



## **75<sup>th</sup> session of the Sixth Committee**

### **Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (*Agenda item 84*)**

#### **Statement by Portugal – Mr. Sergio Carvalho (Legal Adviser)**

Mr. Chairman,

Portugal aligns itself with the statement delivered by the European Union and wishes to make the following remarks in its national capacity.

This year's report by the Secretary-General on this topic refers to some of the measures taken to tackle the COVID-19 pandemic, which have raised complex questions in terms of implementation of Diplomatic and Consular Law.

Mr. Chairman,

Portugal argues that measures to address the challenges posed by the pandemic must be drafted and enacted in accordance with applicable International Law, be it customary or conventional.

Receiving and Sending States must balance, *on the one hand*, the duty to respect local law under the Vienna Conventions on Diplomatic and Consular Relations with, *on the other hand*, preserving as much as possible and reasonable the exercise of diplomatic and consular functions and the enjoyment of privileges and immunities of diplomatic and consular representatives.



Restrictions to privileges and immunities must be in line with the obligations of the Receiving State, including with general principles of International Law (such as the principle of proportionality and the principle of sovereign equality of States) and rules on State responsibility.

Mr. Chairman,

Diplomatic and Consular Law should be interpreted with reference to context. And this is a very specific and challenging context that Member States – both as Sending States and as Receiving States – are facing in many dimensions, including with regards to legal, socioeconomical, public health and public order elements. That reference to context depends on the knowledge and understanding of the evolution of the pandemic in both the Receiving and the Sending State.

In normal circumstances, the protection, security and safety of diplomatic and consular missions and representatives already depends significantly on an open and transparent communication between Receiving and Sending States. It is even more so during a global crisis such as a pandemic.

Portugal invites all Member States to double their efforts in that communication, so that both International Law and public health are safeguarded, and diplomatic and consular missions and representatives are able to carry out their important functions.

Thank you, Mr. Chairman.