

1558th meeting

Wednesday, 5 November 1975, at 10.55 a.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1558

AGENDA ITEM 112

Report of the Committee on Relations with the Host Country (A/10026)

1. Mr. ROSSIDES (Cyprus), speaking as the Chairman of the Committee on Relations with the Host Country said that, in accordance with General Assembly resolution 3320 (XXIX), the Committee had continued its work in 1975 and had submitted a report on the progress of that work (A/10026). The Committee had been concerned mainly with complaints about specific acts of violence and harassment directed against missions and with the delicate question of the indebtedness of missions and of their personnel.
2. Three acts of violence considered by the Committee in the current year had been especially serious. They had involved the firing of shots into the buildings housing the Missions of the Byelorussian SSR, the Ukrainian SSR and the Soviet Union, the fire-bombing of the Mission of Iraq and the bombing of the Yugoslav Mission.
3. The Committee had condemned those acts and had asked the host country to intensify its efforts to ensure the safety of missions. The host country had replied that it would do all it could to find and punish the perpetrators. The Committee's general comments on that subject were to be found in paragraphs 9 to 15 of the report.
4. The Committee had devoted considerable attention to the report of its Working Group on the question of the

obligations of permanent missions to the United Nations and individuals protected by diplomatic immunity (*ibid.*, annex I). The representative of the host country in the Working Group had noted that, although the majority of missions scrupulously fulfilled their financial obligations, a limited number of missions had debts which had remained unpaid for a long time. The divergent opinions within the Committee on that matter were set out in Section IV of its report. The Committee had decided that the Working Group should continue to consider the question with a view to facilitating its solution.

5. The Committee had taken note of the report of the Working Group on the questions of health insurance for staff of missions to the United Nations and the exemption of diplomatic premises from real estate taxes (*ibid.*, annex II). It had also considered the questions of parking, the organization of its work and the public relations of the United Nations community in the host city. The relevant recommendations of the Committee were to be found in paragraph 66 of its report.

6. With regard to its future work, the Committee recommended that it should continue to consider problems within its terms of reference, pursuant to General Assembly resolutions 2819 (XXVI), 3033 (XXVII), 3107 (XXVIII) and 3320 (XXIX).

The meeting rose at 11.05 a.m.

1559th meeting

Thursday, 6 November 1975, at 10.50 a.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1559

AGENDA ITEM 112

Report of the Committee on Relations with the Host Country (*continued*) (A/10026)

1. Mr. POVZHIK (Ukrainian Soviet Socialist Republic) said that the Committee on Relations with the Host Country had worked hard during the past year and had had many matters to deal with, the most important of which was the question of the security of diplomatic missions accredited to the United Nations and the safety of their personnel. During that time, there had been six attacks on

diplomatic missions of socialist, Arab and other States, including the Mission of the Ukrainian SSR. On 19 January 1975, shots had been fired at the premises of the missions of the Soviet Union, the Ukrainian SSR and the Byelorussian SSR. In the case of the Ukrainian mission, two shots had struck the mission's living quarters but fortunately no one had been hurt. The Mission of the Ukrainian SSR had filed a vigorous protest with the authorities of the host country, calling for an investigation of the shots and punishment of the authors and instigators of the crime. That was the second time that the Mission had been fired upon; the first incident in 1971, had also fortunately

caused no injuries and had also resulted in a vigorous protest, but, just as in the most recent case, those responsible had not been found and punished.

2. The Mission of the Ukrainian SSR had also been the object of telephone and mail threats. In spite of all those occurrences, the host country was not known to have taken any steps to prevent a recurrence of such criminal attacks, even though the Mission had immediately notified the New York City police and authorities.

3. Although there was a Federal law designed to protect the missions of foreign States, it had obviously not been fully enforced by the authorities of the host country, so that there was no guarantee that such attacks would not occur again and that future incidents would not result in injuries. In addition to the high crime rate in New York, diplomatic missions accredited to the United Nations by the socialist, Arab and other States were subjected to provocations by Zionist organizations, emigrés and other groups which sought to poison the atmosphere of co-operation and trust created by the relaxation of international tension. The so-called Jewish Defense League was particularly active in that regard and the communications media gave extensive publicity to all their activities, which were especially directed against the missions of the socialist and Arab States. The local authorities and the police took an attitude of indifference towards the hostile activities of the Jewish Defense League. The Mission of the Ukrainian SSR, for its part, was convinced that the League did not reflect the feelings of the American people, who were in favour of détente. The failure to impose penalties for the activities of such groups was particularly incomprehensible because of the fact that they damaged relations between States and the absence of punishment was the best means of encouraging them. His delegation therefore called for appropriate measures to be taken for the protection of foreign missions accredited to the United Nations.

4. Missions also had to contend with parking problems. The imposition of arbitrary fines on diplomatic vehicles and the exaggerated publicity which was given to such cases tended to reflect undeserved discredit on the diplomatic corps. His delegation supported the recommendations of the Committee on Relations with the Host Country contained in paragraph 66 of its report (A/10026). The Committee had done effective work and his delegation felt that the General Assembly should renew its mandate for 1976.

5. Mr. GODOY (Paraguay) said that the complex question of the functioning of permanent missions in New York should be considered in the light not only of the basic bilateral agreements between the United Nations and the host country but also of all existing multilateral and bilateral instruments relating to international agencies and bilateral diplomatic relations. The question of the security of missions and the safety of their personnel was perhaps the most important item which had come before the Committee on Relations with the Host Country. Although security was a highly abstract notion, it must be guaranteed in its broadest sense so as to permit and facilitate the exercise of the official functions of diplomatic missions. Nevertheless, the effort to achieve that aim could in practice come up against situations which were often

impossible to control even when the authorities responsible for maintaining security acted with the utmost diligence.

6. The difficulty was particularly great when security had to be maintained in large urban centres whose residents enjoyed in virtually unrestricted form all the fundamental freedoms and rights accorded to human beings by the Charter of the United Nations and by all the declarations and principles to which the Organization subscribed. It must be said, in all objectivity and honesty, that that was the situation confronting the diplomatic community in New York. His delegation deeply regretted and condemned all acts which impaired the security and dignity to which foreign officials were entitled in any part of the world and it rejected all pretexts advanced as justification for the commission of such acts against diplomatic agents, the premises of missions, residences and property of any kind belonging to missions. On the other hand, everyone was aware of the unavoidable problems with which the police and judicial authorities of New York normally had to contend in investigating criminal offences. In the great majority of cases, the injured parties had done no more than simply report the offences, sometimes very belatedly, and had refused to give the authorities any further co-operation, even in merely identifying suspects. Although the immunity enjoyed by diplomatic officials did indeed exempt them from the obligation to submit to the jurisdiction of any local authority and, hence, to become parties in any judicial proceeding, it was perhaps the invocation of that very immunity that had prevented or impeded the adoption of more effective measures and the trial and punishment of the guilty parties. If what was truly sought was to bring those who committed such offences to justice and thus guarantee the security of missions and the safety of their personnel more effectively, it was essential to find a formula which, without waiving the immunities which the rules of positive and customary international law conferred on all diplomatic agents, would permit missions to co-operate with the New York City authorities, which were responsible for ensuring the security of missions and the safety of their personnel.

7. His delegation had condemned all acts affecting the dignity of diplomats, but it likewise considered that the allegations of connivance or collusion between the New York police authorities and the perpetrators of such reprehensible acts were neither fair nor appropriate. On the contrary, despite the alarming financial problems currently facing New York City, the latter had maintained at an acceptable and sometimes even laudable level the regular arrangements, especially security arrangements, which ensured that diplomats and the many foreign dignitaries who often visited United Nations Headquarters would be able to discharge their responsibilities. He believed that in order to ensure greater security for missions and more safety for their personnel and for the many other innocent accidental victims it was the international community itself, through the many forums and effective mechanisms available to it, which should assume an active, determined and responsible role with a view to reducing and if possible eliminating the unfortunate episodes in which diplomats had lost their lives, perhaps largely because of the continued existence of sanctuaries and the complete immunity which some of the perpetrators continued to enjoy. In that connexion, his delegation differed from those who considered that New

York was the place in which the most acts of vandalism and terrorism directed against diplomatic missions and their personnel occurred; that was clearly an exaggeration.

8. Another of the problems afflicting big cities was parking. Although that item was perhaps the most superficial and least worthy of consideration in the current forum, it constituted an eternal source of friction between the diplomatic community on the one hand and the municipal traffic authorities and the local community on the other. The origin of the problem was simple: there were 1,330 vehicles with DPL licence plates and 550 vehicles with FC licence plates, but the City had been able to make available only 550 special parking spaces for the vehicles of all missions and consular offices. The situation was aggravated by the fact that almost a third of those parking spaces were occupied, albeit only temporarily, by unauthorized vehicles of all kinds and the number of parking spaces was reduced even further by demolition or construction work. His delegation appealed to the sense of seriousness and responsibility of delegations, so that they would refrain from intentional and systematic non-compliance with traffic regulations, especially in the case of parking spaces which were to be used in emergencies. It was precisely such faults which had provoked a marked reaction in various sectors of the local population and had caused the entire diplomatic community to suffer the negative effects of the adverse publicity caused by such abuses. He also called for greater understanding on the part of the New York City Traffic Department regarding the issue of summonses for parking violations. The officials responsible for the issue of such summonses should know how to evaluate each situation and reduce ticketing to the minimum essential for the maintenance of traffic safety standards and the protection of persons and property. Apart from the psychological effect, his delegation considered that the repeated indiscriminate and unnecessary issue of summonses would in the long run be counterproductive.

9. With regard to the obligations of permanent missions to the United Nations and of individuals protected by diplomatic immunity, the good reputation of the United Nations community made it necessary to find, as a matter of urgency, solutions satisfactory to the persons affected by the faults or omissions of any of its members. The intentional commission of acts prejudicial to persons or institutions that in good faith had conducted lawful commercial transactions with members of the diplomatic community could not be condoned.

10. With regard to the public relations of the United Nations community in New York, it was regrettable that that matter had not always received the attention it merited, on the necessary scale and with the requisite objectivity, with a view to ensuring better understanding and co-operation among all parties concerned. Noteworthy efforts were being made to that end by certain officials and private institutions in New York. His delegation considered that the relations in question could be improved and that both the local community, especially the communication media, and the diplomatic and consular community should make a greater effort to create the necessary conditions. His delegation would like the Committee on Relations with the Host Country to continue studying the question of health insurance for the staff of missions to the United Nations,

which deserved priority attention because of its direct and immediate impact on the well-being and safety of the diplomatic community. It also supported continuation of the studies and contacts concerning exemption of diplomatic premises from real estate taxes and exemption from taxes imposed by other States of the host country.

11. Mr. APRIL (Canada) said that his delegation had considered the report of the Committee on Relations with the Host Country from the standpoint of both the sending State and the receiving State, since Canada was the seat of a specialized agency. That enabled it to understand the situation fully and in that connexion he expressed solidarity with the missions that had been victims of acts of violence, which were and would always be deplorable. The host country, too, would be fully familiar with both sides of the situation, since some of its own diplomats had been the victims of attacks abroad.

12. Generally speaking, the Canadian mission was satisfied with the protection it received and supposed that that opinion was shared by the countries occupying the same building and the majority of permanent missions accredited to the United Nations. However, that did not imply any downgrading of the seriousness of the problems some missions had had to face. Consequently, effective measures should be adopted to avoid any repetition of those acts.

13. The Committee on Relations with the Host Country had already begun studying some of the delicate problems within its terms of reference. His delegation considered that no matter how delicate those problems might be it should continue studying them energetically, with a view to improving the atmosphere in which the diplomatic community functioned. It was regrettable that the term "diplomat" was acquiring a pejorative connotation in New York, but that was due solely to a number of abuses of privileges and immunities, such as the violation of traffic regulations and the failure to discharge debts and obligations. In addition to the information programme designed to acquaint the public with the grounds for diplomatic privileges and immunities, the Committee on Relations with the Host Country should launch an information campaign for the diplomats themselves, especially those who were not lawyers, so as to make them aware of the obligations incumbent upon them under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (General Assembly resolution 169 (II)). Those who enjoyed privileges and immunities must also comply with the local laws and regulations.

14. The Committee on Relations with the Host Country was undoubtedly the most appropriate forum for the consideration of the serious problems facing missions and it should continue its work with a view to creating conditions more conducive to the effective functioning of permanent missions. Moreover, it should consider with due attention complaints by New York City neighbours against persons enjoying diplomatic privileges.

15. Mr. BOJILOV (Bulgaria) said that his delegation attached importance to the work of the Committee on Relations with the Host Country. In accordance with General Assembly resolution 2819 (XXVI), the question of

security of missions and safety of their personnel was given high priority in the list of problems to be discussed by that Committee.

16. Although it was true that the host country had taken some measures relating to that question, they had proved to be insufficient and incomplete. As a matter of fact, criminal acts had been committed against six missions, some of them very dangerous, such as the firing of shots against the Mission of the Ukrainian SSR and the bombing of the Missions of Iraq and Yugoslavia. On two occasions the Committee on Relations with the Host Country had condemned the acts of terrorism and had urged the host country to intensify measures aimed at ensuring the protection and security of missions accredited to the United Nations and their personnel.

17. It was difficult to understand the conflict between local and federal law which impeded the effective implementation of the rules relating to the protection of foreign officials and official guests of the United States; a State should not invoke its legislation as an excuse not to comply with its obligations under international law. That principle had been embodied in various international legal instruments, especially articles 23 and 28 of the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character.¹ He therefore felt that the host country had not exhausted all the legal and practical possibilities available to it for offering effective protection.

18. In the current year the Committee on Relations with the Host Country had discussed the questions of obligations of permanent missions to the United Nations and of individuals protected by diplomatic immunity, health insurance for the staff of missions accredited to the United Nations and exemption of diplomatic premises from real estate taxes. With regard to the first question, his delegation felt that the Committee on Relations with the Host Country had taken a wise decision in recommending that

¹ See *Official Records of the United Nations Conference on the Representation of States in their Relations with International Organizations* (United Nations publication, Sales No. E.75.V.12), document A/CONF.67/16.

the Working Group should continue considering the question of indebtedness of missions or diplomats for goods and services with a view to facilitating its solution. He also wished to thank the Permanent Mission of the United States for the assistance provided in solving a real estate problem of the Bulgarian Mission.

19. He stressed the importance of some of the recommendations adopted by consensus by the Committee on Relations with the Host Country, especially the firm condemnation of acts of violence and other criminal acts against any mission, its personnel and property; the need to take measures to punish persons guilty of committing such acts and the possibility of taking legal measures against organizations and individuals that publicly admitted their responsibility for the commission of such acts of violence. He also noted the hope expressed by the Committee on Relations with the Host Country that the latter country would again review the measures adopted with regard to the parking of diplomatic vehicles, in order to meet more adequately the needs of the diplomatic community.

20. His delegation associated itself with those who had expressed appreciation for the work of the New York City Commission for the United Nations and for the Consular Corps in promoting mutual understanding between the diplomatic community and the people of New York City. His delegation commended for adoption the report under consideration and supported the recommendation that the Committee on Relations with the Host Country should continue to consider the problems within its terms of reference.

AGENDA ITEM 111

Question of diplomatic asylum: report of the Secretary-General (continued) (A/10139, Part I and Add.1 and Part II; A/C.6/L.1018)

21. The CHAIRMAN announced that Bangladesh and Uganda had asked to be included in the list of sponsors of draft resolution A/C.6/L.1018.

The meeting rose at 11.50 a.m.

1560th meeting

Friday, 7 November 1975, at 3.20 p.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1560

Congratulations on the occasion of the anniversary of the October Revolution

1. The CHAIRMAN, speaking on behalf of the Committee, congratulated the delegation of the Soviet Union and through it the Government and people of the Soviet Union on the occasion of the anniversary of the Great October Socialist Revolution.

AGENDA ITEM 112

Report of the Committee on Relations with the Host Country (continued) (A/10026)

2. Mr. DONORABAYE (Chad) welcomed the delegations of Cape Verde, Sao Tome and Principe, Mozambique and Papua New Guinea, which would strengthen the ranks of