

71° Período Ordinario de Sesiones de la Asamblea General de las Naciones Unidas

**INTERVENCIONES DE LA REPRESENTACIÓN PERMANENTE DE LA  
REPUBLICA DOMINICANA ANTE LAS NACIONES UNIDAS EN NOMBRE DEL GOBIERNO DE  
ESTADOS LATINOAMERICANOS Y CARIBENOS, CELAC**

**TEMA 82**

**CONSIDERACION DE MEDIDAS PARA GARANTIZAR LA  
SEGURIDAD DE LA MISIÓN DIPLOMÁTICA PERMANENTE DE LA REPRESENTACIÓN**

New York, 7 October 2016

*-Catejia, con intervención*

71<sup>st</sup> Sessions of the General Assembly of the United Nations

**ITEM 82**

**STATEMENT OF THE PERMANENT MISSION OF THE  
REPUBLIC OF DOMINICA ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND  
CARIBBEAN STATES, CELAC**

**CONSIDERATION OF EFFECTIVE MEASURES TO  
GUARANTEE THE SAFETY OF DIPLOMATIC MISSIONS**

New York, 7 October 2016

*-Please find the statement*

Mr. Chairman,

I have the honor to speak on behalf of the Community of Latin American and Caribbean States, CELAC.

CELAC would like to thank the Secretary-General for his report, which contains information provided by Member States in accordance with the provisions of Resolution 69/121.

This agenda item deals with a central issue for the development of a more constructive relations among States. The protection of diplomatic and consular representatives, as well as the security and inviolability of diplomatic and consular missions, their archives, documents and communications, are one of the pillars upon which international relations rest.

As stated in the preamble of the Vienna Convention on Diplomatic Relations, the recognition of the diplomatic status is a primary condition, but this refers to the principles and purposes of the UN Charter concerning the sovereign equality of States, the maintenance of peace and security and the promotion of friendly relations among nations. It also recognizes that privileges and immunities are granted to ensure the effective performance of the functions assigned by the representatives of States.

CELAC strongly condemns all violations against diplomatic and consular missions and representatives, as well as against embassies and consulates, wherever they come from or who committed them. We express our solidarity with the victims and stress that such acts are a serious violation of international law.

Every transgression on this matter, no matter how serious, must not go unpunished, as it ultimately endangers lives, cause damage and adversely affect the promotion of the shared values of the international community. Consequently, such transgressions should go unpunished.

We recall that the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, states that States should cooperate in order to prevent crimes against any representative of a State or an intergovernmental organization, as well as against its premises.

Events alluded to in the report, as well as many others that appeared in the headlines over the last couple of years, remind us of the risks that are faced by a risk to those who perform this role. These tragedies, that have sometimes even led to the loss of lives, should prompt us to redouble efforts to ensure that the protection and safety of diplomatic and consular missions, as well as diplomatic and consular missions, remains a priority for all.

Mr. Chairman,

This agenda item was discussed in the 69th session of the General Assembly in consideration.

been addressed in our deliberations over the last 26 years, but has new challenges faced in the implementation of other equally important aspects of diplomatic and consular immunities, such as the inviolability of overseas consular archives and communications, including in electronic form.

In this regard, CELAC reiterates its concern about the negative impact that State surveillance and/or interception of communications, including extraterritorially, may have on the inviolability of diplomatic and consular archives, documents and communications. We appreciate the Government's constructive dialogue on this issue at the 69th Session of the General Assembly, which appreciated that Resolution 69/121 recalled that archives, documents and communications of diplomatic and consular missions are inviolable at any time and wherever they may be. We look forward for a continued engagement on this important issue during the 70th session of the General Assembly.

Mr. Chairman,

CELAC deems essential that all rules and principles of international law relating to this issue are observed, especially the 1961 and 1963 Vienna Conventions and relevant UN resolutions. It is equally essential that national legislation be in strict conformity with international law and does not undermine the respect and protection due to such officials and missions, including their archives, documents and communications. We urge all States to take appropriate measures to prevent violations in this regard, as well as to prevent abuses of jurisdiction and immunities, especially in cases where violations have occurred or are occurring, and to cooperate in cases where such abuses have been committed.

All disputes concerning compliance with the international obligations in regards to protection of representations and officials and representations are resolved by peaceful means, refraining at all times from the use of force or threat of force in any other violation of International Law against persons or premises protected by the Vienna Conventions of 1961 and 1963.

In conclusion, Mr. Chairman,

We echo the call contained in Resolution 69/121 upon States that have not yet done so to consider becoming parties to the Vienna Conventions on Diplomatic and Consular Relations as well as to other relevant instruments.

Thank you.



situaciones que, además de los problemas que se plantean en los últimos años, sino también nuevos retos que plantea la aplicación de otros aspectos igualmente importantes de las inmunidades diplomáticas y consulares, como la inviolabilidad de los archivos, los documentos y las comunicaciones, incluso en formato electrónico.

En este sentido, la CELAC reitera su preocupación por el impacto negativo que la vigilancia del Estado y/o de terceros en comunicaciones diplomáticas y consulares, extraterritorialmente, pueden tener sobre la inviolabilidad de los archivos diplomáticos y consulares, escritos y comunicaciones. Invocamos a H. Excmo. Sr. Presidente constructiva participación en el proceso de negociación de la Convención y apreciamos que la Resolución 94/11 acordada que los archivos, documentos y comunicaciones de las misiones diplomáticas y consulares son inviolables en todo momento y de cualquier forma no se intercepten. Es una vez más una participación positiva en este asunto importante durante esta 71.ª reunión de la Asamblea General.

Sr. Presidente,

La CELAC considera esencial que se cumplan todas las normas y principios de derecho internacional relativos a este tema, especialmente las Convenciones de Viena de 1961 y 1963, y las pertinentes resoluciones de la ONU. Es igualmente crucial asegurarse que la legislación nacional sea estricta en conformidad con el derecho internacional y no menoscabe el respeto y la protección debida a los funcionarios y miembros de las misiones y sus archivos, documentos y comunicaciones. Instamos a todos los Estados a tomar las medidas apropiadas para evitar violaciones en caso de que se denuncie un abuso de los privilegios e inmunidades, especialmente en los casos en que se denuncie violencia, y de cooperar con el Estado anfitrión en los casos en que se hayan cometido tales abusos.

Todos los litigios relativos al cumplimiento de las obligaciones internacionales en lo que respecta a la protección de los representantes diplomáticos y consulares, así como al uso de la fuerza o cualquier otra violación de la ley internacional, contra representantes e instalaciones diplomáticas, se resolverán por la vía pacífica, de conformidad con el artículo 42 de la Carta de las Naciones Unidas y el artículo 1 de la Convención de 1961.

En conclusión, Sr. Presidente,

Nos hacemos eco del llamado contenido en la Resolución 69/121, a los Estados que aún no lo hayan hecho, a que consideren hacerse parte de la Convención de Viena sobre Relaciones Diplomáticas y Consulares, se comprometan a cumplir sus obligaciones.

Muchas gracias.