



UNGA LEGAL



UNITED NATIONS GENERAL
ASSEMBLY LEGAL
UNGA

BACKGROUND GUIDE

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

LETTER FROM THE BUREAU

The Bureau of the Second Committee of the General Assembly at Delhi Public School, Hyderabad’s Model United Nations welcomes you to the Background Guide for this simulation! This Background Guide will serve as a major resource for participants in gaining an understanding of the agenda item alongside the general expectations of the dais with regards to discussion and debate.

Model United Nations is generally recognized as a competitive environment, but the Bureau would like to state that it finds Model UN to be the perfect environment for learning. Model UN is an experience that cannot be recreated outside of the same setting. A classroom learning experience truly falters when contrasted to that of a Model UN committee hall.

Keeping this in mind, the Bureau highly encourages all participants to make the most out of their experience at the conference. Do not restrict yourselves from learning, and be open to learning new things from an environment that you may commonly associate with a lively and fun time. We highly encourage you to give this simulation your best shot, and we promise that you will not walk away without learning a thing or two.

D. Sai Srikar - Chairperson - srikar.work13@gmail.com
Srimohini Margapuri - Rapporteur -



Rule 103⁵⁰ [92]

Each Main Committee shall elect a Chairman, three Vice-Chairmen and a Rapporteur. In the case of other committees, each shall elect a Chairman, one or more Vice-Chairmen and a Rapporteur. These officers shall be elected on the basis of equitable geographical distribution, experience and personal competence. The elections shall be held by secret ballot unless the committee decides otherwise in an election where only one candidate is standing. The nomination of each candidate shall be limited to one speaker, after which the committee shall immediately proceed to the election.

The Chairman of a Main Committee shall not vote

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Introduction to UNGA Legal

The UN General Assembly (UNGA) is the main policy-making organ of the United Nations. Comprising all Member States, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter of the United Nations. Each of the 193 Member States of the United Nations has an equal vote. The Assembly's annual general debate provides Member States the opportunity to express their views on major international issues. On this occasion, the Secretary-General presents on the opening day of the debate his report on the work of the Organization.

With the conclusion of the general debate, the Assembly begins consideration of the substantive items on its agenda. Because of the great number of items on the agenda, the Assembly allocates to its six Main Committees items relevant to their work. The Committees discuss matters under the agenda items, and recommend draft resolutions and decisions to the Assembly for consideration and action.

The six Main Committees are: the Disarmament and International Security Committee (First Committee); the Economic and Financial Committee (Second Committee); the Social, Humanitarian and Cultural Committee (Third Committee); the Special Political and Decolonization Committee (Fourth Committee); the Administrative and Budgetary Committee (Fifth Committee); and the Legal Committee (Sixth Committee).

The Legal Committee, generally referred to as the Sixth Committee, is the primary forum for the consideration of legal questions in the General Assembly. All of the UN member states are entitled to representation on the Sixth Committee as one of the six main committees of the General Assembly.

The Sixth Committee plays an important role in promoting the progressive development of international law and its codification by reviewing the annual reports of the ILC, UNCITRAL and the Charter Committee. The Sixth Committee can also play a more direct role in drafting legal instruments, as it did in the case of the Convention on the Prevention and Punishment of the Crime of Genocide and, more recently, the 1989 Convention against the Recruitment, Use, Financing and Training of Mercenaries.



What are embassies and consulates?

An embassy is a diplomatic mission or representation of a country within the territory of another country. It serves as the official residence and workplace of the ambassador and diplomatic staff, who act as intermediaries between their home government and the host country.

Functions of embassies include:

- 1. Representing the interests of their home country in the host country;**
- 2. Facilitating communication and negotiation between two governments;**
- 3. Providing consular services;**
- 4. Promoting cultural, educational and trade relations between two countries;**
- 5. Gathering and reporting information on the host country's developments.**

Article 3

1. The functions of a diplomatic mission consist, inter alia, in:

- (a) Representing the sending State in the receiving State;
- (b) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
- (c) Negotiating with the Government of the receiving State;
- (d) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
- (e) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

*Vienna Convention on Diplomatic
Relations, 1961*



Privileges and immunities afforded to embassies and their staff are primarily enshrined in the Vienna Convention on Diplomatic Relations, 1961. Embassies are generally located in the capital city of the host country.

Consulates, on the other hand, are typically responsible for providing consular services. The head of a consulate is called a consul or consul general, depending on the size and importance of the consulate. They are often located outside the capital city.

Consular services include:

1. Issuing visas and travel documents to foreigners who want to visit or work in their home country;
2. Assisting their citizens with passport services, such as renewals, replacements or updates;
3. Providing support or assistance to their citizens in emergencies;
4. Offering guidance on local laws and regulations to their citizens in the host country.

Consulates have a more limited set of privileges, governed by the Vienna Convention on Consular Relations, 1963.

Article 5 Consular functions

Consular functions consist in:

- (a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- (b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- (c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- (d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;

Vienna Convention on Consular Relations, 1963

Note: For a complete list on consular functions (a) - (m), please refer to Article 5 of the Vienna Convention on Consular Relations.



Why does the General Assembly consider this agenda item?

Reproduced below is an explanatory memorandum submitted by Denmark, Finland, Iceland, Norway and Sweden to the Secretary General of the United Nations, requesting for the inclusion of the item in the provisional agenda of the thirty-fifth session of the General Assembly.

1. The respect of the rules of international law governing the exercise of diplomatic and consular relations, in particular the inviolability of diplomatic and consular missions and representatives, is a basic prerequisite for an orderly conduct of relations between sovereign States and for the fulfillment of the purposes and principles of the Charter of the United Nations.
2. The strict observance of these rules has particular significance in view of the rapid increase of the number of sovereign States and the ensuing intensification of contacts between States in all fields. The establishment and maintenance of appropriate guarantees and conditions for an unimpeded conduct of international relations is therefore in the common interest of all nations.
3. From early history, envoys have been granted special protection in the interest of creating favorable conditions for peaceful negotiations. For centuries, these ancient customary rules have been the basis of the privileges and immunities granted to diplomatic and consular missions and representatives. In modern times, they have been further defined and codified in binding rules, recognized by international law. They have been elaborated and strengthened through a number of international conventions. The most important of these conventions are the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations which have to date been ratified or acceded to by well over 100 States.
4. In recent years, however, there have been increasingly frequent violations of or failures to observe the relevant provisions of international law, and specifically conventions governing diplomatic and consular relations, including the physical safety of diplomatic and consular personnel and the inviolability of diplomatic and consular premises. This development constitutes a risk of bringing irreparable harm to the very fabric of international relations. It invariably leads to international friction and may cause disputes likely to endanger the maintenance of international peace and security. In the light of this development, the international community should agree on effective measures to improve the present situation, which undermines the normal functioning of international cooperation.



The General Assembly has in the past dealt with certain aspects of this problem. It has repeatedly called for strict observance of the relevant rules of international law. In view of the importance of the normal functioning of the diplomatic and consular relations for the entire international community and for the fulfillment of the purposes and principles of the Charter of the United Nations, it is urgent that the General Assembly consider ways and means of enhancing the respect of the rules of international law governing diplomatic and consular relations. It is therefore requested that an item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" be included in the agenda of the thirty-fifth session of the General Assembly.

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/35/142
12 June 1980

ORIGINAL: ENGLISH

Thirty-fifth session

REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA
OF THE THIRTY-FIFTH SESSION

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION,
SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND
REPRESENTATIVES

Letter dated 11 June 1980 from the representatives of Denmark,
Finland, Iceland, Norway and Sweden to the United Nations
addressed to the Secretary-General

We have the honour to request, on behalf of the five Nordic countries, the inclusion in the provisional agenda of the thirty-fifth session of the General Assembly of an item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

In submitting this item for consideration by the General Assembly, we would request you to circulate the attached explanatory memorandum as an official document of the Assembly under rule 20 of its rules of procedure of the General Assembly.



General Assembly - Summary of Work

After the submission of the explanatory memorandum, the General Assembly had the item on its agenda annually at its thirty-fifth to forty-third sessions, and biennially thereafter (resolutions [35/168](#), [36/33](#), [37/108](#), [38/136](#), [39/83](#), [40/73](#), [41/78](#), [41/79](#), [42/154](#), [43/167](#), [45/39](#), [47/31](#), [49/49](#), [51/156](#), [53/97](#), [55/149](#), [57/15](#), [59/37](#), [61/31](#), [63/126](#), [65/30](#), [67/94](#), [69/121](#), [71/145](#), [73/205](#), [75/139](#) and [77/108](#)).

The item was most recently considered in the 77th session of the General Assembly. Statements in the Sixth Committee debate were made by 28 delegations. The record of the same is available here -

<https://documents.un.org/doc/undoc/gen/n22/638/13/pdf/n2263813.pdf>

The General Assembly, in its consideration of this item, frequently requests the Secretary General to submit reports containing information on the state of ratification of and accessions to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives.

Article 49

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 50

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Vienna Convention on Diplomatic Relations, 1961

The Secretary General also collects reports from States on serious violations involving diplomatic and consular missions and representatives and measures taken against offenders, as well as of the views of States with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives.

Reports submitted by States for the 79th session of the General Assembly can be found here -

https://www.un.org/en/ga/sixth/79/protection_of_diplomats.shtml

The Vienna Conventions



The Vienna Convention on Diplomatic Relations, 1961 stands as a cornerstone treaty in the realm of international law, delineating the structure for diplomatic interactions between sovereign states. This pivotal agreement secures the rights and protections of diplomatic missions, granting diplomats the freedom to execute their duties without hindrance or intimidation from the host nation. The convention codifies long standing customs and practices of diplomatic interactions, providing a comprehensive set of guidelines for the conduct of diplomacy. It has been instrumental in facilitating peaceful international relations, providing a blueprint for communication and interaction among states.

Done at Vienna on 18 April 1961. Entered into force on 24 April 1964.
United Nations, *Treaty Series*, vol. 500, p. 95.

In 1963 the United Nations Conference on Consular Relations adopted and opened for signature the Vienna Convention on Consular Relations, the Optional Protocol concerning Acquisition of Nationality and the Optional Protocol concerning the Compulsory Settlement of Disputes. The Convention and both Optional Protocols came into force in 1967. The Vienna Convention consists of 79 articles, most of which provide for the operation of consulates; outline the functions of consular agents; and address the privileges and immunities granted to consular officials when posted to a foreign country. A few other articles specify consular officials' duties when citizens of their country face difficulties in a foreign nation. Of particular interest for the right of individuals is article 36, providing for certain obligations for competent authorities in the case of an arrest or detention of a foreign national, in order to guarantee the inalienable right to counsel and due process through consular notification and effective access to consular protection.

Done at Vienna on 24 April 1963. Entered into force on 19 March 1967.
United Nations, *Treaty Series*, vol. 596, p. 261

Closing remarks



1. The Executive Board will be following UNA-USA Rules of Procedure to preside over this simulation. A thorough guide to the same can be found here -

https://drive.google.com/drive/folders/1uTJ5E2_a5FAHufnT1rLGB8QF3DHMLyIV

2. The following criteria will be used to assess delegate performance:

1. Speeches;
2. Points of Information;
3. Points of Order;
4. Yields/Rights;
5. Lobbying;
6. Documentation.

3. The following rubrics are used to assess speech quality:

- a) Eloquence - Delegates are encouraged to deliver speeches without reading off their devices or notes. Remember, compelling delivery is not equivalent to inflammatory speech.
- b) Research - The evidence you use to support the claims you make in your speeches must be well chosen and effective at reaching their desired goal. Citing resolution numbers and articles does not automatically make you a better researched delegate. Make sure to cite only when necessary.
- c) Argumentation - Your speeches have an overarching purpose. Your ability to persuade people using evidence and a logical chain of thought is evaluated here.

