



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

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Can attacks against embassies serve as basis for the invocation of self-defence?

MPIL Agora

14 August 2019, 15:00-16:00, Room 014

In 1979, the case of the Tehran hostages not only shook the world, but its reverberations also trembled the fundamental concepts enshrined in Article 51 of the UN Charter. Since the ill-fated US rescue attempt, which was dubbed as self-defence, several claims of self-defence stemmed from attacks against embassies. These arguments received ambiguous responses from the international community and from publicists as well. States' reactions mainly exhibited political considerations. Meanwhile, publicists' views were based either on policy arguments or on general rules of international law, mostly to the extent of a footnote to a monography, lacking a thorough analysis of practice.

Against this backdrop, **Gergö Balázs** will discuss a paper which he co-authors with **Gábor Kajtár** LL.M (Cantab), senior lecturer at Eötvös Loránd University, Faculty of Law. Their research aims at the clarification of the contradicting views surrounding the invocation of self-defence in case of attacks against diplomatic and consular missions. Their research argues for a restrictive interpretation of the use of force, that is, for the rejection of self-defence in these cases. Restrictive interpretation is not only a methodological starting point, but also a conclusion supported by scholarly arguments concerning the unsatisfied basic criteria of self-defence (such as necessity and the *de minimis*) and corroborated by state practice where these are regarded as criminal actions and response is sought under the regime of diplomatic and consular law.

A comprehensive analysis of theoretical viewpoints underpins this research, the biggest novelty of which is the thorough rereading of the primary sources, the rigorous dogmatic approach and the extensive examination of state practice. The study includes an overview of 651 attacks against missions and state reactions compared against the self-defence reports submitted to the Security Council.



Gergö Balázs is a student assistant at the Department of Public International Law at Eötvös Loránd University, Faculty of Law in Budapest, Hungary. His research has been supported by the scholarship of the New National Excellence Program. In 2018 he was part of ELTE's team at the Jessup International Law Moot Court Competition, which has won the Alona E. Evans Award First Place and the Richard R. Baxter Award First Place for the Best Combined Memorials. He is currently an intern at the Max Planck Institute for Comparative Public Law and International Law, under the supervision of Achilles Skordas.

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