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Chairman: Mr. Prandler . . . . . (Hungary)

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The meeting was called to order at 3.05 p.m.

Agenda item 156: Report of the International Law Commission on the work of its fifty-fourth session (*continued*) (A/57/10 and Corr.1)

1. **Mr. Ortúzar** (Chile), referring to chapter V of the report, said that continuous nationality reflected the necessary effective link between a person and the State that provided protection, which must exist both at the time of the injury and at the time of presentation of the claim. Article 4 was vague on that point: although the word "continuous" appeared in the title of the article, it was not in the text, which did not state that nationality must also be held between those two dates. The whole idea of continuity was precisely that the person must maintain the nationality, so as to guard against cases in which a person might adopt a nationality at a later time solely for the purpose of requesting diplomatic protection.

2. The Commission had asked States to comment on the question whether protection given to crew members who held the nationality of a third State was a form of protection already adequately covered by the Law of the Sea Convention or whether there was a need for the recognition of a right to diplomatic protection vested in the State of nationality of the ship in such cases. Similar arguments would apply to the crews of aircraft and spacecraft. Article 292 of the Law of the Sea Convention stipulated that an application for the prompt release of a vessel or its crew could be made only by or on behalf of the flag State of the vessel. In the *M/V Saiga* case (Guinea v. Saint Vincent and the Grenadines), Guinea had argued that the applications of the master and crew for release were clearly requests for diplomatic protection, which could not be invoked by Saint Vincent and the Grenadines because they were not nationals of that country. The International Tribunal for the Law of the Sea had rejected the application, on the grounds that the Convention did not deal with matters relating to the nationality of the crew.

3. Although the case covered by article 292 might have some of the characteristics of diplomatic protection, such as action being taken by the flag State of the vessel, it did not specifically involve diplomatic protection. Other aspects of protection, such as rules relating to the nationality of the crew or the exhaustion of local remedies, were not prerequisites for such action. Before deciding whether the articles on diplomatic protection should refer specifically to that situation, the Commission should try to ascertain what aspects of diplomatic protection were not already covered by the general rules included in the relevant articles, what purpose would be served by a new rule and how it would differ from the rules contained in the Law of the Sea Convention, so as not to interfere with the latter.

4. With regard to reservations to treaties, the function of the depositary should be limited to simply reviewing the reservation as to form; if problems of form were noted, the depositary should merely return the reservation to the State without comment. As far as substantive issues were concerned, the depositary should leave the assessment of reservations to the States concerned. Nevertheless, if a reservation was impermissible, consideration might be given to the alternative of having the depositary bring the matter to the attention of the State making the reservation and, if the State refused to withdraw it, informing the other States Parties of the existence of the impermissible reservation so that they could decide on the matter.

5. Draft guideline 1.5.1, on "reservations" to bilateral treaties, did not resolve the question of a statement formulated after the entry into force of a bilateral treaty. On the contrary, the draft guideline might be interpreted as meaning that such a statement did in fact constitute a reservation.

6. Responding to specific questions on which the Special Rapporteur had asked for comments, he said that his delegation agreed that electronic communications should be allowed for reservations, but that the reservation should be confirmed in writing. In keeping with the spirit of the rule, the date of the reservation should be the date on which it was transmitted by the chosen electronic method. A decision must also be taken on how the guidelines should deal with the question of transmittal of objections to reservations. Consideration must be given to the matter of time limits, such as that referred to in article 20 (5) of the 1969 Vienna Convention on the Law of Treaties. In such cases, the use of rapid and expeditious methods of communications would seem justified. The date of formulation of the objection should be the date on which it was transmitted by the chosen electronic method. The use of electronic communications would also entail allowing the use of similar methods in respect of the instruments of ratification or adherence containing the reservation.

That was a matter which might be beyond the scope of the Commission's remit with regard to reservations.

7. With respect to the other point raised by the Special Rapporteur, his delegation felt that it was perfectly appropriate for a body monitoring the implementation of a treaty to find a reservation to be impermissible, without prejudice to the terms of the treaty in question. He understood the draft guideline to mean that the finding of impermissibility should imply that the other States Parties to the treaty should not individually accept or reject the reservation. The two stages that would normally be the responsibility of individual States would be superseded by the determination of the monitoring body. The proposed text would seem to indicate that the State formulating the impermissible reservation would be required to withdraw it. On the understanding that the action required of the reserving State would be purely formal in nature, his delegation would not object to the wording proposed.

8. With regard to the draft guidelines provisionally adopted by the Commission at its fifty-fourth session, his delegation shared the view that the violation of internal rules regarding the formulation of reservations should not have consequences at the international level. It should be enough for the reservation to be formulated by a person representing the State or the international organization. Any irregularity with regard to internal procedures could be resolved by the State withdrawing the reservation. As for the procedure for communication of reservations, his delegation agreed that a reservation should be considered as having been formulated upon receipt by the depositary, and that the period during which an objection might be raised should start on the date on which a State or an international organization received notification of the reservation. It was not clear, however, whether the possibility of using electronic means of communication referred to all communications relating to a reservation. If that was the case, it should be clearly stated.

9. On the question of the functions of depositaries, covered by draft guideline 2.1.7, his delegation would agree, only for the sake of clarity, to the idea of separating it from the question of the procedure referred to in draft guideline 2.1.8. The two issues were closely interrelated, inasmuch as they both dealt with the functions of the depositary. Some specific reference should be made to the formal aspects involved in the depositary bringing matters to the attention of the reserving State. The matter would not need to be included in the guidelines, but should be reflected in the history of the rule. The expression "due and proper form" was too vague. The functions of the depositary in connection with an impermissible reservation should be exercised restrictively and might be limited to cases of reservations that were prohibited in the treaty itself or purely objective cases in which the impermissibility was self-evident. The depositary should not have the power to make a finding as to whether a reservation was in order, e.g., in terms of whether or not it was consistent with the purpose of the treaty to which it referred.

10. His delegation considered that unilateral acts of States were a source of international obligations and were therefore an important element of legal relations between States. Certain norms of the Vienna Convention on the Law of Treaties could be applied mutatis mutandis to the formulation of unilateral acts, particularly those relating to the capacity of States, persons representing the State, non-retroactivity, invalidity and, in much more limited terms, termination and suspension. Although State practice was an essential element of the study of the topic, the fact that it had not been set down in systematic fashion made it difficult to reply to the questionnaires sent by the Commission. The jurisprudence of the International Court of Justice, particularly in the *Nuclear Tests* and the *Fisheries Jurisdiction* cases, could also be useful.

11. His delegation agreed with the Special Rapporteur's proposed definition of unilateral acts insofar as it included specific reference to the "unequivocal expression of will … by a State" and the "intention" of the author to "produce legal effects". However, the inclusion of "international organizations" as potential addressees of unilateral acts did not seem appropriate, since relations between a State and an international organization of which that State was a member were governed by a separate statute that had nothing to do with the legal framework of relations between States. With regard to the determination of persons having the capacity to formulate unilateral acts on behalf of the State, he said that although the 1969 Vienna Convention was useful, it should be applied restrictively in the case of such acts. Clearly, heads of State, heads of Government and ministers for foreign affairs had the capacity to act on behalf of their State; however, very strict criteria should be applied when

considering the matter of extending that capacity to anyone else.

12. His delegation agreed with the grounds for invalidity mentioned in the draft articles proposed by the Special Rapporteur. In the case of relative invalidity, however, the text should make it clear that an exceptional situation was involved. Thus, in the cases of error, fraud, corruption of the representative of the State and violation of a norm of fundamental importance to the domestic law of the State formulating the act, the relevant rules should begin by pointing out that the State in question "may not" or "shall not" invoke the grounds "unless" the requirements for each case were all met. His Government considered that the rules on interpretation of unilateral acts should be based on good faith and that the restrictive criterion should predominate, so that the State's only obligations should be those that it had unequivocally assumed. The rules of interpretation contained in the Vienna Convention on the Law of Treaties also provided mutatis mutandis a frame of reference for the draft articles. From that standpoint, the articles proposed by the Special Rapporteur seemed acceptable; however, the final wording should not be decided upon until all the other articles on unilateral acts had been drafted. The reference to "preparatory work" as one of the elements to be considered did not seem appropriate, given the special nature of unilateral acts which made them distinct from treaties. Not only would it be difficult to obtain such "preparatory work", but it would be the State author of the act, which would be interested in obtaining a favourable interpretation, which would decide what kind of background information would be provided.

13. Noting that the Commission had requested comments on responsibility of international organizations, he said that Chile had supported the decision of the Sixth Committee, to assign the topic to the International Law Commission bearing in mind the reasons the Committee had taken into consideration. The Commission should remember that the Committee had not concluded its debate on the final form to be adopted for the Commission's text on State responsibility. The articles on State responsibility should serve as a guide for the Committee, with the caveat he had just mentioned. The text to be drafted on responsibility of international organizations should be separate from the text on State responsibility. Cross-references between the two texts should also be considered very carefully in each case. The rules to be drafted by the Commission should be limited to matters of general international law, without referring to conditions for the existence of a wrongful act. Chile agreed with other delegations that the scope of the study should be limited to intergovernmental organizations. Extending it to other organizations would make it difficult to complete the work in timely fashion, given the diversity of organizations and legal systems that would be involved.

14. **Ms. Bannon** (Observer, International Federation of Red Cross and Red Crescent Societies) said she would like to draw attention to the work of the International Federation of Red Cross and Red Crescent Societies (IFRC) in responding to the challenges of fragmentation of international law in the area of international disaster response, particularly in promoting the International Disaster Response Law (IDRL). As noted in the *World Disasters Report 2000*, it had become apparent that there was a worrying lack of clarity about what the law actually was and how it was to be administered and implemented. That had created problems of uncertainty and waste of time at critical moments.

15. In order to improve its operational responses, planning and co-ordination tools, IFRC had convened a group of legal and field experts from various institutions and organizations, including the United Nations Office for the Coordination of Humanitarian Affairs, in February 2001, to consider the issues. It had then initiated a study of existing legislation and field practice relevant to international disaster response, namely, the IDRL project. It was important to note, in the context of the Commission's study on the fragmentation of international law, that the IDRL project was not seeking to develop a new law. Rather, it was engaged in the collection and detailed analysis of all existing international law, both hard and soft, relating to natural disasters, and then assessing its efficacy on the basis of field studies in selected disaster-prone regions. The outcomes of the project would be brought to the attention of governments and national Red Cross and Red Crescent societies when they met at the International Conference of the Red Cross and Red Crescent in December 2003 in Geneva.

16. The objective of IFRC in undertaking the work had been to improve the capacity of all those who came together to respond to emergencies, and to natural disasters in particular, to do so in a way which

maximized their ability to respond and minimized the threat to the population jeopardized by the disaster. The collation and publication of existing instruments within the general framework of IDRL would have two beneficial results. It would provide a measuring stick against which any weaknesses and gaps in current laws could be identified, along with an assessment of their effectiveness in the field. It would also provide, for the first time, a compendium of existing law, which would make possible the later extraction of a simplified and understandable publication which would be used by people in the field at disaster locations.

17. Early discussions with some governments through various formal and informal sessions in Geneva had indicated that they welcomed the analysis being undertaken by IFRC. The discussion on international urban search and rescue which had taken place during the July session of the Economic and Social Council, led by the delegation of Turkey, had also been considered of great significance to IFRC. The IDRL project would be managed through December 2003 in a wholly inclusive way. States, United Nations agencies, national Red Cross and Red Crescent societies, field NGOs, academics and other experts would be involved in collecting relevant materials, gathering valuable experience from the field and discussing ways to ensure better recognition and development of that important area of law. The wealth of experience to be marshalled by the IDRL project would help decision makers gain a clear appreciation of what needed to be done to ensure that the world had access to a body of law that would be of direct benefit to the victims of disasters, in a true spirit of human solidarity. IFRC undertook to keep the United Nations system and States fully informed of its work in that important area of international law.

18. **Mr. Rosenstock** (Chairman of the International Law Commission) said that the annual debate on the report of the Commission in the Sixth Committee was of great importance to the Commission as an opportunity to receive policy guidance and for an exchange of views between the two bodies. The usefulness of such an interchange could not be overestimated. It was the key to the Commission preparing draft instruments to codify and/or progressively develop international law that were well grounded in State practice and likely to be accepted.

19. With regard to the Commission's work on the question of diplomatic protection, the discussion of the issue of continuity of nationality had shown that there were, basically, three groups of delegations: those which did not believe that residence was necessary and therefore considered that the Commission had not gone far enough because it made residence a requirement; those who thought that the Commission was right; and those who were very concerned about breaching the doctrine of continuity of nationality, fearing that it might divert attention away from the proper concerns of diplomatic protection and towards the area of human rights. The Commission would welcome the views of States on those questions. The Commission did not think that the exceptions to the continuity of nationality were statements *de lege lata*, but rather recognized them as statements *de lege ferenda*.

20. With regard to the Commission's work on reservations to treaties, many delegations had expressed concern about conditional interpretative declarations, which in their view might be perceived as being some form of reservation. Another issue which had arisen was that relating to the functions of the depositary: the suggestion that a depositary could operate in a certain manner with regard to manifestly impermissible reservations had seemed to some delegations to be inconsistent with the clear language of article 77 of the Vienna Convention on the Law of Treaties. Such a view was probably hard to deny if one were thinking in terms of an obligation on the part of the depositary, but on the other hand, there had been no comment reflecting on the non-obligatory nature of the proposed procedure. Some comments had suggested that the work on reservations to treaties, while being extremely helpful, was taking longer than had originally been thought necessary and was becoming exceptionally detailed.

21. As far as the work on unilateral acts of States was concerned, there had been echoes in the Committee of the Commission's view that more information was needed; in fact, the Commission was in great need of information from Governments as to their practice in regard to such acts. The feeling in the Committee seemed to be that an interesting beginning had been made to the work on the topic, but that caution was necessary before fully accepting references to law of treaties formulations such as the proposed *acta sunt servanda* rule.

22. It was encouraging to note that the Commission's work on international liability, responsibility of international organizations, fragmentation of

international law and shared natural resources had been generally welcomed by the Committee.

23. While the statements made in the Committee had been carefully noted, the Commission found it particularly useful to have comments in writing; he had been encouraged by the number of delegations which had indicated their intention to submit such comments in addition to their oral statements on the issues identified by the Commission in chapter III of its report. He wished to reiterate the request made by his predecessor at the fifty-sixth session of the General Assembly, to the effect that delegations should also consider submitting replies to the questionnaire concerning unilateral acts of States.

24. The Commission had embarked on its new quinquennium with energy and enthusiasm, setting itself an ambitious agenda with a view to completing one or two sets of draft articles by the end of the period, while making progress on all of its topics, including the new ones. It would also continue to keep its methods of work under review with the aim of improving its productivity without affecting the quality of the outcome.

Agenda item 157: Report of the Committee on Relations with the Host Country (A/57/26)

25. **Mr. Zackheos** (Cyprus) (Chairman, Committee on Relations with the Host Country) introduced the report of the Committee (A/57/26). He said that one issue that had generated intense interest during the past year had been the introduction by the City of New York of a new Parking programme for Diplomatic Vehicles, which had come into effect on 1 November 2002. The Committee had devoted two meetings to consideration of the Parking Programme and the Legal Counsel's opinion thereon, and intended to remain seized of the matter during its implementation.

26. **Ms. Castro de Barish** (Costa Rica), speaking on behalf of the Rio Group, stressed the importance of relations with the host country and the need to guarantee full respect for the privileges and immunities of diplomatic personnel under international law, the Vienna Convention on Diplomatic Relations, the Convention on the Privileges and Immunities of the United Nations and the Headquarters Agreement. The Rio Group had expressed its reservations regarding the legality of some aspects of the Parking Programme for Diplomatic Vehicles (A/AC.154/355) and its impact on the immunity of diplomatic personnel and the host country's obligation to facilitate their work. It was unfortunate that the host country had not postponed implementation of that Programme so that further consultations could be held and permanent missions could make the necessary adaptations to its practical and financial requirements. The States members of the Rio Group would pay close attention to the implementation of the Programme in order to ensure that it did not affect the rights and obligations embodied in the Vienna Convention and the Headquarters Agreement.

27. **Mr. Nguyen Thanh Chau** (Viet Nam), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), expressed the hope that the host country remained committed to its obligations under the Convention on the Privileges and Immunities of the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement to provide full facilities for the performance of the functions of the missions accredited to the United Nations, and to ensure that the full scope of immunities and privileges enjoyed by the diplomatic community under international law would not be compromised. The ASEAN member States acknowledged that the host country had the right to expect members of the diplomatic community not to abuse the privileges and immunities accorded to them to the extent of disregarding the laws of the host country.

28. With regard to the host country travel controls, some delegations continued to face problems which impeded their participation in United Nations meetings. In paragraph 4 of its resolution 56/84 the General Assembly had requested the host country to consider removing travel controls on staff of certain missions and staff members of the Secretariat of certain nationalities. While the ASEAN member States recognized the host country's right to control entry into its territory and to ensure that its national security concerns were addressed, they believed that care must be exercised and a balance found to ensure that travel regulations did not undermine the participation of delegates in the work of the United Nations or the functioning of missions. They also hoped that the host country would exercise flexibility and reconsider the necessity of subjecting visiting dignitaries and officials attending United Nations missions to stringent and embarrassing security checks upon arrival and

departure at airports, and that further efforts would be made to resolve the situation in a satisfactory manner.

29. The ASEAN member States welcomed the host country's efforts to resolve taxation matters affecting some permanent missions, and appreciated the conscientious manner in which it had sought to achieve an amicable and satisfactory solution to one such problem. They would encourage the undertaking of similar initiatives to resolve taxation issues in a spirit of cooperation through dialogue between the permanent missions concerned and host country authorities.

30. The ASEAN member States hoped that the host country would ensure that the new Parking Programme for Diplomatic Vehicles in the City of New York would be implemented in a fair, non-discriminatory and efficient manner, consistent with international law. They strongly urged that the spirit of constructive and ongoing dialogue should prevail in order to resolve matters in a manner consistent with the host country's obligations under the Convention on the Privileges and Immunities of the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement. They were confident that through the Committee the concerns of both the host country and the diplomatic community relating to the implementation of the Parking Programme could be satisfactorily resolved. The ASEAN member States expressed their full support for the recommendations and conclusions contained in paragraph 35 of the report.

31. **Mr. Elmessallati** (Libyan Arab Jamahiriya), referring to chapter III A of the report, said that his delegation noted with concern that host country travel regulations still presented impediments to the members of diplomatic missions at United Nations Headquarters. The problems had not been dealt with adequately by the host country despite the Committee's repeated appeals and recommendations, included in many General Assembly resolutions. Numerous delegations had been unjustifiably subjected to arbitrary procedures that ran counter to the law, the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. Diplomats from his country were subjected to travel restrictions confining them to the five boroughs of New York City, and even the Permanent Representative of his country was allowed to visit his home in a nearby New Jersey town only twice a month and subjected to unreasonable procedures. The situation relating to the granting of entry visas to members of his country's mission and delegations visiting to participate in General Assembly meetings had actually worsened, the time required for the granting of visas no longer being three weeks, as previously, but nearly two months and sometimes longer. One could only wonder what motivated such immoderation, which violated every principle of international law. His delegation reiterated its appeal to the host country to abide by its commitments under the Headquarters Agreement and international law and remove the unjustified restrictions imposed in respect of his country.

32. Regarding chapter III C of the report, his delegation had been one of many that had objected, at the 212th meeting of the Committee, to the proposed Parking Programme, considering it inconsistent with the host country's obligations and with international law. His delegation had hoped that the host country would volunteer to suspend the Programme or at least listen to the appeals made by many delegations, including his own, to halt the Programme. That, unfortunately, had not happened. Yet his delegation still hoped that the host country might comply with the many requests to suspend the Programme until a solution acceptable to all parties could be reached that would facilitate the work of the members of diplomatic missions at their main place of work.

33. Concerning chapter III B, on exemption from taxation, his delegation was pleased to note that the problem of real estate tax on part of his delegation's building in New York had been resolved fairly once and for all, the Office of the New York City Commissioner having acceded to the view expressed by the United States Department of State and recognized his country's assertion that the tax was unlawful. It was particularly gratifying that the 16-year-old problem had been resolved with the participation of the Committee on Relations with the Host Country and his delegation greatly appreciated the constructive spirit in which the representative of the host country on the Committee had dealt with the matter. Such a positive approach would be helpful in solving other problems, namely the ceiling imposed on his mission's bank accounts, which considerably hampered its work. His delegation hoped the host country would re-examine that limitation, which was unjustified in law and in fact.

34. His delegation wished to affirm the unqualified compliance of the members of the mission and members of delegations from his country visiting New York for United Nations meetings with the rules and regulations of the host country and their requirements of peace and security. That compliance stemmed from his country's absolute respect for international law, the sovereignty of States and State regulations. His delegation hoped that the host country would proceed in a manner in keeping with its position as host, providing all requisite facilities to enable the missions accredited to the United Nations to perform their duties.

35. **Mr. Tarasenko** (Russian Federation) said that the most important topic on the agenda of the Committee on Relations with the Host Country had once again been that of the parking of diplomatic vehicles. That very complex problem could be solved only through dialogue between all parties concerned and in strict conformity with international diplomatic law and the obligations of the host country. Attempts to implement unilateral measures without realistic consideration being given to the opinion of the diplomatic corps and the specific details of its work and status could only worsen the working condition of missions and give rise to real problems, as had already been shown by the recent implementation of the new Parking Programme in the City of New York. His delegation called on the host country, and first and foremost the City authorities, to show good will and resume a constructive dialogue to develop realistic compromise solutions to the parking problem, showing due regard for the legitimate needs of the diplomatic community.

36. Another problem discussed in the Committee on Relations with the Host Country in the past year was the United States practice for issuing entry visas to official representatives. Frequently there were significant delays in obtaining them, which meant that officials arrived late for official United Nations-related activities, and on a number of occasions had been forced to decline to participate. His delegation noted the assistance and support provided by the United States Mission with a view to resolving specific cases of that kind, but fundamental steps needed to be taken to remove the visa problems involving Member States and the host country.

37. His delegation was very concerned about the lack of any progress regarding the lifting of the travel restrictions imposed on the staff of a number of missions and Secretariat employees. The practice was discriminatory and ran counter to basic international legal instruments; he called on the host country promptly to lift such restrictions, which were completely incompatible with contemporary realities.

38. It was extremely important to avoid any erosion of mutual understanding and of the good working relations between the diplomatic corps and the City authorities which had been cultivated over many years of painstaking effort. The Russian Federation was fully prepared to help develop an atmosphere of cooperation and mutual respect, and supported the recommendations and conclusions contained in paragraph 35 of the Committee's report.

39. **Mr. Kofod** (Denmark), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and, in addition, Norway, thanked the host country, and in particular the City of New York, for the supplementary efforts they had made to ensure the security of missions accredited to the United Nations and their personnel since 11 September 2001. The European Union understood and supported the extraordinary measures that had been introduced, in particular with regard to access to United Nations premises, and remained committed to cooperating fully with the host country in that area. The European Union wished to reiterate that questions regarding the issuance of visas to representatives of States Members of the United Nations and questions regarding their movements in the host country's territory should be settled in conformity with the relevant provisions of the Headquarters Agreement.

40. With regard to transportation and related matters, the European Union wished to emphasize once again the importance of ensuring a sufficient amount of parking space for diplomatic vehicles. Diplomatic missions could not function efficiently when the access of diplomatic personnel was hindered by insufficient parking capacity. The European Union believed that the issue needed to be kept under review, in particular with regard to whether the practical operation of the new Parking Programme was compatible with international law.

41. The European Union supported the recommendations and conclusions contained in paragraph 35 of the report, and welcomed the host

country's commitment to take all measures necessary to prevent any interference with the functioning of diplomatic missions.

42. **Mr. Kanu** (Sierra Leone) expressed concern at the treatment accorded to diplomats by the host country and, in particular, by security officers at its airports. While it was understandable that special measures had been taken in the wake of the events of 11 September 2001, requests that diplomats and, in particular, permanent representatives remove their shoes and jackets and inspection of their baggage constituted a violation of the Vienna Convention on Diplomatic Relations; moreover, no one in possession of a diplomatic passport would commit an act of terrorism. When the host country's officials visited Sierra Leone, they were treated with respect in accordance with his Government's obligations. It was discouraging to think that a civilized country would not teach its employees to show proper respect for the representatives of another sovereign State; he implored the host country to ensure that its officials were properly educated in those realities.

43. The Legal Counsel's opinion on the Parking Programme for Diplomatic Vehicles was only one position; other views on the matter were possible. The Programme was contrary to international law, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement and he intended to consult with like-minded delegations with a view to requesting an opinion on its legality from the International Court of Justice.

44. **Mr. Rosand** (United States of America) said that the United States was honoured to serve as host country to the United Nations and fulfilled all its obligations and commitments in that regard. It appreciated the cooperation and constructive spirit displayed by the members of the Committee on Relations with the Host Country and the increased participation of observer delegations; the Committee's limited but representative membership had made it efficient and unusually responsive, particularly as it was the only such Committee in any of the various United Nations host countries which reported to the General Assembly.

45. It was not surprising that the Legal Counsel had stated that the Parking Programme for Diplomatic Vehicles was consistent with international law and with the host country's obligations since the New York diplomatic community's valid concerns and preferences had been taken into account in its preparation. His delegation was committed to ensuring that the Programme was implemented in a transparent, fair and non-discriminatory manner and to undertaking periodic reviews of its effectiveness and fairness. He stressed that the Programme would improve traffic flow and safety and make it easier for diplomats to do their work.

46. Some delegations had objected to restrictions on private, non-official travel by members of certain permanent missions. Such restrictions did not violate international law, which did not require the United States to permit such individuals to travel to other parts of the country except on official United Nations business.

47. **Mr. Moushoutas** (Cyprus) introduced draft resolution A/C.6/57/L.25 and announced that Bulgaria, Canada and Côte d'Ivoire had become sponsors. The current year's text included two new provisions: the fourth preambular paragraph stressed the need to build up public awareness of the role of the Organization and the permanent missions in strengthening international peace and security while paragraph 3 took note of the opinion of the Legal Counsel concerning the Parking Programme for Diplomatic Vehicles; the positions expressed on that issue, including requests from most speakers to defer implementation of the Programme; and the host country's commitment to maintain appropriate conditions for the functioning of United Nations delegations and missions in a manner that was fair, non-discriminatory, efficient and consistent with international law. Lastly, he noted that the reference in paragraph 1 should be to paragraph 35 rather than paragraph 34 of the report of the Committee on Relations with the Host Country.

The meeting rose at 4.40 p.m.