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Foreign and Commonwealth Office

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15 May 1984

John T. ...

Handling of Terrorism at the Summit and in the Ten

At the meeting on 10 May to discuss preparations for the Summit the Prime Minister asked to see by 15 May a revised declaration on terrorism cleared with the Home Secretary.

The Home Secretary has expressed concern about the reference in para 2 of the original draft committing the Seven to "support governments faced with threats or acts of terrorism". (Hugh Taylor's letter of today's date.) We agree that this reference could perhaps lead to problems in the future with governments seeking our support against liberation movements not considered by us to fall within our definition of terrorism. We therefore suggest deleting the relevant passage and instead relying on the reference in para 1 to action "in conjunction with others" to counter the problem. A revised draft is enclosed.

We have also amended the draft discussion paper on terrorism for use at the meeting of Political Directors of the Ten on 17/18 May to take account of the Home Secretary's comments. We have some doubts about whether it would be advisable to accept in full the proposal for a waiver of immunity for crimes of violence since this could call into question the basic concept of total immunity. We suggest that the experts should be invited to consider the point carefully in the course of our review of the Vienna Convention. In the meantime, we have redrafted the paper to include as an objective that diplomatic immunity cannot be used to protect those involved in serious offences of violence directed against the host country from within the shelter of diplomatic premises. We think this perhaps meets the principle which lies behind the Home Secretary's suggestion, but leaves open the means by which we can achieve it. I enclose a revised version of the paper.

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S E C R E T



I should add that, in the time available, these revisions have not been seen by the Foreign Secretary. I shall be showing him copies in tonight's box.

I am copying this letter to Hugh Taylor (Home Office), David Peretz (Treasury) and Richard Hatfield (Cabinet Office).

You are
RB Bone

(R B Bone)
Private Secretary

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S E C R E T

LONDON ECONOMIC SUMMIT : DRAFT DECLARATION ON INTERNATIONAL
TERRORISM

1. The Heads of State and Government recall the declaration on hijacking at the Bonn Summit in 1978, the declaration on diplomatic security at the Venice Summit in 1980; and the Statement on Terrorism at the Ottawa Summit in 1981.

2. The Heads of State and Government express their serious concern at the continued growth of international terrorism and the ease with which it has been able to acquire weapons, explosives and finance. They recognise the importance which attaches, and must continue to attach, to the inviolability of the diplomatic mission. But inviolability brings obligations as well as rights. They view the increasing involvement of states and governments in terrorist acts, notably through the abuse of diplomatic privilege, as a grave menace to the international community. They are resolved to do all in their power, nationally and in conjunction with others, to combat this threat. In particular they intend to develop, within the scope of international law, a common approach to states which sponsor terrorist acts and movements. To this end they are ready :

- to promote the strict application of the Vienna Convention as it affects the status of diplomats, the size of diplomatic missions and the number of buildings enjoying diplomatic immunity;
- to review the level of diplomatic relations and the scale of political contacts with states which sponsor terrorist acts;
- to prevent the entry of known terrorists, including persons of diplomatic status into their countries;
- to review the sale of weapons to states supporting terrorism;
- to examine, in the longer term, the implications of international terrorism for the future of the Vienna Convention.

In these and other ways the Heads of State and Government meeting in London intend to take the lead in developing such action as may be possible among the international community to prevent and punish terrorist acts and to identify and condemn those states which sponsor them.

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TERRORISM : DISCUSSION PAPER

Introduction

1. This paper deals with the particular form of International terrorism sometimes described as 'state terrorism'. The latter is a convenient name for terrorism organised and directed by governments using governmental machinery on a substantial scale and over a long period.

2. State terrorism is not new, nor is the use of diplomatic premises in support of terrorism. Although the incident in London involving the Libyan People's Bureau was uniquely outrageous (use of the premises to fire on the public), there have been comparable incidents (eg. the Iraqi Embassy in Paris) in recent years affecting other states among the Ten.

3. The Ten are particularly well placed to act in this matter, since the governments which actively support terrorism, in general value their political, economic, cultural and personal access to countries of the Ten.

4. Co-operation between the Ten in this field already takes place through TREVI. This covers exchange of information on terrorist incidents and terrorist plans and activities. There are also direct contacts between police forces of the Ten to deal with terrorist incidents. This TREVI system supplements the normal invaluable contacts through our Security Services and Interpol. Such cooperation is absolutely vital and must be maintained and developed to the maximum.

5. This paper suggests certain areas for study and possible action in the field of Political Cooperation. It deals first with opportunities for action by individual partners (the more, the better); secondly with areas appropriate for collective action by the Ten as a whole; and thirdly with modalities for future consideration of the subject.

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Action by Individual States within the Tena) Diplomatic Actioni) Status of diplomats

Our principal objective should be to ensure that diplomatic immunity cannot be used to protect those involved in serious offences of violence directed against the host country from within the shelter of diplomatic premises. The notification of any person as a member of a diplomatic mission should be rigorously examined in the case of states known to be promoting or encouraging terrorism. If the individual's employment does not justify diplomatic status, or only a reduced status, then withdrawal of the notification could be requested, or the individual declared Persona Non Grata (PNG), or not acceptable if the notification is not withdrawn. When an individual is known or suspected of involvement in the commission or preparation of terrorist acts, he can automatically be refused a visa or declared PNG. Where misconduct cannot be attributed with certainty to an individual diplomat, the use of the PNG procedures as an exemplary measure against a mission should be carefully considered.

ii) Size of Mission

Similarly, the size of diplomatic missions from suspect countries can be rigorously examined with regard to what the receiving state considers reasonable and normal. If necessary, ceilings can be set; and a replacement should not automatically be allowed for anyone expelled for abuse of immunity;

iii) Break in Diplomatic Relations

In certain grave cases this may have to be applied as a last resort.

iv) Diplomatic Bags

Our object here would be to seek to rule out the import of guns and explosives through the diplomatic bag. But action under this heading clearly needs careful thought. The Vienna Convention is ambiguous on the question of 'screening' and could be interpreted so as to permit tougher measures where abuse is suspected. Partners need to safeguard their own proper use of the bag. But there may be a case for a more flexible interpretation of Article 27 of the Vienna Convention.

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v) Buildings

This also needs careful study. There may be a case for challenging more closely the activities carried on in buildings for which diplomatic immunity is claimed where we suspect these are not legitimate diplomatic activities, and for limiting the number of buildings enjoying immunity;

(b) General Attitude to TerrorismRefusal to act under duress

Some states have used the threat of reprisals against foreign nationals to seek concessions from members of the Ten who hold terrorists. Whilst it is regrettable that innocent citizens should become involved, the best defence against terrorism is to ensure that the terrorist does not achieve his aims. We believe that in general no concessions should be made to those who practice terrorism.

II. Common Approach and Actions amongst the Ten

Measures by individual states will not effectively deter: they may be expensive for those imposing them, and the guilty party will still have access to the economic and social facilities of other members of the Ten. Completely uniform action may not always be either possible or advisable though the more countries which take action as appropriate on the lines already indicated, the better. Any of the Ten in conflict with a third party over state terrorism should receive maximum moral support from its partners and, as far as possible, full collective support.

The following are examples of action in the fields already mentioned which may be suitable for implementation by the Ten as a whole.

- (a) Diplomatic pressures : This might cover a wide range of actions from a collective break in diplomatic

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relations to collective demarches. Much will depend on circumstances, but as a general rule it should be possible to envisage such collective action as

i) refusal to allow entry to diplomats of an offending state expelled from another member of the Ten.

ii) downgrading of political and state contacts with the offending state. This covers limiting of size of embassies of offending states and restricting high level political visits.

(b) Economic Pressures : The problems relating to sanctions are well known. But, for example, 'defence sales contracts for arms widely used by terrorists should be rigorously examined by the Ten as a whole.

(c) Protective Security : Collective measures by the Ten would include exchange of information on threats to missions of the Ten in each others', or in third countries, and the exchange of experience and research on physical protection of embassies abroad, including improvements in inter-embassy communications, and coordination of contingency planning arrangements in third countries.

(d) Police and intelligence : These continuing links are invaluable but need to be kept under close scrutiny to ensure that information about known terrorists and all those (not only diplomats) expelled is exchanged between the relevant authorities of the Ten. We should examine the feasibility of agreements between our respective authorities to identify cases in which those concerned should be denied entry to all the countries of the Ten.

III. Modalities for future consideration of the subject

Machinery for developing a common approach and techniques already exists through Political Cooperation (Working Groups including Chefs de Protocol, Political Committee and Foreign Ministers), and TREVI.

The UK suggests that the Political Committee should :

- hold a preliminary general discussion of the subject at its meeting on 17/18 May.

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- seek the comments of TREVI, through presidency channels.
- request an early report and recommendations from the appropriate Experts Group concerning the aspects lying within their competence.
- hold a second general discussion not later than at the July meeting in Dublin, with a view to submitting a report to Foreign Ministers before the summer break.