



BRAZIL

GENERAL ASSEMBLY Sixth Committee

Item 80

“Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives”

20 October 2014

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Mr. Chairman,

My delegation associates itself with the speech delivered by Costa Rica on behalf of the Community of Latin American and Caribbean States. I would like to take this opportunity to build on some ideas conveyed in CELAC's statement.

Diplomatic and consular immunities lie at the very core of international law, since they protect the channels through which States can dialogue, cooperate and peacefully settle disputes. As recognized in the preamble of both 1961 and 1963 Vienna Conventions, the respect of rules and principles governing diplomatic and consular relations is essential for developing and strengthening friendly relations among States.

In thanking the Secretary-General for compiling the information contained in the report A/69/185, my delegation wishes to highlight that despite serious situations in reported recent years the latest editions of these documents have listed fewer violations of diplomatic and consular immunities. We see this as a very positive trend, since it demonstrates the effectiveness of the mechanism created when this item was introduced in this Committee's agenda in 1980, at the request of the Nordic countries.

Mr. Chairman,

In the last 24 years, our discussions have been limited to the inviolabilities of diplomatic and consular staff and premises, without adequate consideration to the protection of archives, documents and communications which are, as we all know, equally covered by International Law.

The Vienna Conventions affirm that archives and documents shall be inviolable at all times and I quote "wherever they may be". They also recognize the inviolability of official correspondence and clearly establish the receiving State's duty to permit free communication of diplomatic and consular missions for all official purposes. I would like to emphasize that these treaties clearly acknowledge that, in order to communicate with their headquarters or other posts, diplomatic and consular missions may employ "all appropriate means".

We are all aware of the evolution of communication technologies from the 1960s to our days. Our cables are no longer dependent on physical support and, thanks to telematic developments, they can circulate through technologically sophisticated channels. Archives and documents exist not only on paper, but also on digital platforms. Regardless of all these changes, it remains beyond doubt that diplomatic and consular communications, archives and documents shall be protected both offline and online.

Mr. Chairman,

Last year, the General Assembly voiced its deep concern about the negative impact that State surveillance and/or interception of communications, including extraterritorially, may have on the exercise and enjoyment of human rights. We are all aware that the reasons that motivate this concern towards human rights also impact the inviolability of diplomatic and consular archives, documents and communications.

It is also a cause for concern that the premises of diplomatic and consular missions might have been used as bases for surveillance and/or interception of communications in the receiving State. These situations would clearly represent an abuse of the protection granted to such premises, since the Vienna Conventions determine that they cannot be used for purposes other than those of diplomatic and consular activities.

Mr. Chairman,

Brazil is firmly convinced that our resolution on this agenda item needs to address the issues of our time. We should broaden the scope of this debate, in order to adequately reflect all the difficulties currently faced in ensuring the respect for diplomatic and consular immunities – including those of archives, documents and communications. The General Assembly should express its concern about these new challenges and call for the full implementation of the applicable international law.

In this regard, Brazil welcomes the decision of the Finnish delegation – that has traditionally and competently steered our discussion on this item – to convene informal consultations for this afternoon. My delegation stands ready to engage constructively and present ideas for updating our biannual resolution.

Thank you.