personnel could be accessed

round-the-clock and included an English and French interpretation service. As a result, diplomats in Cuba enjoyed a calm and safe climate for the performance of their functions. 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.

84. Her delegation supported the maintenance of the current item on the Committee's agenda for consideration on a biennial basis.

85. **Ms. Buner** (Turkey) said that diplomatic and consular missions and their representatives played a key role in international relations, making their protection essential to the development of friendly relations among nations. Turkey was strongly committed to the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. Many of the provisions of those Conventions, such as the special duty of the host country to protect diplomatic and consular premises and agents, were well-established norms of international law. Her Government condemned all attacks perpetrated against diplomatic and consular missions and representatives worldwide.

86. Turkish diplomatic and consular missions and representatives, including high-level officials, had been the targets of many attacks, in violation of the abovementioned Conventions. Although the relevant host countries had taken the necessary steps to prevent or end such incidents, some Member States had allowed terrorist organizations, such as the Kurdish Workers Party, the Partiya Yekitiya Demokrat and the Fethullah terrorist organization, to organize protests in front of Turkish missions, thus endangering the safety and security of Turkish diplomats and diplomatic premises. She called on all States to take the necessary precautions in such cases.

87. Turkey was making every effort to protect diplomatic missions and diplomats in its territory and was constantly working to enhance the security measures in place. In that regard, cooperation between States, including on counter-terrorism matters, was crucial.

88. **Ms. Seiferas** (Israel) said that the inviolability of diplomatic and consular missions and the special duty to protect them were among the cornerstones of international relations. Her delegation welcomed the commitment of the Secretary-General to developing effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.

89. Israeli missions and diplomats had long been the targets of terrorist attacks, including State-sponsored terrorist activity, and continued to be the targets of heinous plots around the world. The international nature of such hateful crimes required a resolute international response. States needed to cooperate closely and share intelligence on the matter, and to strongly condemn and take action against States that supported such attacks. Receiving States had the obligation to protect diplomatic and consular missions and representatives under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and other relevant instruments of international law. She urged the international community to ensure a safe environment in which diplomatic and consular missions and representatives could carry out their essential duties free from any outside threat.

90. **Mr. Musikhin** (Russian Federation) said that his delegation was extremely concerned by the disregard shown in the previous two years by certain States for universally recognized norms of international diplomatic and consular law. That disregard had been evident in actions taken by the authorities of the United States which his delegation had brought to the attention of the Secretary-General and the General Assembly (see [A/72/948](#)).

91. During the period from December 2016 to April 2018, the United States Government, citing its 1982 Foreign Missions Act and rulings of its Secretary of State issued pursuant to that Act, had taken a range of provocative, hostile and coercive measures, unprecedented in their scope and cynicism, which had affected a number of Russian official missions and their assets and also the staff of those missions and their family members. The purpose of those measures had been to expel Russian official representatives, their colleagues and members of their families from premises lawfully occupied by them; to cause harm to the sovereign dignity of the Russian Federation and moral damage to the staff of its official missions; to create obstacles to the normal functioning of the diplomatic missions and consular offices of the Russian Federation in the United States; and to deprive the Russian Federation of access to property that it had used for sovereign purposes.

92. On 29 December 2016, the United States Department of State had informed the Embassy of the Russian Federation of the withdrawal of permission to use the premises of the Russian Embassy in Washington and part of the premises of the Russian Permanent Mission in New York; the withdrawal of all privileges and immunities; and a prohibition on access to those facilities as from 30 December 2016 by any persons,

including Russian representatives. In view of the official purposes for which those premises had been used, including protocol events, storage of archives and as the residence of personnel of the Embassy and the Permanent Mission, his delegation had brought the matter to the attention of the Committee on Relations with the Host Country during the previous two years.

93. On 31 August 2017, the Department of State had announced the withdrawal of consent for the opening and functioning of the Consulate-General of the Russian Federation in San Francisco and the withdrawal from it of all immunities; demanded the cessation of all activities of the Consulate-General; and announced a prohibition on any person, including Russian representatives, gaining access to the office area of the building of the Consulate-General and on the maintenance of archives in those premises. As from 1 October 2017, access had also been prohibited to the residential section of the building and the residence of the Consul General, from which all immunities had been withdrawn on that date. Similar restrictions had also been imposed on the Trade Mission of the Russian Federation in Washington and on its New York office.

94. In a note dated 26 March 2018, the Department of State had announced the withdrawal of consent for the opening and operation of the Consulate General of the Russian Federation in Seattle, as well as the withdrawal of permits for the use of the premises for diplomatic and consular purposes; the withdrawal of all immunities from the premises; and a prohibition on the maintenance of archives in those premises.

95. Despite the protests of the Russian Federation, the announcement of those restrictive measures had been followed by forced entry to the premises by United States authorities; searches under the pretext of "tests" or "inspections"; and structural works that had been carried out without the agreement of the Russian Federation, resulting in damage to the premises and to items located therein. He emphasized that the Russian Federation was the legal owner or lessee of the facilities in question.

96. Despite protests by the Russian Federation and its repeated requests through the diplomatic channel for its representatives to be allowed to inspect the premises and to organize special protocol events therein, the Department of State had systematically refused to grant access to any of those facilities. Accordingly, contrary to the content of the notes from the Department of State, which provided for an authorization procedure for visits by Russian representatives, the Russian Federation had for a long period of time been completely deprived of the ability to control or have access to those facilities or

to exercise the powers of an owner. At the same time, United States representatives had regularly gained access to the aforementioned premises, without the consent or knowledge of the Russian Federation.

97. It was therefore clear that the premises had been occupied by the United States authorities. Despite protests by the Russian Federation, the United States authorities had taken down and removed from all the aforementioned premises the national flags of the Russian Federation. The inviolability of the archive of the Consulate-General of the Russian Federation, which contained, *inter alia*, personal data of applicants, including Russian and American citizens, had also been violated. Without the consent of the Russian Federation, the United States authorities had removed the archive from the premises of the Consulate-General, had packed it in boxes and had sent it to Washington for transfer to the Embassy, using a transport company contracted by the Department of State.

98. The described acts constituted a gross violation of the principle of inviolability of official premises and residences and were incompatible with the Charter of the United Nations, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Russian-American Consular Convention, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations.

99. Despite systematic protests by the Russian Federation, the United States Government had not only failed to take any action to cease its illegal conduct and resolve the situation, but had also claimed to be acting in full compliance with national and international law. Accordingly, not one of the persons involved in carrying out those actions had been prosecuted by the United States authorities. The acts described had been based on a legally unfounded assumption that the host country had the sole and absolute right to adopt unilateral measures to terminate the operation of foreign diplomatic missions and consular posts, lift immunities, prohibit access of the sending State to its premises and remove mission staff and members of their families from those premises, which included personal residences, in patently unacceptable conditions, while failing even to provide the safeguards that must under international law be provided to a sending State in the event of war or severance of diplomatic relations. Accordingly, the very essence of the institutions of international diplomatic and consular law and their fundamental principles were being undermined.

100. The consequences of the measures taken by the United States authorities, which went far beyond the framework of the bilateral relations between the Russian Federation and the United States, could create an extremely unfortunate precedent and cause serious damage to the stability of the entire system of international relations.

101. Although the Russian Federation had been forced, in response, to take certain lawful measures, the United Nations also needed to assess the actions of the United States. If it became the norm to prevent the use of embassy and consulate premises and expel their staff from those premises and their private residences within a matter of hours, diplomatic and consular missions would not be able to function normally. It was therefore necessary to draw the attention of every State to the actions of the United States. In the absence of collective condemnation, any State could fall victim to such actions.

102. The described acts were vivid examples of violent and coercive measures that constituted gross violations of the principle of inviolability of diplomatic and consular missions and their security. Although none of the consular officials or members of their families suffered physical harm as a result of those actions, that was solely owing to the precautions taken by consular staff. It had been particularly disturbing that the unlawful acts had been perpetrated by government agencies and that instead of ensuring the security and safety of the embassies and consulates in its territory, the receiving State had entered their premises illegally by force and had taken other violent measures.

103. The arbitrary actions of the United States authorities were not an isolated case, as evidenced by similar attacks perpetrated two years earlier against Russian diplomatic and consular missions in Ukraine. Although the report relating to the attacks produced by Ukrainian authorities contained a wealth of information, it was silent as to the prosecution of the perpetrators. Moreover the attacks against Russian facilities in Ukraine had continued, including one carried out on 27 September 2018 by a group of Ukrainian far-right radicals against the Trade Mission of the Russian Federation in Kiev, which had resulted in extensive material damage to the premises and to vehicles. Although the law enforcement authorities had drafted an incident report describing the damages caused, and the Russian Federation hoped that an investigation would be conducted, it had little hope as to its outcome.

104. **Ms. Rivera Sánchez** (El Salvador) said that all States parties to the Vienna Convention on Diplomatic

Relations should comply with its provisions. Compliance with the duty enshrined in the Convention to take all appropriate steps to protect the premises of missions against any intrusion or damage and to prevent any disturbance of the peace of missions or impairment of their dignity required the adoption of appropriate laws and the implementation of plans and specific measures to ensure the prevention, investigation and prosecution of illicit acts. Her country's criminal law therefore provided that violations of personal freedom were punishable by increased prison sentences if they were committed against persons entitled to special protection under international law, and effective mechanisms had been established to protect such persons.

105. El Salvador had also strengthened its security protocols. All illicit acts against diplomatic or consular representatives, their premises, or international organizations were treated as priority cases. While no serious violations had occurred to date, all incidents had been investigated and appropriate legal steps had been taken in each case.

106. El Salvador recognized the importance of continuing to ensure the protection, security and safety of diplomatic and consular missions and international organizations in order to enable them to function effectively, and it remained committed to fulfilling its obligations in that area. Her delegation supported the Committee's continued discussion of the agenda item.

107. **Mr. Simcock** (United States of America) said that respect for the rules protecting diplomatic and consular officials enabled those persons to carry out their vital functions and was therefore essential for the normal conduct of relations among States. Diplomats must also be protected from harmful acts by non-State actors. The number of attacks against diplomatic and consular officials had increased in recent years, more often involving non-State armed groups, and had become more brazen. In October 2017, a suicide bomber had detonated an explosive vest approximately 425 metres from the United States Embassy in Kabul, killing several persons, including a contractor working for the Government of the United States. Islamic State in Iraq and the Levant – Khorasan Province had claimed responsibility for that attack. In 2016, United States embassy and consulate facilities and personnel had faced attacks, shots or blasts from improvised explosive devices in Yemen, Turkey, Pakistan, Bangladesh and Haiti, among other countries. The United States was not alone in its experience. Such brutal attacks by armed groups must be unequivocally and universally condemned.

108. Preventive and protective measures would have to be adapted to keep pace with the evolving nature and circumstances of attacks. The steps that were necessary and appropriate to protect a mission, and were therefore required of the receiving State, would depend on the potential threats to that particular mission. His Government sought to ensure that all its diplomats and consular officials benefitted from enhanced security training and good personal security practices to help mitigate the risks they faced on a daily basis. It also relied on collaboration with its partners in receiving States: United States missions overseas often worked with local law enforcement and other authorities to prepare for eventualities, for instance by conducting drills and sharing information when appropriate.

109. The international community had a vital stake in the protection of diplomats, since diplomacy was the foundation of international relations. In the face of forces in the world that wished to harm diplomats, the international community must stand united and must continue to develop means of preventing violence before it occurred and responding to it appropriately.

110. Speaking in exercise of the right of reply with regard to the comments concerning his country made by the representative of the Russian Federation, he recalled that his delegation had already circulated detailed information on the matter to all Member States.

111. **Ms. Gebremedhin** (Eritrea) said that her delegation strongly condemned any and all acts of violence against diplomatic and consular missions and representatives. Eritrea remained committed to ensuring their safety and security, in line with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. The responsibility of diplomats to foster peace and prosperity was vital to the promotion of the principles and purposes of the United Nations. Thus, the purpose of the privileges and immunities established under those Conventions was not to benefit certain individuals but rather to ensure the proper functioning of relations among States.

112. Eritrea was concerned that States parties to those Conventions continued to violate the sanctity of diplomats and consular missions. All Member States must enhance their efforts to protect diplomatic and consular missions and representatives. In the digital age, secure and uninterrupted communications were critical to the execution of diplomatic and consular functions. The diplomatic community must therefore address new challenges to the protection of diplomatic communications, both offline and online. The collection of information from diplomatic personnel and missions not only violated article 27 of the Convention on

Diplomatic Relations but also ran counter to the principles of the United Nations and undermined trust and cooperation among States. All appropriate measures must be taken to enable State representatives to fulfil their mandates free from obstruction, intimidation or harm.

113. **Mr. Al Khalifa** (Bahrain) said that the annual discussion of the agenda item helped to draw attention to the violations to which diplomats could be subjected and the efforts made by host States to provide them with appropriate protection in accordance with international law. Regrettably, serious violations had been committed against diplomatic premises over the previous year, although some recent incidents did not appear in the report of the Secretary-General. His Government strongly condemned all acts of violence, wherever they were committed and whatever their causes or motives, targeting diplomatic and consular premises and representatives and the offices and staff of the United Nations and other international organizations. The international conventions regarding diplomatic protection did not merely grant diplomats certain privileges and immunities; they were the cornerstone of friendly relations among States.

114. His Government attached considerable importance to the safety and security of diplomatic and consular missions in Bahrain. The Diplomatic Protection Unit of the Bahraini Police Force provided round-the-clock protection for diplomatic and consular missions and residences. Those security measures were reassessed annually. No violations affecting the safety and security of diplomatic missions or staff had yet taken place in the country.

115. **Mr. Kazi** (Bangladesh) said that ensuring the necessary protection, security and safety of diplomatic and consular missions and representatives was crucial for the proper conduct of international relations at the intergovernmental level. As a State party to the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, Bangladesh remained committed to ensuring due compliance with their provisions.

116. The authorities in Bangladesh did not allow any impunity for perpetrators of acts of violence against diplomatic and consular representatives and representatives of international intergovernmental organizations. Indeed, the Supreme Court had recently dismissed a petition to review a capital punishment sentence handed down for the murder of a non-diplomatic staff member of a mission. The authorities also condemned the reported attack on the vehicles of a foreign ambassador carried out in the

country and were committed to bringing to account the perpetrators of that act. Bangladesh expected that its diplomatic and non-diplomatic staff would be given similar protection from criminal attacks as well as from harassment by the authorities of receiving States.

117. Recalling his delegation's detailed account of the measures Bangladesh had taken to protect diplomatic and consular missions and representatives delivered before the Committee during the seventy-first session of the General Assembly, he urged the United Nations and other concerned parties to base their safety and security assessments on the national context and to refrain from exaggerating the perception of threat in the interest of financial or other gains.

*The meeting rose at 1 p.m.*