

UNITED NATIONS

GENERAL
ASSEMBLY

DIVISION
OF
GENERAL ASSEMBLY AFFAIRS



Distr.
GENERAL

A/33/231*
13 September 1978
ENGLISH
ORIGINAL: RUSSIAN

Thirty-third session
Item 120 of the provisional agenda**

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Note verbale dated 31 August 1978 from the Permanent Mission of the
Union of Soviet Socialist Republics to the United Nations addressed
to the Secretary-General

The Permanent Mission of the Union of Soviet Socialist Republics to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit to him herewith a copy of a letter dated 31 August 1978 from the Permanent Mission of the USSR addressed to the Chairman of the Committee on Relations with the Host Country in connexion with the preparation in the United States of a new law affecting the immunities and privileges of diplomatic missions of foreign States in the territory of the United States, including missions to the United Nations.

The Permanent Mission of the USSR to the United Nations would be grateful if the above-mentioned letter could be circulated as an official document of the General Assembly under item 120 of the provisional agenda and be brought to the attention of the Committee on Relations with the Host Country.

* Reissued for technical reasons.

** A/33/150.

ANNEX

Letter dated 31 August 1978 from the Acting Permanent Representative of
the Union of Soviet Socialist Republics to the United Nations addressed
to the Chairman of the Committee on Relations with the Host Country

I have the honour to draw your attention to the following:

A new law governing the immunities and privileges of diplomatic missions of foreign States in the territory of the United States is currently in the final stages of preparation in the United States Congress. As you know, the House of Representatives and the Senate have approved bills which, in our opinion, could seriously restrict these immunities and privileges.

We are particularly concerned at provisions which we regard as inconsistent with the obligations assumed by the United States under the 1961 Vienna Convention on Diplomatic Relations and which contradict the principles and norms of contemporary international law and generally accepted international practice with regard to persons enjoying diplomatic immunities and privileges.

More specifically, we are concerned above all at the introduction of a new legal régime in respect of persons enjoying diplomatic immunities and privileges. In a provision without precedent in international practice, the law would require mission staff to apply to United States courts to establish that they enjoy diplomatic immunities and privileges, and it would give local courts the right to decide whether or not individual staff members of a diplomatic mission enjoy the immunities and privileges in question.

The application of such provisions could give rise to serious friction in relations between diplomatic missions and the authorities of the host country and, as a result, between the States concerned.

The United States legislation in question also establishes the responsibility of insurance firms with regard to traffic accident claims brought against staff members of diplomatic missions who, because of their diplomatic immunity, are not legally responsible before local courts. This would clearly have serious adverse consequences for members of the diplomatic corps (a significant increase in the cost of insurance premiums or a refusal on the part of the insurers to deal with diplomats).

There can be no doubt that, if the proposed new legislation becomes law, it will have a direct effect on conditions in the United States for the staff of permanent missions of States Members of the United Nations. This can only be a

matter of serious concern. We therefore consider it necessary, Mr. Chairman, for the Committee on Relations with the Host Country to request an explanation from the appropriate United States authorities with regard to the legislation in question and to request the Secretary-General of the United Nations to provide the Committee with the official opinion of the Office of Legal Affairs of the United Nations Secretariat on this matter.

(Signed) M. KHARLAMOV
Acting Permanent Representative of
the USSR to the United Nations
