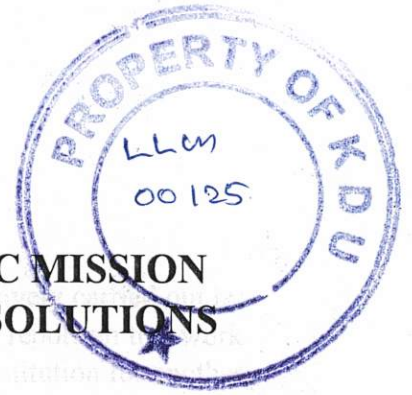


PERMANENT REFERENCE

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DECLARATION

**THE INVIOLABILITY OF THE DIPLOMATIC MISSION
PREMISES: CHALLENGES AND POSSIBLE SOLUTIONS**



has not been submitted in whole or in part to any other institution for the award of a degree or Diploma.

by

RUVINI KARIYAWASAM PATHIRANA

The Dissertation submitted to

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ABSTRACT**THE INVIOLABILITY OF THE DIPLOMATIC MISSION PREMISES:
CHALLENGES AND POSSIBLE SOLUTIONS****Ruvini Kariyawasam Pathirana**

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This dissertation provides a comparative analysis of the principle of inviolability of the mission premises. The contemporary legal regime of the inviolability of the mission premises has been codified in the Vienna Convention on Diplomatic Relations. According to the Article 22 of the VCDR the receiving state has two distinct aspects that the receiving state has negative duty of not taking any enforcement action against the inviolable mission premises as first aspect. Under second aspect the receiving state has positive duty to protect mission premises against any intrusion or damage. When considering the contemporary international law, it can be seen the inviolability of the mission premises conflict with other concepts of international law such as protection of national security of the receiving state, protection of public safety and human life in an emergency and protection of human rights. As well the concept of diplomatic asylum is conflict with the inviolability of mission premises. This dissertation is adopted the doctrinal legal research methodology. This research examines the historical evolution of the principle of diplomatic inviolability and the theoretical framework of the principle. The state responsibility that arises from the violation of international obligation of inviolability of the mission premises is discussed by using the provisions of the Draft Articles on Internationally Wrongful Act. As well as the valid defences that can be invoked to preclude the violation of international obligation of inviolability of mission premises are discussed. The main task of this research is to analyse the contemporary legal regime of the inviolability of the mission premises and answers the problem that the unqualified inviolable state of the mission premises ought to be limited or changed in an extreme circumstance. Finally, this dissertation proposes the recommendation that can be used to resolve the problem that faces the receiving in controversial situations.

KEYWORDS

Diplomatic Inviolability; Diplomatic Asylum; State Responsibility; Human Rights