

FORUM: General Assembly Sixth Committee

QUESTION OF: Diplomatic Immunity

SUBMITTED BY: Belarus

CO-SUBMITTERS: Germany, UAE, Japan, The Netherlands, Mongolia, Oman, Lithuania, Andorra, ILO, Gambia, Uzbekistan, Israel, Suriname, African Union, Nepal, Vietnam, Samoa, Greece, Latvia, Marshall Islands

THE GENERAL ASSEMBLY,

Defining the term “diplomat” as an appointed agent of a foreign state sent to represent such state abroad,

Aware of the importance of the preservation of diplomatic immunity in the establishment of secure diplomatic interactions,

Recalling the Vienna Convention on Diplomatic Relations of 1961, which defines a framework for diplomatic relations between countries and forms the legal basis for diplomatic immunity,

Bearing in mind that its general objectives of allowing diplomats to perform their function without coercion by the host country are valid,

Noting however, that recent cases of diplomatic immunity exploitation have proven that the framework established in the Vienna Convention is excessively broad,

Alarmed by the fact that such immunity covers the majority of acts and includes the inability to force a diplomat to testify in court in cases of severe crimes,

Pointing out that diplomatic immunity also applies to monetary charges and fines levied for civil offenses, something which has allowed diplomatic bodies to circumnavigate civil law,

Noting with deep concern that one of the predominant ways by which diplomatic immunity is abused is the smuggling of items into receiving states,

Recognizing how diplomatic immunity often shields diplomats from prosecution regarding crimes which are by no means related to their duties as agents of their state,

Further aware that nations may be willing to utilize restrictions to diplomatic privileges as a means to further their political agenda and damage other states,

Having considered that victims of diplomatic abuse are often not considered when settling diplomatic disputes,

1. Calls for a revision of the Vienna Convention of 1961 to create a more restricted and fair international legal framework by amending the document via the insertion of articles which should:
 - a) alter the scope of diplomatic immunity by restricting it to exclude:
 - i. civil offenses
 - ii. tax crimes
 - iii. other minor misdemeanors
 - b) apply such restrictions of immunity to UN officials and delegations of member states to the UN
 - c) eliminate non-obligation to give evidence at court proceedings for diplomats involved in criminal trials, unless such evidence is regarding and compromising the sending state;
2. Strongly urges the establishment of a specialized UN branch - International Court for Diplomatic

Abuses (ICDA) - to deal with the resolution of disputes such as, but not limited to:

- a) who is entitled to diplomatic immunity
 - b) whether an offense is covered by diplomatic immunity or not
 - c) whether the alleged offender was acting in his personal capacity or as an agent of his country
 - d) whether a receiving state is submitting futile complaints designed to ignite tension and prevent diplomatic interaction with a sending state;
3. Seeks to improve the methods of diplomatic custom searching through means such as, but not limited to:
- a) using magnetometers, X-ray machines that detect weapons, to search foreign diplomats at entry points without breaching the confidentiality of documents carried by diplomats as stated under article 27 of the Vienna Convention
 - b) utilizing detection dogs to identify the presence of contraband in diplomatic luggage;
4. Emphasizes the need to preserve the inviolability of archives belonging to a diplomat's state when the latter is to come under customs scrutiny in order to prevent unauthorized access to sensitive information, as dictated by Article 27 of the Vienna Convention;
5. Proclaims that a hosting nation may prevent entrance to a diplomat and confiscate contraband whereby he or she:
- a) refuses to be subject to such scrutiny
 - b) objects to the inspection of their luggage following such scrutiny;
6. Encourages the creation of a UN-sponsored NGO responsible for the compensation and rehabilitation of those who are victims of diplomatic immunity abuse through means such as, but not limited to:
- a) monetary compensation for damages inflicted upon victims as a result of incidents such as, but not limited to:
 - i. reckless driving
 - ii. theft
 - iii. trespass
 - iv. vandalism
 - b) mental and physical health rehabilitation programs designed to:
 - i. alleviate the emotional trauma caused by abuses of diplomatic immunity
 - ii. provide financial support for medical procedures which are not covered by personal insurance whereby the physical damage has been caused by a diplomat's recklessness;
7. Suggests the creation of a hotline supported by the ICDA and the aforementioned NGO, which should serve the purpose of establishing a secure hub where victims of diplomatic abuse may report crimes by allowing such victims to:
- a) report the exact location of a criminal incident
 - b) anonymously connect to the receiving state's police department without having to file a formal complaint
 - c) request admission to a mental and physical rehabilitation program
 - d) file a request for monetary compensation;
8. Further emphasizes the need for all member states to sign a universal UN agreement by which these nations would need to:
- a) implement policies outlined in this resolution in a proper and unbiased manner
 - b) agree to the stationing of impartial UN officials within their nation which would serve the purpose of:
 - i. monitoring and reporting abuse of the outlined restrictions to diplomatic immunity

- ii. ensuring that receiving nations not exacerbate the severity of criminal punishment when trying the case of a diplomat who has been revoked immunity following an ICDA ruling
 - c) agree to resolve diplomatic disputes and issues in a confidential manner as to prevent public scandal;
9. Trusts that all member states will sign such an agreement when faced with the possible consequences of not respecting its guidelines, which may include, but not be limited to:
- a) the imposition of economic and international sanctions
 - b) temporary suspension from UN organizations
 - c) the reduction of voting rights within committees and assemblies;
10. Calls for the creation of a mass media campaign in Member States making citizens aware of the hotline number in the aforementioned clause 8. media campaign in member nations making citizens aware of the hotline number in the aforementioned clause 8.