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

Report of the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 5	3
II. REPORTS AND VIEWS RECEIVED FROM STATES		5
A. Reports received from States pursuant to paragraph 7 of General Assembly resolution 35/168		5
1. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General		5
2. Note verbale from the Permanent Representative of Australia to the United Nations addressed to the Secretary-General		6
3. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General		6
4. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General		7

* A/36/150.

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
5. Note verbale from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General		8
6. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General		8
7. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General		9
B. Views received from States pursuant to paragraph 9 of General Assembly resolution 35/168		10
Denmark		10
Finland		11
Germany, Federal Republic of		12
Norway		13
Romania		14
Senegal		17
Sweden		18
Union of Soviet Socialist Republics		19
United Kingdom of Great Britain and Northern Ireland		21
United States of America		22
Venezuela		23

I. INTRODUCTION

1. On 15 December 1980, the General Assembly adopted resolution 35/168 entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". The operative part of that resolution read as follows:

"The General Assembly,

"...

"1. Deplores all violations of the principles and rules of international law governing diplomatic and consular relations;

"2. Strongly condemns in particular all acts of violence against diplomatic and consular missions and representatives;

"3. Urges all States to observe and to implement the principles and rules of international law governing diplomatic and consular relations;

"4. Urges in particular all States to take all necessary measures with a view to effectively ensuring, in conformity with their international obligations, the protection, security and safety of diplomatic and consular missions and representatives in territory under their jurisdiction, including practicable measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions and representatives;

"5. Calls upon all States which have not yet done so to consider becoming parties to the relevant conventions concerning the inviolability of diplomatic and consular missions and representatives;

"6. Calls upon all States, in cases where a dispute arises in connexion with violation of the principles and rules of international law concerning the inviolability of diplomatic and consular missions and representatives, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General;

"7. Invites all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives, and invites the State in which the violations took place to report also on measures taken to bring to justice the offenders and to prevent a repetition of such violations and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offenders;

"8. Requests the Secretary-General to circulate to all States upon receipt the reports received by him under the terms of paragraph 7 above, unless requested otherwise by the reporting State;

/...

"9. Requests the Secretary-General to invite all States to inform him of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives;

"10. Requests the Secretary-General to submit a report to the General Assembly at its thirty-sixth session on the reports and views expressed pursuant to paragraphs 7 and 9 above and invites him to submit any views he may wish to express on these issues;

"11. Decides to include in the provisional agenda of its thirty-sixth session an item entitled Report of the Secretary-General on consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives.

2. By letter dated 3 February 1981, the Secretary-General drew the attention of States to the invitation contained in paragraph 7 of the above resolution, and invited them to submit not later than 31 July 1981 the views which they might wish to submit under paragraph 8 of that same resolution.

3. By 31 August 1981, reports under the terms of paragraph 7 of resolution 35/168 had been received from Australia, Denmark and Turkey. In accordance with paragraph 8 of resolution 35/168, these reports were circulated upon receipt to all States under cover of a note verbale from the Secretary-General.

4. By 31 August 1981, comments and observations under the terms of paragraph 9 of resolution 35/168 had been received from Denmark, Finland, Germany, Federal Republic of, Norway, Romania, Senegal, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela.

5. In accordance with paragraph 10 of resolution 35/168, the Secretary-General submits herewith the reports and views referred to in paragraphs 3 and 4 above. Additional reports and views that may be forthcoming will be issued in addenda to the present document.

II. REPORTS AND VIEWS RECEIVED FROM STATES

A. Reports received from States pursuant to paragraph 7 of General Assembly resolution 35/168 1/1. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General 2/

[Original: French]

[11 March 1981]

The Permanent Mission of Turkey to the United Nations ... has the sad duty of reporting to the Secretary-General a specific case of serious violation of the safety of Turkish consular officials which occurred in Australia in the circumstances described below:

On 17 December 1980, at approximately 9.45 a.m., as he was making his way from his official residence to his chancellery, the Consul-General of Turkey in Sydney, the Honourable Sarik Ariyak, and his bodyguard, Mr. Engin Sever, were the victims of an armed attack by two terrorists on motorcycles and were killed as a result of this outrage. A secret terrorist organization calling itself the "Armenian Commandos of Justice" had claimed responsibility for this double murder.

The Permanent Mission of Turkey hopes that the Australian Government, on whose territory this incident occurred, will not fail to report as soon as possible to the Secretary-General of the United Nations, in accordance with the provisions of paragraph 7 of General Assembly resolution 35/168, on the measures which it has taken to arrest and bring to justice those who committed the double murder and to prevent a repetition of such acts.

1/ The reports reproduced in this section appear in the chronological order of the events reported on.

2/ Transmitted to the Permanent Representative of Australia by a note verbale from the Secretary-General dated 19 March 1981 and circulated to all other Member States under cover of a note verbale from the Secretary-General, also dated 19 March 1981.

2. Note verbale from the Permanent Representative of Australia to the United Nations addressed to the Secretary-General 3/

[Original: English]

[8 June 1981]

...

In connexion with the above note which refers to an incident occurring in Australia, the Permanent Representative of Australia has the honour to inform the Secretary-General that the Australian Government wishes to acknowledge that the Turkish Consul-General, Mr. Sarik Aryak and his bodyguard, Mr. Engin Sever, died in Sydney on 17 December 1980 after an armed attack by two unknown persons.

The Australian Government wishes to inform the Secretary-General that this crime is being thoroughly investigated by the relevant police authorities who are obliged to report at the conclusion of their investigations to the Crown Coroner.

In addition, rewards totalling \$A 100,000 have been offered recently by the Australian and New South Wales Governments for information leading to the arrest of those responsible. The Australian Government is treating this incident as a terrorist-related crime, and the strongest protective measures have been taken to safeguard Turkish diplomatic and consular officers in Australia. This matter is still sub judice in the Australian courts and at this time the Permanent Representative is unable to make a more detailed response. However, the Permanent Representative will report judicial findings related to this matter to the Secretary-General when they become known.

3. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General 4/

[Original: French]

[11 March 1981]

The Permanent Mission of Turkey ... has the sad duty of reporting to the Secretary-General a specific case of serious violation of the safety of Turkish diplomatic representatives, which occurred in France in the circumstances described below:

3/ Circulated to all Member States under cover of a note verbale from the Secretary-General dated 14 June 1981.

4/ Transmitted to the Permanent Representative of France to the United Nations by a note verbale from the Secretary-General dated 27 March 1981 and circulated to all other Member States under cover of a note verbale from the Secretary-General dated 19 March 1981.

/...

On 18 January 1981, a bomb placed on the front of the car belonging to the Financial Counsellor to the Turkish Embassy in Paris, Mr. Ahmet Erbeyli, exploded. The explosion, which occurred at a distance of approximately 100 metres from the residence of Mr. Erbeyli at Boulogne-Billancourt, towards 9.10 a.m., caused material damage to the neighbouring buildings, although there were no casualties. The so-called Armenian Secret Army for the Liberation of Armenia, "Asala", has assumed responsibility for the crime.

The Permanent Mission of Turkey hopes that the French Government, on whose territory the incident occurred, will not fail to report as soon as possible to the Secretary-General of the United Nations, in accordance with the provisions of paragraph 7 of resolution 35/168, on the measures which it has taken to arrest and bring to justice those responsible and to prevent a repetition of such acts.

4. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General 5/

[Original: French]

[21 April 1981]

The Permanent Mission of Turkey ... deeply regrets having to report to the Secretary-General a specific serious violation of the security and safety of Turkish diplomatic representatives, which occurred in Denmark in the circumstances described below:

On 3 April 1981, at about 12.15 a.m., Mr. Cavit Demir, Labour Counsellor at the Embassy of Turkey in Copenhagen, was the victim, at the entrance to his residence, of an armed attack by one or more unidentified persons and was seriously wounded by six bullets which struck him. Mr. Cavit Demir was under treatment at the hospital to which he was taken, his condition being very serious.

The "Asala", the so-called Secret Army of Armenia for the Liberation of Armenia and the "Armenian Justice Commandos" claimed responsibility for the incident.

The Permanent Mission of Turkey trusts that the Danish Government, in whose territory the incident in question took place, will also report promptly to the Secretary-General of the United Nations, in accordance with the provisions of paragraph 7 of the resolution, on the measures it has taken to arrest the offenders and bring them to justice and to prevent a repetition of such acts.

5/ Transmitted to the Permanent Representative of Denmark to the United Nations by a note verbale from the Secretary-General dated 22 April 1981 and circulated to all other Member States under cover of a note verbale from the Secretary-General, also dated 22 April 1981.

5. Note verbale from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General 6/

[Original: English]

[4 June 1981]

The Permanent Representative of Denmark to the United Nations ... has the honour, with reference to paragraph 7 of General Assembly resolution 35/168 of 15 December 1980, to report as follows:

On 3 April 1981, Mr. Cavit Demir, Labour Counsellor at the Embassy of Turkey at Copenhagen, was the victim of an armed attack by one or more unidentified persons and was seriously wounded as described in the note of 21 April 1981 from the Permanent Mission of Turkey to the United Nations.

Immediately after the attack, the Danish authorities instituted an intensive search for the perpetrator(s). Investigations have not yet been concluded.

Mr. Cavit Demir survived and was discharged from hospital on 20 April 1981.

A more detailed report on the case will be transmitted to the Secretary-General at a later stage.

6. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General 7/

[Original: French]

[23 July 1981]

The Permanent Mission of Turkey to the United Nations ... reports to the Secretary-General a specific case of serious violation involving acts committed against the premises and staff of the Embassy of Turkey in Teheran, which occurred in the circumstances described below:

On 23 April 1981, around 12 noon, a crowd of fanatics, estimated at 10,000 persons of Armenian origin, assembled following a religious ceremony at the Armenian Gregorian Church and advanced within 600 metres of the Embassy of Turkey, demonstrating in a hostile manner against Turkey and the United States.

6/ Circulated to all Member States under cover of a note verbale from the Secretary-General dated 16 June 1981.

7/ Transmitted to the Deputy Permanent Representative of Iran by a note verbale from the Secretary-General dated 29 July 1981 and circulated to all other Member States under cover of a note verbale from the Secretary-General dated 31 July 1981.

Separating themselves from the crowd, about 100 of them succeeded in taking up a position in front of the Embassy entrance, blocking access to it, and began to utter threats and gross insults. A group of 15 to 20 particularly violent persons managed at that point to climb over the walls of the Embassy and hurled stones at the windows. Three of them managed to climb on to the roof and tore up the Turkish flag, the fragments of which were burnt by the same crowd outside the Embassy.

The revolutionary guards and the agents of the revolutionary committees who arrived later managed to make the three Armenians come down from the roof.

The Embassy immediately brought these criminal acts to the attention of the Presidency, the Ministry of Foreign Affairs and the Ministry of the Interior of the Islamic Republic of Iran. Following these applications and effective interventions by the Iranian security forces, the crowd finally began to disperse around 7 p.m.

During the course of these events, the highest officials of the Government of Iran and the administrative authorities responsible for law enforcement spared no effort to discharge their responsibilities as officials of the host country and took the necessary measures to ensure the protection and the normal functioning of the Embassy.

7. Note verbale from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General 8/

[Original: French]

[23 July 1981]

The Permanent Mission of Turkey to the United Nations deeply regrets to report to the Secretary-General a specific case of serious violation of the safety of Turkish diplomatic representatives which occurred in Switzerland in the circumstances described below:

On 9 June 1981, at 6 p.m., Mr. Mehmet Savas Yergüz, Secretary at the Consulate General of Turkey in Geneva, was the victim of an armed attack when leaving the Consulate, at the junction of Rue Ferdinand Hodler and Boulevard Helvétique as he was going home.

An ambulance took Mr. Yergüz to the hospital approximately 10 minutes after the attack but, as the medical report showed, he had already died at the scene of the crime.

8/ Transmitted to the Permanent Observer of Switzerland by a note verbale from the Secretary-General dated 29 July 1981, and circulated to all Member States under cover of a note verbale from the Secretary-General dated 31 July 1981.

The murderer was seized on the spot by the police with the help of passers-by. He was carrying a revolver and a bomb.

The police investigation revealed that the murderer was Mardiros Meguerf Ditch Jankojijian, born in 1958 in Beirut, and that he had arrived in Switzerland on 3 June 1981 with a tourist visa obtained from the Swiss Embassy in Beirut.

On 17 June 1981, the Chambre d'Accusation decided to maintain the state of arrest of Jankojijian until 17 September 1981, with the possibility of extension beyond that date according to circumstances.

The Permanent Mission of Turkey hopes that the Swiss Government, in whose territory the incident in question occurred, will not fail to report also as soon as possible to the Secretary-General of the United Nations, under the provisions of paragraph 7 of General Assembly resolution 35/168, on the measures which it has taken to arrest the other persons responsible for the crime, bringing them to justice and prevent a repetition of such acts.

B. Views received from States pursuant to paragraph 9
of General Assembly resolution 35/168

DENMARK

[Original: English]

[31 July 1981]

1. In recent years the international community has been disturbed by frequent violations or of failure to observe the relevant provisions of international law and, specifically, conventions governing diplomatic and consular relations, including provisions pertaining to the physical safety of diplomatic and consular personnel and to the inviolability of diplomatic and consular premises. Against this background the five Nordic countries took the initiative to have the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" included on the agenda of the thirty-fifth session of the General Assembly.

2. The discussion of the item during the General Assembly confirmed that the problem was of serious concern to the members of the United Nations, and the Danish Government welcomes the new procedure established through resolution 35/168, adopted by consensus, which invites States to report in general about measures to give effective protection in this area and to report about failures in particular cases thus permitting States to learn from the experience so that future incidents may be prevented. The new procedure makes it possible to keep the matter under review in the coming years, and the Danish Government therefore hopes that a resolution along the same lines will be adopted by consensus during the forthcoming thirty-sixth session of the General Assembly.

3. Denmark has ratified the relevant conventions concerning the protection of diplomatic and consular missions and representatives and hopes that States which have not yet done so will consider becoming parties to these conventions.
4. In practical terms the effective protection of diplomatic and consular missions and representatives calls for a close co-operation between sending and receiving States as well as security measures in connexion with the establishment of embassies, consulates and, in certain cases, residences.
5. The Danish Foreign Service has in recent years introduced technical security installation in a number of Danish missions and the work is being continued.
6. Diplomatic and consular representatives in Denmark are encouraged to report to the Danish authorities in cases where there seems to be danger for their security with the purpose of enabling the authorities to render necessary assistance.
7. In April 1981 an attack was launched on a Turkish diplomat in Copenhagen. A preliminary Danish report was circulated under cover of a note of 16 June 1981 from the Secretary-General ^{9/} and a more detailed report on the case will be transmitted to the Secretary-General at a later stage.

FINLAND

[Original: English]

[28 July 1981]

1. The Government of Finland wishes to reiterate its concern for any breaches of rules of international law concerning diplomatic and consular relations, especially those designed to guarantee the physical safety of diplomatic and consular personnel and the inviolability of diplomatic and consular premises. It was this concern which prompted Finland, together with Denmark, Iceland, Norway and Sweden, to propose the inclusion in the 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", which led to the adoption of resolution 35/168.
2. The Government of Finland notes with satisfaction that resolution 35/168 was adopted by consensus. Since the General Assembly was dealing with a subject of basic importance for the orderly functioning of international relations, the fact that the decision could be arrived at by consensus is considered by the Government of Finland to be of the utmost importance. It is the view of the Government of Finland that, also in further efforts by the General Assembly to contribute the ensurance of the respect of protection, safety and security of diplomatic and consular missions and representatives, solutions should be found which can be endorsed by the whole international community.

^{9/} See section II A, (5) above.

3. The Government of Finland is pleased to inform the Secretary-General that no such serious violations of the protection, security and safety of diplomatic personnel and consular missions or representatives as are referred to in paragraph 7 of resolution 35/168 have occurred in Finland nor have Finnish diplomatic or consular missions or representatives abroad been victims of such serious violations.
4. Continuous efforts are made to ensure the protection, safety and security of diplomatic and consular missions and representatives in Finland. The authorities involved are making every effort to co-operate with the missions in order to solve any problems in this field.
5. Finland has ratified both the 1961 Vienna Convention on Diplomatic Relations 10/ and the 1963 Convention on Consular Relations 11/ as well as other treaties relevant to the protection of diplomatic and consular missions and representatives.
6. Respect of the principles and rules of international law governing diplomatic and consular relations is of paramount importance to all members of the international community. The Government of Finland is confident that constructive and meaningful efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives will be made in the course of the discussion of the item in the General Assembly. The value of the reporting system established by resolution 35/168 will have to be evaluated on the basis of experience gained. Other measures to complete this system could also be considered on the basis of the Secretary-General's report referred to in paragraph 9 of resolution 35/168 which will be before the thirty-sixth session of the General Assembly.

GERMANY, FEDERAL REPUBLIC OF

[Original: English]

[30 June 1981]

The Federal Government has no serious violations of the protection, security and safety of diplomatic and consular missions and representatives to report, nor has it, at present, any suggestions to make concerning measures to enhance the protection, security and safety of such staff.

10/ United Nations, Treaty Series, vol. 500, p. 95.

11/ Ibid., vol. 596, p. 261.

NORWAY

[Original: English]

[28 July 1981]

1. The Norwegian Government is of the view that the adoption of the above-mentioned resolution by consensus during the last session of the General Assembly in itself constitutes an important step towards improving the existing situation. Furthermore, it clearly demonstrates universal recognition of the seriousness of the problems involved and a common determination to enhance respect for the principles and rules of international law concerning diplomatic and consular relations, in particular those aiming at the protection, security and safety of diplomatic and consular missions and representatives.
2. Even though the resolution could have contained stronger language, the text is quite satisfactory if strictly complied with. It is of particular importance for the further work of the United Nations in this field that as many States as possible comply with the invitation from the Secretary-General to report according to operative paragraphs 7 and 9 of the resolution.
3. It is the feeling of the Norwegian Government that it may be wise not to be too ambitious in drawing up the text of a resolution during the thirty-sixth session of the General Assembly. Subject to the conclusions which can be drawn on the basis of the Secretary-General's report, it may for the time being be wise not to go too much beyond the text adopted last year. It is particularly felt that new measures for control and implementation for the time being would be of doubtful value. At least it seems reasonable first to gain more experience on how the present reporting system is functioning. A "wait and see" approach has in previous instances proven to have a beneficial effect.
4. On the other hand, the necessity of keeping the matter under constant review should be emphasized. If serious violations of or failures to observe the relevant principles and rules of international law continue to occur, further measures could be contemplated.
5. Also at the thirty-sixth session of the General Assembly a resolution containing a strong condemnation of all acts of violence against diplomatic and consular missions and representatives by the General Assembly should be adopted unanimously. Such a renewed condemnation will underscore the seriousness of the problem and hopefully contribute to increase the willingness of States to take effective and practical measures with a view to prevent the occurrence of such acts of violence. In this connexion the Norwegian Government would like to stress the importance of co-operation between the authorities of the host country and the diplomatic and consular missions in its territory. The Norwegian Government will continue to respond positively to requests for assistance in this field from diplomatic and consular missions in Norway.
6. Finally, the Norwegian Government reports with a great deal of satisfaction that since the adoption of the resolution last year on the item in question no violations of the status of diplomatic or consular missions or representatives have occurred in Norway.

ROMANIA

[Original: French]

[14 August 1981]

1. The initiative taken by the Nordic countries - Denmark, Finland, Iceland, Norway and Sweden - at the thirty-fifth session of the General Assembly with a view to enhancing the protection, security and safety of diplomatic and consular missions and representatives alerts the international community and world opinion to a particularly important question.
2. The many serious violations of the premises of diplomatic missions and consular offices, the criminal attacks on the life and freedom of diplomatic and consular representatives, the terrorist acts against State envoys - persons entitled to special protection under international law - are all factors that cause great anxiety and growing concern among States wishing to live and thrive within the international community by developing mutual relations of friendship and co-operation in a universally beneficial climate of peace and security. The discussions in the Sixth Committee of the General Assembly have afforded striking evidence of this concern and have highlighted the need to strengthen international co-operation with a view to preventing and combating a harmful phenomenon that has adverse implications for the conduct of inter-State relations.
3. Engaged in a wide-ranging process of socio-economic development, socialist Romania - like other States - is vitally interested in the maintenance of a climate of peace, security, détente and co-operation throughout the world; its foreign policy is committed to those objectives, which are essential to the development of all nations. Romania believes that diplomatic missions and consular offices, as well as the international civil servants of intergovernmental organizations, are called upon to play a role that is becoming increasingly important as States assert their sovereignty and independence, and as co-operation develops among States as a basic prerequisite to their progress and prosperity in the conditions of interdependence underlying their mutual relations. In performing their representative functions, in protecting the interests of the sending State and its citizens within the limits permitted by international law, in ascertaining facts by lawful means, in negotiating with the Government of the receiving State and, above all, in promoting relations of friendship and co-operation in the various fields of international life, diplomatic missions and consular offices have, in the course of time, proved themselves as bodies competent to ensure the maintenance of normal relations among nations, on the basis of their acquaintance with and respect for one another, and have thus helped to strengthen world peace, the summum bonum of mankind.
4. Diplomatic representatives, as well as international civil servants, are participating more and more in the efforts by States to solve the major and highly complex problems of the contemporary world, relating, inter alia, to the halting of the arms race and the achievement of disarmament, the promotion of new principles for relations among States, the settlement of international disputes exclusively by peaceful means and the establishment of a new international economic order. In short, they are participating in all the efforts by the international community to restore and strengthen détente throughout the world, to maintain international

/...

peace and security and to prevent another world war. In order to enable diplomatic missions to carry out their functions in the service of peace and with a view to the smooth functioning of the system of permanent inter-State communication which the missions represent, all appropriate measures must urgently be taken to afford missions effective protection against acts of violence, in accordance with the norms embodied in international law.

5. By codifying rules crystallized by long-standing practice in the thinking and conduct of States, the international conventions governing international relations have established the special status and the privileges and immunities enjoyed by diplomatic and consular missions and representatives. Scrupulous respect for that status is essential if the diplomatic community is to function normally with a view to maintaining and promoting relations of friendship and co-operation between the States in question. The rules concerning the inviolability of missions and the inviolability of the person of a diplomatic agent constitute the backbone of the system of relations between sovereign independent States belonging to the international community. Unwavering respect for those rules through appropriate protection for States' missions and representatives, and the proper interpretation and consistent application of all the norms embodied in the international conventions concluded in this field, constitute, in the light of the preceding, a most pressing imperative of the day. Romania believes that States must always be mindful of provisions such as those of the 1961 Vienna Convention on Diplomatic Relations, which states, *inter alia*, that "the premises of the mission shall be inviolable ... The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity" (art. 22), and stipulates that "the person of a diplomatic agent shall be inviolable The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity" (art. 29). Of no less importance are the other provisions contained in the Convention, such as the provision that "the private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission" (art. 30). Identical or similar provisions are also to be found in the other international conventions in force in related fields of international relations.

6. It is evidently imperative to apply just as scrupulously provisions such as those contained in article 41 of the 1961 Vienna Convention, which states that "without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State" (art. 41, para. 1). In this connexion, fundamental importance is attached to the provision that "the premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State" (art. 41, para. 3).

7. We believe that scrupulous respect in inter-State relations for these provisions and the adoption of measures to ensure in fact the inviolability of diplomatic and consular missions and representatives constitute not only a legal

obligation, but also a political duty entailing a high degree of responsibility. They are all the more significant as the protection of diplomatic and consular missions and representatives is intended to make the political actions of peace-loving States more effective, with a view to the restoration of a normal climate of détente and co-operation among nations.

8. Mindful of the rules of international law governing inter-State relations, the Socialist Republic of Romania ratified the Vienna Convention on Diplomatic Relations in 1968 and acceded to the Vienna Convention on Consular Relations in 1972. In 1978, it ratified the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations. In addition, the legislative machinery has been set in motion with a view to Romania's accession to the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations (resolution 34/146, annex).

9. The competent Romanian authorities are also examining the Convention on Special Missions, adopted by the General Assembly of the United Nations (resolution 2530 (XXIV), annex), as well as the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character, 12/ so as to enable Romania to take up a position on the question of those Conventions.

10. Romania believes that the application of the recognized rules of international law regarding the protection, security and safety of diplomatic and consular missions and representatives is contingent on (a) the introduction in States' internal legislation of adequate procedures to make acts against those missions and representatives punishable offences, and (b) the adoption of effective measures to enforce, in each country, proper respect for international norms and internal laws.

11. It should be noted, in this connexion, that article 171 of the Penal Code in force in the Socialist Republic of Romania lays down specific penalties for offences against the life, physical safety, health, freedom or dignity of representatives of a foreign State.

12. In the ongoing studies related to the reform of penal legislation, consideration is being given to, inter alia, the elaboration of norms that would allow Romanian penal law to reflect as fully as possible the provisions of international conventions in the relevant fields to which Romania is a party.

13. The competent Romanian authorities are paying the greatest attention to measures for the protection, security and safety of diplomatic and consular missions and representatives, as well as international civil servants of organizations based in Romanian territory.

12/ Official Records of the United Nations Conference on the Representation of States in Their Relations with International Organizations, vol. II, Documents of the Conference (A/CONF.67/18/Add.1), p. 209.

14. Romania believes, too, that international co-operation must be intensified with a view to adopting the most appropriate measures for the attainment of the objectives.

15. In this connexion, we feel that consideration should be given to:

(a) The need to combat vigorously, and to prohibit in the territory of all States, propaganda for war, fascist, neo-fascist, terrorist, revisionist and chauvinist movements, activities promoting the cult of violence, etc.;

(b) The possibility of designating, through measures appertaining to the internal legislation of States, security areas around diplomatic missions and consular offices, where it would be prohibited to hold events or demonstrations likely to impair security or affect the normal conduct of business by diplomatic and consular missions and representatives;

(c) The need to promote educational efforts towards a broader understanding among the public at large, and primarily among young people, of international law and international relations, with special reference to the role played by diplomatic and consular missions and representatives, international organizations and international civil servants in the endeavour by nations to build a world of peace, co-operation and progress.

16. In the light of the preceding, the Socialist Republic of Romania is prepared to participate in international co-operative efforts to prevent and punish criminal acts against the security and safety of diplomatic and consular missions and representatives, acts which constitute a serious impediment to the process of normalizing international relations.

SENEGAL

[Original: French]

[28 May 1981]

1. With regard to diplomatic and consular missions and their staff in Senegalese territory, Senegal, which has ratified the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, affords protection, in accordance with the provisions of those two texts, to the premises and staff of the aforementioned missions, without any discrimination between missions.

2. To date there has been no act of terrorism in Senegal directed against the security or safety of diplomatic and consular missions and representatives.

3. As to Senegal's diplomatic and consular missions abroad, there have been no violations of the protection, security or safety of the premises or of the staff stationed there.

SWEDEN

[Original: English]

[24 July 1981]

1. At the outset it may be recalled that the item was inscribed in the agenda of the thirty-fifth session of the General Assembly against the background of frequent and serious violations of or failures to observe the relevant principles and rules of international law directed at protecting diplomatic and consular missions and representatives. Violent actions that had taken place in various places of the world had shown that the duties to provide security and protection for diplomatic and consular missions and representatives were not always properly fulfilled. The consequences of this development constituted, in the opinion of the five Nordic countries, such serious risks of bringing irreparable harm to the very fabric of international relations that it seemed necessary to bring up the matter in the General Assembly for its consideration.
2. It is the view of the Swedish Government that the debate that took place in the Sixth Committee last year as well as the unanimous adoption of resolution 35/168 were most useful since they served the purpose of underlining the seriousness of the situation. It is particularly reassuring that general support was expressed regarding the importance of respecting the principles and rules of international law governing diplomatic and consular relations, and in particular those aimed at ensuring the inviolability of diplomatic and consular missions and representatives.
3. The operative paragraphs of resolution 35/168 contain several appropriate recommendations, which, if they are thoroughly adhered to, would prevent or eliminate most of the serious problems to which the resolution is addressed.
4. During the deliberations prior to the unanimous adoption of the resolution various suggestions regarding additional measures were examined. One of these concerned the possibility of establishing a new organ with the task of studying and reporting on safety and security violations involving diplomatic and consular missions or representatives. Another dealt with the possibility of underlining the role of the Secretary-General in this area by making a special reference in the resolution to Article 99 of the Charter.
5. In view of these discussions it could be argued that it would be appropriate to study, during the forthcoming session of the General Assembly, ways of strengthening the text of resolution 35/168. However, at this point in time the Swedish Government does not feel that there is a great need to strengthen the set of recommendations and measures adopted in the resolution. On the other hand, Sweden considers it very important that the General Assembly keeps the matter under review also in the future and that violations are duly reported to the Secretary-General as described in the resolution.
6. The measures taken on the international level must, for obvious reasons, be supplemented by a wide range of organizational and technical measures on the local level. The Swedish Government is of the opinion that it is important, inter alia, to establish close contacts between the diplomatic and consular missions and the appropriate authorities of the receiving State in order to work out reliable

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physical security measures. In recent years, the Swedish police has assisted more than 20 diplomatic and consular missions in Sweden in this respect.

7. In many cases both premises and individual diplomatic representatives have to have special guards. In the case of Sweden the cost for these guards alone run as high as \$5 million a year, which shows, among other things, that ensuring adequate physical security for diplomatic and consular missions and representatives is very costly - but necessary.

8. Against this background and as a closing remark the Swedish Government is happy to report that no serious violations on diplomatic or consular missions or representatives have taken place in Sweden since resolution 35/168 was adopted.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[7 August 1981]

1. True to the principles of its peace-loving Leninist foreign policy, the Soviet Union has been a consistent supporter of the universally recognized standards governing diplomatic and consular relations. Rigid adherence by all States to their international obligations towards foreign missions and their staff, especially as regards the provision of appropriate protection, safety and security, is essential to the conduct of normal international relations and contacts between States in the modern world. As the Soviet Minister for Foreign Affairs, A. A. Gromyko, stressed on 26 September 1972, in the plenary meeting of the General Assembly,

"On the basis of positions of principle, the Soviet Union opposes acts of terrorism which disrupt the diplomatic activities of States and their representatives, transport communications between them and the normal course of international contacts and meetings, and it opposes acts of violence which serve no positive end and cause loss of human life." 13/

2. The Soviet Union has developed, and is constantly operating a system of effective State measures to guarantee strict respect for the inviolability and immunities of foreign diplomatic and consular establishments and States' missions to international organizations. These include measures to protect mission premises and ensure the personal safety and inviolability of their personnel in conformity with the standards recognized in international practice. Soviet legislation provides special protection for the lives of foreign representatives. Under article 67 of the RSFSR Penal Code, the murder of the representative of a foreign State with intent to provoke war or international complications is punishable by deprivation of liberty for a term of between 10 and 15 years or by the death

13/ Official Records of the General Assembly, Twenty-seventh Session, Plenary meetings, vol. I, 2040th plenary meeting, para. 116.

penalty, and grievous bodily harm to such a representative for the same ends is punishable by deprivation of liberty for a term of between 8 and 15 years.

3. If the security and immunities of diplomatic and consular missions are to be ensured, it is important for States to adhere strictly to their obligations under the relevant international treaties. This applies, first and foremost, to the 1961 Vienna Convention on Diplomatic Relations, which is of particular importance to international contacts in practice. It embodies the principal provisions of modern international law, many of which have been sanctioned by practice over the centuries.
4. The question of States' implementation of the provisions of the 1961 Vienna Convention, and of how to increase the number of parties to the Convention, has already been debated in the United Nations at the instigation of the Soviet Union. The benefits of this exercise are beyond question. It is still urgently necessary, however, to ensure strict compliance by all States with the norms governing diplomatic and consular relations, particularly those dealing with the protection and security of missions and their staff.
5. The international community cannot reconcile itself to gross infractions of diplomatic inviolability and immunities. In this regard, the situation in the United States is particularly worrying. Countless incidents show that the American authorities are barefacedly disregarding the international obligations which they have assumed to ensure the safety of foreign diplomats and are manifesting a curiously tolerant attitude, verging on direct connivance, towards criminal elements, while taking no steps to curtail the current hostile campaign by the American media against the missions of countries whose policies do not, for one reason or another, suit the United States.
6. Since the General Assembly's adoption of resolution 35/168, which urges all States to take the measures required for effectively ensuring the security of foreign diplomatic and consular missions, Soviet establishments in the United States and their staff have repeatedly been the object of attacks by hoodlums. On 11 April 1981, for instance, a terrorist act was perpetrated against the Consulate General of the USSR in San Francisco and a firearm was discharged at the building. The bullet entered a working area occupied by members of the Consulate staff, and it was only by chance that none of them was hurt.
7. The campaign of provocation against a large number of permanent missions of States Members of the United Nations in New York, where the Headquarters of the United Nations is located, has assumed dangerous proportions and forms. Staff from the USSR Permanent Mission and their families, as well as personnel from other countries' missions, have been subjected to premeditated criminal provocation and attacks.
8. Despite repeated assurances from United States officials, the American authorities are not actually taking effective measures to punish the culprits and are avoiding making an honest effort to honour the obligations assumed by the United States as host country to ensure the safety of, and normal working conditions for, States' missions to the United Nations.

9. The fact that sundry terrorist organizations, such as the Zionist "Jewish Defense League", and "Omega 7", are operating in the United States with virtual impunity cannot but provoke legitimate alarm.
10. The adoption of effective measures to ensure the safety of diplomatic and consular missions is, therefore, an important and urgent issue. We believe the United Nations can and must play a useful role in reinforcing international law and order in this area and creating an atmosphere of intolerance towards lawlessness in international life or any infringements of diplomatic inviolability and immunities.
11. The General Assembly must not lose sight of the question of States' fulfilment of their obligations under international treaties, particularly the 1961 Vienna Convention on Diplomatic Relations, while at the same time helping to create favourable conditions for the work of diplomatic and consular missions and to enhance their protection and security.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[4 August 1981]

1. The Government of the United Kingdom remain deeply concerned at the growing number of attacks against diplomatic and consular personnel and premises and at the recent Economic Summit in Ottawa joined with their partners in reaffirming their determination to combat vigorously such flagrant violations of international law.
2. The Government of the United Kingdom consider that international law is already clearly expressed in the Vienna Convention of 1961 on Diplomatic Relations, the Vienna Convention of 1963 on Consular Relations and the 1973 New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII), annex). If these instruments are to be effective, it is, however, important that they should be as widely accepted as possible. It would be useful to consider how accession to these conventions might be further encouraged.
3. The expectation of retribution should help to deter acts of violence and it is therefore very important that the terms of the conventions should be strictly observed so that terrorists are not allowed to escape justice. While an appropriate legal framework is clearly essential, laws in themselves are not sufficient to stop crime and it is the duty of all Governments to take the appropriate practical measures to ensure that the necessary protection is given to diplomatic and consular personnel and premises taking into account the degree of risk to which they are exposed. In this context, close co-operation between the host Government and its resident missions is essential. As far as the United Kingdom is concerned, a police unit called the Diplomatic Protection Group was formed in London in 1974. Its sole task, to the exclusion of all other calls on police duty, is to ensure the security and protection of foreign missions. Although some fixed guard duties are undertaken, the Group is largely mobile and continuously patrols the area in which foreign missions are based. The British authorities have found that a group specifically dedicated to this one task is

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able to deal more efficiently with the protection of diplomats, but a pattern appropriate in London will not, of course, necessarily fit the circumstances elsewhere.

UNITED STATES OF AMERICA

[Original: English]

[31 July 1981]

1. The United States Government assigns the highest priority to the protection of diplomatic and consular personnel, and believes that the international community must take firm action to counter terrorist activities that threaten internationally protected persons, especially in cases where such activities are either initiated or condoned by Governments. The United States Government proposes that the international community adopt an approach to deal with such threats based on the following two elements: (a) adherence by all States to the relevant international conventions, in particular, the New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. We should seek to enlarge the international consensus that offences committed against internationally protected persons are abhorrent to all nations of the world. During the first six months of 1981 alone there were 191 reported incidents directed against diplomatic and consular personnel world wide; and (b) the establishment of a procedure for measures against States that violate their obligations under existing conventions. These proposals are detailed in two parts in the accompanying annex.

Annex

Part I

Adherence to the New York Convention

2. The United Nations has made significant progress in the formulation of measures to enhance the protection and security of diplomatic missions and personnel. The most notable of these measures is the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York Convention). This Convention represents an important step by the international community in the combatting of international terrorism. However, only 53 States have ratified or acceded to the Convention thus far. There is a need to extend the international consensus that offences committed against internationally protected persons should be outlawed. In order to achieve maximum effectiveness, the principles contained in the Convention must receive universal recognition through widespread ratification. The United States strongly believes that the United Nations should make a major effort to secure additional adherents to the Convention.

3. We propose that the Secretary-General circulate a list of States parties to the Convention and appeal for further adherences. Such an appeal would emphasize

the importance with which the United Nations views this issue and encourage additional States to become parties.

Part II

Enforcement of existing conventions on internationally protected persons

4. The United States is also convinced that the existing conventions on internationally protected persons and diplomatic and consular relations must be enforced if they are to be effective. At the present time there is neither a conceptual consensus on what types of measures are appropriate in the case of violations of the New York or Vienna Conventions nor any way to co-ordinate application of measures against States which violate international norms regarding internationally protected persons.

5. Some method must be found to deal with violations of existing conventions. Whatever method is adopted should promote a co-ordinated international response, including recommendations for implementation of measures against the offending State should they be called for. Since each situation will differ, flexible procedures will be needed in considering what measures might be applied to States which violate the existing conventions.

The United States is prepared to work closely with other United Nations Member States to strengthen all the existing Conventions relating to terrorist acts, particularly attacks on diplomatic personnel and premises. The United Nations should seek to reach agreement before the end of the thirty-sixth session of the General Assembly on a consultative procedure to deal with violations of existing conventions.

VENEZUELA

[Original: Spanish]

[28 May 1981]

1. Venezuela scrupulously meets its international obligations, in the field of diplomatic and consular relations, under the Vienna Conventions of 1961 and 1963.
2. An effort should be made to publicize and explain among the various national communities the purposes which the work of embassies and consulates serves and the respect to which missions and diplomatic and consular staff are entitled.
3. Active solidarity among States should be promoted with a view to adopting uniform provisions to safeguard and protect diplomatic and consular staff and the premises of the respective missions, and prevent situations likely to result in injury or damage to such persons or premises.
4. Consideration should be given to the possibility of amending and updating or supplementing the legal provisions in this area.