

Forum:	United Nations General Assembly Sixth Committee (Legal Council)
Issue:	Considering effective legal measures to enhance the protection, security and safety of diplomatic and consular missions and representatives
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Introduction

The significance of the effects of diplomatic and consular missions in regards to intergovernmental politics is undeniable. Intergovernmental relations and decision making is the foundation that the world has built itself around, whether it is commerce or politics, it is undeniable that the interaction between different nations has greatly contributed to the growth of society itself. Diplomatic missions are essential to maintaining global peace and the lack of safety and protection of these missions hinders not only the success of the specific missions but also the relationship between the multiple countries and alliances. Peace cannot be established if hostility disregards the necessity of discussions and foreign politics. Because of the numerous advancements made in the field of technology in regards to more efficient communication, these physical diplomatic missions are often dismissed by the general public. However, the role of these Diplomats constructs the foundation for international agreements and cooperation, the principle of the United Nations itself. Despite all of this, the lack of safety regarding these missions continues to hinder peacemaking and foster hostility between nations.

Definition of Key Terms

Diplomat

A diplomat is someone who represents and works on behalf of his or her country with the goal of endorsing their foreign policies. Diplomats don't generally work within their own country, but it is possible. Most of the time, they are stationed in an embassy or consulate in another nation, where it is easier to conduct their business. There are various kinds of foreign officers who specialize in different fields such as economics, environmental or social issues, diplomatic missions, and information management.

Diplomats regularly interact with the government of the host nation to implement their foreign policies and report logistics back to their own country. There are also multiple occupations that are categorized as diplomats, but all share the common duty of interacting with government policies.

Diplomatic Immunity

Despite still being expected to follow and respect the traditions and customs of the host country, diplomats are given Diplomatic Immunity depending on what they need to fulfill their obligations as well as their rank. Codified by the Vienna Convention on Diplomatic Relations in 1961, diplomatic immunity serves as a legal measure which ensures that foreign officials and their immediate family are immune to criminal prosecution and civil lawsuits. Diplomatic immunity status is decided by a diplomat's home nation, and in serious crimes committed independent of their diplomatic role diplomats can have their immunity waived.

Diplomatic Asylum

The basic concept of a Diplomatic Asylum is an asylum provided by a country to fugitives working in their embassy. The legal foundation for such asylum is implemented to protect the fugitive from the jurisdiction of a territorial state. This is a type of diplomatic privilege similar to diplomatic immunity, where foreign officials situated in a different country are placed under the protection of their own country.

Diplomatic Bag

The Diplomatic bag or pouch is a container under legal protection to convey official documents or articles. Because these pouches hold essential legal information not meant to be released, it is agreed upon by the international community that they cannot be opened. Consequences of opening such bags would be up to the jurisdiction of the state whose content in the diplomatic bag is exposed. Many clear identification of these pouches were addressed in the Vienna Convention on Diplomatic Relations.

Diplomatic Premises

Diplomatic Premises are defined as buildings or parts of buildings utilized for the mission's functions, regardless of ownership. Any felonies conducted at these diplomatic premises under nation-owned territory are subject to the regular rules law, with the exception of those who are given diplomatic immunity.

History

Despite the many actions taken in regards to the safety of consular missions, diplomats have faced hostility from locals in many different cases. These tensions frequently stem from hatred shared between enemy nations, where citizens hold a deep grudge against opposing nations ultimately leading to them raiding and storming embassies of foreign nations in the host country (as was the case for the Iran hostage crisis of 1979). This sense of danger has plagued the integrity of diplomatic missions threatening the idea of cooperation between states. With countless examples of incidents when innocent diplomats are put at danger, this issue remains a concern in the international community as it can threaten international relations.

Key Issues

The safety of diplomatic and consular missions is essential for building public relations internationally, and internally. Creating effective legal measures to enhance the protection of these diplomatic and consular missionary representatives is a necessity towards achieving international peace and harmony. Ultimately the advancement of international relations depends on the success of these consular missions, however the interconnected dangers hinder the progress of such growth. These issues can be connected to various means of danger, but this can ultimately be connected to the lack of cyber security and physical protection.

Physical Security

Many of the most relevant diplomatic missions take place during extremely dangerous situations such as civil conflicts or even warfare. Due to the prevalence of such dangerous events, the lack of physical protection becomes extremely apparent and detrimental to the safety and success of these missions. Although basic protection is usually granted to diplomats, there have been scenarios where this was not enough to ensure the success of diplomatic and consular missions.

Cyber Security

Many national information are threatened by the lack of cybersecurity protecting these information. This could potentially lead to national secrets being reviewed due to poor security against hacks. The risk of losing such valuable information is not only a threat to the success of these diplomatic missions, but also have the potential to threaten global peace. Countries with less robust technological security can sometimes face these issues, conducting missions with the risk of foreign parties leaking valuable information.

Major Parties Involved and Their Views

USA

Seeing as it is the nation who has the third most embassies around the world (behind China and the European Union {EU}), the USA holds a very robust system to ensure the safety of its diplomatic missionaries with The Bureau of Diplomatic Security (DS) as the main source of security for the conduct of the US foreign policy. The Department of State's security and law enforcement arm have an obligation to ensure the safety of the environment, and they have been constantly proving the effectiveness of such solutions. Diplomatic Security employees in the United States safeguard the Secretary of State and visiting foreign dignitaries and officials through the investigation of passport and visa fraud, and undertake personnel security investigations. These are all necessary measures to ensure the successfulness as well as safety of these missions. The DS also hold jurisdiction over their diplomats in foreign nations as they are responsible for safeguarding these embassies as well as securing sensitive information systems, detecting passport and visa fraud, and combating terrorism. The main reasons why the USA now has very protected consular missions is because of the DS and Department of States' budget and their past experiences with dangerous missions, like that of the Iran Hostage Crisis in 1979.

Afghanistan

As the Taliban has been increasingly re-establishing its control over Afghanistan, they have begun replacing exiled Afghanistan diplomats who refused to undergo their authority. The Taliban designated new diplomats to represent Afghanistan's embassies in China and Iran. As the Afghanistan conflict continues to cool down, many things have to be settled first before the government can properly address the issue of protecting the safety of these diplomats. Afghanistan policies target the expulsion of former Afghanistan diplomats instead of addressing the safety of these personnel.

In addition, the safety of diplomats from other countries in Afghanistan is very questionable with the new regime in power. With the xenophobic, radical Islamist principles of the Taliban, there are serious questions around the safety of diplomats from western nations in Afghanistan today.

United Kingdom (UK)

The UK's policies regarding diplomatic and consular missions center around the Vienna Convention in 1961 like many other nations. This convention is the framework in which the UK has built its policy upon as it addresses many of the issues regarding the protection of these diplomatic missions. Other inspirations to their policies include The Vienna Convention on Consular Relations (VCCR) which was signed in 1963, and the Consular Relations Act which was passed in 1968. The UK's most basic policy is that all Diplomatic Agents and Administrative and Technical Staff of foreign diplomatic missions,

as well as all Consular Officers and Consular Employees of London-based foreign consular missions, are granted criminal immunity and inviolability in the UK. This type of immunity is only granted when accepted by Her Majesty's Government and notified to the Foreign and Commonwealth Office. This issue specifically appeals to the UK because they refused to grant full immunity to EU delegations, thus disconnecting the UK from many partners. UK claims that granting full immunity to the EU would cause other IOs to ask for the same privilege, however, this hinders the effectiveness of UK's diplomatic policies.

People's Republic of China

Having the most embassies only behind the EU, China expends significant resources towards its consular missions. China, like most other countries, has agreed to grant immunity to Diplomatic agents who are Chinese nationals or foreigners who have achieved permanent residency in China. This status makes these agents immune from prosecution and inviolable only when acting in the course of their official responsibilities. Although there are many privileges granted to these missionary, the recipients of such immunities can be summarized under the following three categories: a diplomatic agent stationed in a third country who travels through China with his family, including his wife and little children; a foreign official who has acquired a diplomatic visa from China or carries a diplomatic passport from a country with whom China has signed a visa reciprocity agreement; other international visitors to whom the Chinese government has given the rights and immunities, including their diplomatic bags.

Timeline of Relevant Resolutions, Treaties and Events

Date	Description of Event
April 18, 1961	Vienna Convention on Diplomatic Relations was an international scale conference to discuss the treaty that defined the diplomatic relations between individual countries. This was enacted to reach an international standard in which diplomats can fulfill their obligations without facing the threat of policies in other countries.
December 28, 1973	The Protection of Diplomats Convention is an UN treaty to protect the safety of diplomats under dangerous situations. This further solidifies how and why diplomats need to be protected.
August 11, 1978	The Diplomatic Relations Act was presented to Congress with the intent to provide a more robust and defined system of diplomatic immunity to therefore protect diplomats threatened by the host-country. This defined and established many standards to ensure that the policies are effective and clear.
November 4, 1979	The Iran Hostage crisis was an instance when a group of militarized Iranian college students, backed up by the Iranian Revolution, attacked the US embassy, diplomats, and citizens holding them hostage.

Relevant UN Treaties and Events

- British Diplomatic Privileges Act of 1708
- Vienna convention on Diplomatic Relations 1961
- UN Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents 1973
- Diplomatic Relations Act of 1978
- Diplomatic and Consular Premises Act 1987

Evaluation of Previous Attempts to Resolve the Issue

One of the most notable attempts to shed light onto this issue is the Vienna Convention which is the framework for policies in countries such as the UK. This convention lays out the foundation of many policies such as the idea of immunity, which is imbued within the fundamental values in multiple nations. Conventions like this were the only major actions taken against the dangers of diplomatic missions on the international level, and although they have proven effective in addressing the issue, this is not enough to ensure that consular missions are safe and secure, making this still an issue that has to be addressed.

Other previously-attempted solutions to this issue have been made at the national level through budget increases for these missions, heavier military involvement in the protection of these missions and many other initiatives. While large-scale attacks on consular missions have decreased in recent decades, the problem is certainly not completely eradicated.

Possible Solutions

One potential initiative that could benefit the safety of diplomatic and consular missions is the establishment of better communication and convenience with the intent of enhancing the security of the embassies through cooperation with legal authorities. This would be supported with technological advancements such as the implementations of higher level cyber and physical security funded by all nations involved with a diplomatic mission. Other ways to reinforce this is to establish a stronger communication which will in turn ensure that if a problem with the embassy would arise, national security will be alerted immediately. The reason this specifically targets the embassies is because most hostile

events occur at these facilities. By offering better security, it would decrease the incentives and likelihood of people terrorizing against these facilities, hence increasing the protection of diplomatic missions.

- **Pros:** The obvious benefit is the addition of physical security in comparison to many previous attempts which only establish legal concepts, and is the tangible increase in safety. These newly funded technologies and communication will not only increase the physical security, but also provide a back up if embassies would be attacked. The specific target of the embassies is also great because most problems and offenses occur in these facilities.
- **Cons:** Although there are multiple benefits, the feasibility of this solution could potentially be a problem because this requires heavy investments between both nations making it difficult to be actually implemented. Not only does this solution ask for funding, but it also urges for an increase in personnel and increased communication measures, making it an inconvenience to many. The incentives of the host nation might also be low because instead of protecting the safety of other countries' diplomats, spending money on its own nation would prove to be more beneficial.

Another potential solution that can address this issue is to reinforce the legitimacy of the legal agreement established between multiple nations as a form of international agreement. The most common forms of endangerment to these diplomatic missions are the threat of the unacknowledgement towards the law. This could either come in the form of loopholes or neglect of the legislation. By calling for the strengthening of the international agreements, it would be easier to ensure that these robust agreements are being properly enforced and adhered to, therefore protecting the diplomats enduring the dangers of their missions.

- **Pros:** The sentiment of re-establishing agreement allows for these agreements to be more binding which could ensure that the adherence to these policies are regularly followed. This could address many of the issues consular missions face because it is a legal measure to ensure that these consulate missionaries are kept safe. This addresses the issue at hand by approaching it from an international perspective and solidifying already established agreements.
- **Cons:** This raises the concern for interfering in a government's ability to exercise their sovereignty because strengthening agreement can sometimes violate the interests of specific governments unwilling to accept change. This problem is significant because it targets the feasibility of the entire solution itself since it is highly dependent on a successful negotiation which could be difficult for everyone to reach consensus. Although an international agreement

can be really attractive, the feasibility of it could potentially hinder the effectiveness of this solution as a whole.

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Appendix or Appendices

- I. Vienna Convention on Diplomatic relations of 1961:
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