

Committee: Legal Committee

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

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Position: Co-chair

PERSONAL INTRODUCTION

Dear delegates,

My name is Leonidas Ntoulos and I have the honor to serve as one of your co-chairs in the Legal Committee of the 5th Campion School Model United Nations.

My designated topic is the issue of “securing diplomatic missions and protecting diplomatic and consular missions.” The topic at hand is one that is challenging, which is predominantly why I chose it, but I fundamentally believe it is valuable knowledge for us all.

This study guide aims to provide you with better understanding of the topic and trigger your thinking on the issue. However, your research should not solely be based on this study guide. Although the study guide will make you well informed upon the issue, and is sufficient for understanding the topic and participating in the conference, your research should go far beyond that. Note that all research done should be according to your country’s stance on the issue, since the policies of each country are different.

Regarding any help you may need, you can contact me at the email lnoulos@acg.edu.

Best regards,
Leonidas Ntoulos

INTRODUCTION TO THE TOPIC

A major problem in the conduct of diplomatic missions is the safety of the representatives and consultants to the other countries, an issue which is an obstacle in the conduct of such missions. Diplomacy is often affected by many violent incidents, predominantly caused by third-parties. Increased danger exists in areas such as the Middle East and South America with incidents occurring in Pakistan, Iraq, Turkey, Brazil, Venezuela and Mexico.

Diplomacy, whose main characteristic is dialogue, continues to be the preferred way of resolving a conflict. However, all events that have occurred in past decade and since two centuries ago (with the first reported attack occurring in Tehran in the early 1800’s), makes us feel uncertain as to whether diplomacy can actually be facilitated or not and furthermore, whether it results in the enhancement of our needs to re-consider the safety of diplomats on their missions of diplomacy. Up to this point, there are specifications of the privileges that diplomats possess during their missions, so that their work runs smoothly without any fear of attack, and this is called “diplomatic immunity”. Diplomatic immunity has been initiated via the Vienna Convention. Yet, even with this treaty in place embassies are still being attacked.

These attacks have significantly impacted international relations hindering nations’ ability to come up with desirable outcomes for nations. This issue therefore focuses on the failings of

the Vienna Convention and how it can be improved, so that diplomacy can finally resolve conflict and not be the cause of it. Considering the incidents that have occurred and the fact that a treaty was not able to annihilate the danger of diplomatic missions, measures which aim in enhancing the protection of diplomats need to be taken. More specifically, the way in which diplomacy is conducted needs to change, particularly in missions which take place in vulnerable areas. It is not only the security which needs to be altered, it is also the legal framework of the Vienna Convention that needs to be strengthened. New legislation needs to be applied, not only punishing those who violate diplomatic missions, but legal framework which applies security standards necessary for all diplomatic and consular missions, so as to ensure the security of diplomats.

DEFINITION OF KEY TERMS

Diplomacy

The resolving of conflict between two representative states with a common goal of reaching an agreement peacefully.

Diplomatic mission

A diplomatic mission is a group of people from one state in another state representing the sending state/organization officially in the receiving state. In practice, a diplomatic mission usually denotes the resident mission, namely the office of a country's diplomatic representatives in the capital city of another country.

Embassy (consular mission)

An embassy is sometimes referred to as a permanent (diplomatic) mission. Often confused with consulates, embassies are the more important representative body. Embassies represent their country or state abroad in diplomatic interests, as well as the interests of its citizens that may be living, working, or visiting the host country.

Consulate

A consulate is essentially a satellite office of the embassy, but its role is limited in scope, usually pertaining to and prioritizing the interests and concerns of its people and businesses abroad.

Diplomatic agents

Diplomatic agents are government representatives who represent a country on a specific area, their main job is to liaise relations between two countries in that area.

Terrorism

Terrorism is defined as the use of violence and intimidation in achieving its aim, the main purpose often being political gain.

BACKGROUND INFORMATION

The Vienna Convention was signed in 1961 and was the first sum of laws that defined the privileges of diplomats and to this day is taken into serious considerations by nations. However, most of the times it is not up to the nations as it is not the host countries hospitality that is endangering the consular mission to other countries. Extremist organizations, hostile locals or rebellions can pose a threat to diplomatic missions and are the ones who tend to carry out the attacks.

A series of attacks began after 2011 and the Arab spring, especially in the area of Syria where a revolution was taking place. Numerous French and American embassies were attacked along with an Israeli embassy in Egypt a few months later. These attacks resulted in countries calling back their diplomats, harming the diplomatic relations between the nations involved. In 2012, one of the most severe embassy attacks took place, known as the 2012 Benghazi Attack in which a coordinated attack was carried out by members of the paramilitary group fighting against Gaddafi. This led to 4 American citizens losing their lives, including the US Ambassador of Libya, J.Christopher Stevens. This culminated in high tensions, instability in the area and in neighboring regions. The attack was carried out predominantly due to inadequate security measures taken by the government of the United States. Most of the wall running around the compound had not been heightened beyond around 8ft and furthermore, was unwired. The blame was focused on the Secretary of State at the time, Hillary Clinton, under the Obama administration. There were many requests for measures to increase security during diplomatic missions which were essentially ignored.

This incident exemplifies the need to establish the diplomatic relations between countries, but furthermore to apply the measures which need to be taken in order to achieve safety in an embassy. Despite the already existing security, embassies are still vulnerable.

Apart from the country which sends the diplomats, measures need to be taken by the country where the embassy is hosted. In countries with high political unrest, incidents are more likely to occur. For example, in Greece, the terrorist organization "Conspiracy of the Fire Nuclei" carried out attacks against a number of embassies including Belgium, Bulgaria, Chile, Germany, The Netherlands, Mexico, Russia, Switzerland and France. The Greek authorities managed to neutralize most of the bombs, although fear still plagues diplomatic missions in Greece.

From the aforementioned events, we can reach the conclusion that accidents in diplomatic missions can seriously affect the way diplomacy is exercised. Thus, it should be considered mandatory to take measures which are going to secure the embassies, diplomats and consequently the diplomatic relations between countries. As mentioned before, it is not only the countries whose embassies are most commonly under attack who should take measures, but also the areas where the danger is more evident. Such measures will be considered later in the study guide.

TIMELINE OF EVENTS

Date	Event
Rocket Attack on the al-Rashid Hotel in Baghdad - October 26, 2003	Iraqis using a rocket launcher to bombard the al-Rashid Hotel in Baghdad, killing one U.S. Army officer and injuring 17 people. The wounded included 4 U.S. military personnel and seven American civilians. Deputy Secretary of Defense Paul D. Wolfowitz, who was staying at the hotel, was not injured. After visiting the wounded, he said, "They're not going to scare us away; we're not giving up on this job."
Grenade Attacks in Bogota - November 15, 2003	Grenade attacks on two bars frequented by Americans in Bogota killed one person and wounded 72, including 4 Americans.

	Colombian authorities suspected FARC (the Revolutionary Armed Forces of Colombia). The U.S. Embassy suspected that the attacks had targeted Americans and warned against visiting commercial centers and places of entertainment.
Train Bombing in Southern Russia - December 5, 2003	A suicide bomb attack killed 42 people and wounded 150 aboard a Russian commuter train in Southern Russia (Yessentuki). Russian officials suspected Chechen rebels; President Putin said the attack was meant to disrupt legislative elections. Chechen rebel leader Aslan Maskhadov denied any involvement of the organization.
Benghazi, Libya - 2012	An assault on the U.S Consulate in Benghazi took place, leaving the ambassador of U.S in Libya, Christopher Stevens and 3 other Americans dead. The attack was carried out by the local Islamist militia Ansar al-Sharia.
Manila, Philippines - January 25th 2013	The US embassy was attacked by 20 protesters outside the gate of the embassy. Police blocked the protesters way, not allowing them to come closer to the embassy. However, they ultimately threw red paint at US seals, journalists and police officers.
Ankara, Turkey - February 1, 2013	At 1:14 p.m., an individual entered the U.S. Embassy. When questioned by the embassy's security, he detonated a bomb, which was hidden inside his clothes, killing two people.
Baghdad, Iraq - April 10, 2013	Five rockets were thrown outside the Baghdad Diplomatic Support Center. Damage was minimal and an American worker was slightly injured while he was trying to find cover.
Rio de Janeiro, Brazil - September 6, 2013	About 15 to 20 protesters chanted anti-American rhetoric in front of the U.S. Consulate. At the end of the protest, they threw red paint on the street and bollards at the Consulate.
Taji, Iraq - December 27, 2013	At approximately 9:20 a.m., a U.S. motorcade on its way from Balad to Baghdad came under small-arms fire while parked at a

	checkpoint on Highway One.
May 13, 2016	An Australian security officer was shot dead at its embassy in Baghdad.
December 19, 2016	Russian ambassador, Andrei Karlov, was shot dead in Turkey by a Turkish police officer who shouted “Don’t forget Aleppo” before firing at the ambassador.

The following image was taken from the US embassy in Benghazi, during the attack in Libya in 2012. As mentioned previously, the embassy was placed in a dangerous area, where protests were taking place. Help was indeed requested, but the US Secretary of State, Hillary Clinton is said to have ignored this request. The embassy was burnt to the ground and the US ambassador was tortured, raped and burnt alive. If further security measures were taken by the US and Libyan government, this incident might have been avoided.



COUNTRIES AND ORGANIZATIONS INVOLVED

United States

The United States of America is one of the countries most involved in the issue since its embassies have been under attack many times. Furthermore, the USA is one of the most active countries in international diplomacy and thereby needs to assure safety on its diplomatic missions. The US Secretary of State is responsible for determining the security and the measures taken to protect the embassy. However, through time the security has proven to be insufficient. Now US has developed an Emergency Action Plan, in case a US embassy is under threat.

United Kingdom

British embassies have also been under attack. One of the most significant attacks on a British embassy was carried out in Iran in 2011. Since the incident, the British government has taken further measures, mostly military ones, in order to increase the security in each embassy.

Iraq

Iraq is one of the most involved nations in our issue. Due to the high level of terrorist activities, many of the attacks on embassies take place on Iraqi soil. This has affected the Iraq's diplomatic relations with other countries and has forced them to cancel various diplomatic missions.

Afghanistan

Similar to the situation in Iraq, Afghanistan possesses numerous terrorist organizations which carry out attacks on foreign embassies. The government needs to take further measures, offer military and police protection to the diplomatic missions and assure the safety of the diplomats in the area.

United Nations

The United Nations (UN) have set the safety guidelines that countries must follow in documents, such as the Vienna Convention. Furthermore, the function of the UN depends on diplomacy and diplomacy cannot be exercised when diplomats fear for their lives whilst on missions. Although those documents have set a brilliant framework, the rules of the convention are not being followed strictly enough, thus they need improvement.

European Union

The European Union has already discussed the topic and taken specific measures in order to resolve the issue. EU embassies have been under attack in the past few years. The issue has been discussed in the European Parliament and it is thought that strict measures need to be taken. EU also gives the freedom to its member states to have their own security policies regarding their embassies, which accord with the Vienna convention. The European Union in cooperation with the United Nations have tried to find a solution, however it is important to note the difficulty of finding a solution since attacks are unpredictable.

POSSIBLE SOLUTIONS

Choose the location of the embassy more wisely/Change the location of embassies

One way to reduce the risk for the consular mission is to choose safer areas to resident the embassy. For example, the country should avoid choosing areas torn by war, or which are still in war, or where revolts often take place, since all the aforementioned areas will endanger the embassy. The embassy thus would be less likely to be under attack. The government should be responsible, in cooperation with the host country, to find areas which are less vulnerable to criminality, protests or war.

Changing the location of the embassy is also a possibility which needs to be considered. In case an area becomes dangerous or due to an escalating conflict, the location of the embassy needs to be changed.

Security Coverage by the Host Country

As has been mentioned, it is mandatory that host countries take measures in order to secure embassy premises. Thus, the provision of further military and police coverage as well as soldiers will achieve a safer environment. Additionally, police forces should monitor the area around the embassy, reassuring that tensions are suppressed and any threat to the embassy is controlled.

It is vital that further security measures are taken when special events take place. For example, during elections, when an event takes place in the premises of the embassy or when an important person arrives at the embassy, defence should be stepped up so as to avoid potential attacks. In case the country does not provide the embassy with sufficient troops, the country should be in position to ask, in cooperation with the UN, for the provision of further troops.

Use UN rapporteurs

A UN rapporteur is an expert on an issue, who will be able to monitor the implementation of international law on the specific issue. Essentially, Rapporteurs are sent in the areas where embassies are situated, in order to assess the security measures and the danger in the area, as well the measures taken by the host country to protect the foreign embassy. The rapporteur also has an advisory role, in which they are able to propose further measures for securing the embassy but also if considered necessary, they may propose a change of location, only in circumstances of high risk. In addition to that, rapporteurs are in contact with the Legal Committee of the UN and will inform for any violations, so as to be able to implement the international law accordingly. Not only all will all the necessary measures for the protection of the diplomats be taken, but the Legal committee will be able to monitor all the developments upon the issue at any time possible, while having expertise advice.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE/ PAST UN RESOLUTIONS

The Secretary General Report A/69/185: In this report, acts of violence against diplomats are condemned. The Secretary General urged all the member states to respect the international laws but also the diplomats of other countries and their need for protection. A resolution which is aimed at solving the issue was then discussed at the General Assembly and in the GA6 Legal Committee.

UN Resolution 67/94 of the General Assembly: In this specific resolution, measures are discussed regarding the security of diplomats. In clause 4, it is proposed that all host countries take the necessary measures so as not to put foreign embassies in danger. In clause 6, respect to immunities and relevant laws is demanded. Finally, in clause 10, all countries are urged to report any violations of the international law, or any potential threats to diplomatic missions to the UN so as to act accordingly.

CONCLUSION

The safety of diplomatic missions is an issue which concerns the international diplomatic community. The incidents that have occurred up to now should worry the international

community and should not be repeated. All member states should try to find ways in order to achieve maximum security for their embassies. Countries whose embassies have been attacked have, in many cases, altered their approach but measures need to be taken in order to mitigate the danger. The governments of the most vulnerable areas, the majority of which are located in Middle East, need to introduce new policies and security measures in order to protect the most vulnerable countries. An array of measures is proposed in the possible solutions which would help in securing the vulnerable areas along with the consular missions. Further security protection, a change of location and a UN representative would be a substantial way to decrease the risk in diplomatic missions. However, due to the fact that the attacks are unpredictable and are carried out in various ways, not all of the measures can be effective in every possible scenario. However, by complying with specific security guidelines and using some of the solutions proposed, the problem could be mitigated to an extent.

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