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## **STATEMENT**

**by the representative of the Russian Federation  
in the Sixth Committee of the 73<sup>rd</sup> Session of the UN General Assembly  
on agenda item “Consideration of effective measures to enhance the protection,  
security and safety of diplomatic and consular missions  
and representatives”**

«            » October 2018

Mr. Chairman,

The Russian delegation is grateful to the Secretary-General for his report envisaged by resolution 71/145. The information under this agenda item that the States share with the Secretariat makes it possible to clearly assess the state of affairs in terms of compliance with the provisions of international diplomatic and consular law.

The Russian delegation is extremely concerned with the degradation over the last two years of the attitude of certain states to these universally recognized norms. In particular, the acts of the U.S. authorities illustrate this, as we informed the UN Secretary-General and the General Assembly (A/72/948).

The U.S. authorities referring to national legislation (in particular the 1982 Foreign Missions Act and the “determinations” of the U.S. Secretary of State adopted on its basis) during the period from December 2016 to April 2018 took a range of provocative, hostile and coercive measures, unprecedented in their scope and cynicism, against a number of Russian official missions, their property as well as the missions’ staff and their family members.

These measures sought to expel Russian official missions, the missions’ staff and their family members from the premises they occupied on lawful grounds to cause damage to sovereign dignity of the Russian Federation and moral damage to the staff of its official missions; to disrupt the normal functioning of the diplomatic missions and consular establishments of the Russian Federation in the U.S.; and to deny the Russian Federation access to the property it used for sovereign purposes.

Thus, on 29 December 2016 the U.S. Department of State notified the Embassy of Russia on the withdrawal of the consent to use a part of the premises of the Embassy in Washington and a part of the Permanent Mission in New York premises used for official purposes; and the lifting of all their privileges and immunities; and the denial of access to the aforementioned premises for “any persons, including Russian representatives”.

Let us recall that these premises were used for official purposes – protocol events, storage of archives and as a residence for the Embassy and the Permanent Mission’s personnel. Therefore, the problem of a part of the Permanent Mission’s premises has been under consideration of the Committee on relations with the host country for two years.

Further on, the Department of State announced through a note of 31 August 2017 the withdrawal of the consent for the opening and functioning of the Russian Consulate General in San Francisco; the lifting of all its immunities; and demanded to cease all activities of the Consulate General; and announced the denial of access to the staff area of the Consulate General for “any persons, including Russian representatives” and ban on keeping the archives in the said premises.

With effect from 1 October 2017, access was also denied to the other premises of the Consulate General, i.e. the residential section and the residence of the Consul General, all immunities of which were lifted from that same date. The same restrictions were taken with regard to the Trade Representation of Russia in Washington and its New York office, which form part of the Embassy.

In its note of 26 March 2018 the Department of State declared the withdrawal of consent to the opening and functioning of the Consulate General in Seattle as well as of permission to use the relevant premises for diplomatic/consular purposes, and the lifting of all their immunities; and a ban on keeping archives in these premises.

Mr. Chairman,

The introduction of the above-mentioned restrictive measures, despite protests by the Russian side, was accompanied by forced entry of representatives of the U.S. authorities into the relevant premises (with breaking of locks and disabling of entry gates), conducting searches therein (under the guise of so-called “examinations” of “inspections”) as well as engineering works not agreed with by the Russian Federation, as a result of which their premises and their furnishings were damaged.

The Russian Federation emphasizes that it has legally the right of ownership or exercised the rights of the tenant of the facilities specified above.

Despite our regular requests via diplomatic channels to let us examine the above-mentioned premises and hold there protocol events the Department of State has systematically refused to provide such access without any explanations, contrary to the notes of the Department of State that provide for “authorization procedures” for visits by Russian representatives. Thus, we have been completely and for a long time deprived of any possibility of control over these facilities, access to them and the exercise of the powers of the owner in respect of them. At the same time, representatives of the U.S. authorities regularly gain access to the premises mentioned, without consent or notification of the Russian side.

It turns out, that the U.S. authorities have actually seized the above-mentioned premises. Despite our protests, the U.S. authorities removed State flags the Russian Federation from these premises. Moreover there has been an infringement of the inviolability of the archives of the Consulate General, containing by the way, personal data of applicants, U.S. and Russian citizens. Without our permission that archive was removed from the premises of the Consulate General by the U.S. authorities, packed into boxes by them and shipped to Washington, D.C., to be handed over to the Embassy by the transport company engaged by the Department of State.

To sum up. The actions of the U.S. authorities constitute a gross violation of the fundamental principle of diplomatic and consular law – the principle of inviolability of official premises and residences. These actions are incompatible with the UN Charter, the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, the Russian-U.S Consular Convention of 1964, and the United Nations Headquarters Agreement of 1947, and Convention on Privileges and Immunities of the UN of 1947.

Mr. Chairman,

Despite our protests the U.S. Government does not take any measures to end its own unlawful conduct and resolve the situation and, in addition to that, declares “full compliance” of its actions with national legislation. None of the persons involved has been held accountable.

In other words, the U.S. authorities in their traditional manner are trying to present these events as something quite legitimate. But their explanations lead to paradoxical conclusion.

It turns out, that the U.S. claims that the receiving State possesses a sole and absolute right to adopt unilateral measures to halt the activities of foreign diplomatic missions and consular establishments by lifting arbitrarily their immunities. This is followed by the ban on access of the accrediting State to the premises, including those possessing the right of ownership, and the expulsion of staff members and their family from there, including private residences. Moreover, if we follow the U.S. logic, these measures could be taken under deliberately unacceptable conditions, not ensuring even the guaranties that should be provided by the accrediting State in case of war or breach of diplomatic relations.

Thus, the U.S. actions and argumentation dilute the very essence of diplomatic and consular representation and its fundamental principles.

Mr. Chairman,

It is more than evident that the consequences of the measures taken by the U.S. authorities go way beyond bilateral relations and are capable of creating an extremely undesirable precedent and causing serious damage to the entire system of international relations.

In response to unlawful actions of the U.S. authorities we were compelled to take certain countermeasures in full accordance with the international law. We believe however that the assessment of the U.S. actions, including political one, should be made in the United Nations. Otherwise, such measures could become a norm.

Should any Embassy or Consulate be expelled within a matter of hours from their premises and diplomats or consular officials together with the members of their family evicted from their private residences, and that would be considered natural, the diplomatic and consular missions would not be able to operate normally as a matter of principle. Therefore we deem it necessary to draw the attention of all States to the actions of the U.S. authorities, since in the absence of the collective condemnation any one of them could become the next victim of such measures.

Mr. Chairman,

Let us recall, that the agenda item under consideration today concerns the “consideration of effective measures to strengthen protection, security and safety of diplomatic and consular missions and their representatives”. Resolution 71/145 expresses the concern of the General Assembly with the non-compliance with the principle of inviolability of diplomatic and consular missions and their representatives and also contains a reminder regarding the inviolability of diplomatic and consular archives and documents.

Breaking of doors and locks and disabling of entry gates of Russian diplomatic and consular facilities, conducting of search and uncoordinated engineering works as well as manipulation with the archives is a vivid example of violent and coercive measures that constitute a gross violation of inviolability and security. Let alone the fact that the officials and their family are evicted outside their offices and residences. The fact that none of them suffered from physical damage is a result of a measures of caution that we took ourselves under these extraordinary circumstances.

The situation is overshadowed by the fact that all unlawful actions had been perpetrated not by some marginal elements, but rather the government agencies. Instead of ensuring security and safety of the embassies and consulates in its territory the host country has exerted to enforcement and illegal intrusion to their premises and other forceful measures.

Mr. Chairman,

Unfortunately, the arbitrary actions of the U.S. authorities do not close the problem. A bad example is contagious. Despite the special obligation of receiving State to take all appropriate measures to protect the premises and employees of diplomatic and consular missions, they continue to be a victim of assault.

Two years ago we reported the attacks of the Russian Embassy and Consulates in Ukraine. This year we reviewed the so-called “report” of Kiev. Of course, we were impressed by the number of data from the Ukrainian Unified registry of pretrial proceedings on the attacks against the Russian Embassy and Consulates, but we did not find there any information at all about the prosecution of perpetrators.

Moreover, the attacks on the Russian diplomatic and consular missions in the Ukraine are going on. Thus, on 27 September 2018 a group of Ukrainian right radicals assaulted the Trade mission of Russia with a diplomatic status in Kiev. And despite the fact that as a result of this mayhem there were no victims the property was damaged – the CCTV was broken and four cars parked near the fence were splashed with dyes and sewage. In addition, the registration plates were turned off and tires punctured. The vandals left the written threats on the gates of the Mission and the embassy’s cars. Smoke grenades had been thrown to the territory of the Russian facility.

The patrol police and national guard officers who arrived at the scene simply calmly observed what was happening. A protocol was drafted that described the damage and we hope that at least some investigative measures were taken. We will be looking with interest for another petty-fogging reply in the Unified registry of pretrial proceedings.