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## **Sixth Committee**

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

**Statement by Jem Dogan  
Permanent Mission the Kingdom of the Netherlands to the United  
Nations**

**NEW YORK, 20 October 2022**

Madam/Mr. Chair,

We align ourselves with the statement given by the European Union on behalf of the EU and its Member States. In addition to this statement, the Kingdom of the Netherlands would like to make the following observations.

Madam/Mr. Chair,

We would like to clarify that the Kingdom of the Netherlands has not yet found itself in a position to take measures infringing on the rights of diplomatic and consular missions in our country.

COVID-19 and its aftermath was quite challenging for the functioning of our diplomatic and consular missions abroad, whereby measures imposed by other States prompted us to consider their lawfulness. Some measures have been considered unacceptable, not necessarily because they caused an infringement on rights and obligations under the Vienna Conventions, but because we considered that the wrongfulness of the measures could not be precluded by recourse to one of the circumstances precluding wrongfulness contained in the Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA 2001). Such measures would include the imposition of quarantine for diplomatic agents in another location than their home.

Madam/Mr. Chair,

Another development with consequences for the protection, security and safety of diplomatic and consular missions and representatives, is cyber and cyberspace. Communications, archives and documents of the missions enjoy inviolability and shall be protected.

As more and more documents are saved in so-called clouds, the protection of communications, archives and documents in

cyberspace might be challenging. Mission premises should, on the other hand, be protected against intrusion or damage. This is, in accordance with the Vienna Convention on Diplomatic Relations, a special duty for the receiving State. Such intrusion or damage can also come from threats from cyberspace.

Whereas the Kingdom of the Netherlands is pleased that cyber is gaining more attention within the UN, it considers the relation between protection, security and safety of diplomatic and consular missions and representatives and cyber to be worthy of further debate.

The Kingdom of the Netherlands therefore welcomes views of other Member States on cyber and the consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.

Thank you, Madam/Mr. Chair