



SUMMARY RECORD OF THE 66th MEETING

Chairman: Mr. MENDOZA (Philippines)

CONTENTS

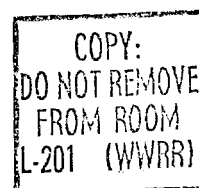
AGENDA ITEM 112: IMPLEMENTATION BY STATES OF THE PROVISIONS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 109: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (continued)

UN LIBRARY

DEC 14 1976

UN/SA COLLECTION



* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room LX-2332.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL

A/C.6/31/SR.66

13 December 1976

ENGLISH

ORIGINAL: SPANISH

The meeting was called to order at 11 a.m.

AGENDA ITEM 112: IMPLEMENTATION BY STATES OF THE PROVISIONS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961: REPORT OF THE SECRETARY-GENERAL (A/31/145 and Add.1; A/C.6/31/L.16) (continued)

1. Mr. SZELEI (Hungary) said that his delegation regarded the item under consideration as one of great significance for the international community. It noted with satisfaction that the previous year's debate on the same item and the comments of States (A/31/145 and Add.1) in response to the invitation in General Assembly resolution 3501 (XXX) had reaffirmed its belief that the Vienna Convention had proved its value as one of the most vital international instruments of recent times. The strict implementation of the provisions of that Convention and the widest possible participation in it would therefore provide the most appropriate framework for the performance by diplomatic missions of their duties.

2. The Vienna Convention on Diplomatic Relations of 1961 required the broadest possible acceptance by States since some of the basic norms of international relations among sovereign States were derived from the provisions of that Convention. His delegation urged all States which had not yet done so to accede to it. Moreover, the strict implementation of the Convention by all States was a vital necessity, since non-observance of its provisions seriously endangered the very functioning of diplomatic missions. The Hungarian People's Republic, which had always supported all efforts aimed at ensuring the implementation of all the provisions of the Vienna Convention, a position which was reflected in his Government's response (A/31/145) to the invitation extended by the Secretary-General pursuant to resolution 3501 (XXX), wished to draw the Committee's attention to recent violations of that Convention.

3. His delegation firmly supported the constructive proposal of the USSR concerning the desirability of elaborating an additional protocol concerning the status of the diplomatic courier. The question of maintaining appropriate communications between States and their diplomatic missions was undoubtedly of great importance and it should accordingly be solved as soon as possible, as was proposed by the USSR. In his opinion, the provisions of articles 27 and 40 of the Vienna Convention needed to be developed by more precise provisions concerning the status of the diplomatic courier, which should be elaborated on the basis of those articles. He went on to quote some paragraphs from his Government's reply which stated that, although the Vienna Convention of 1961 regulated the status of the diplomatic courier, it did not cover all aspects in need of regulation and clarification and that, since its conclusion, several other conventions had come into being, such as the Vienna Convention of 1963 on Consular Relations, the Convention of 1969 on Special Missions, and the Convention of 1975 on the Representation of States in Their Relations with International Organizations of a Universal Character, all of which contained certain provisions on the status of

(Mr. Szelei, Hungary)

the diplomatic courier that it would seem advisable to integrate into a uniform system. In addition, his delegation would also welcome the elaboration of rules on the status of the diplomatic bag not accompanied by a diplomatic courier, as some States had suggested in their replies to the Secretary-General.

4. His delegation believed that the International Law Commission would be the most appropriate and competent forum to study the question of elaborating an additional protocol on the status of the diplomatic courier, in a preliminary or experimental way. It also believed that, in the meantime, the General Assembly should continue to invite Member States to submit their observations and comments on the question, since even those States which did not as yet utilize the services of the diplomatic courier would undoubtedly recognize the usefulness and increasing importance of that institution. The foregoing remarks explained why his delegation had joined the sponsors of draft resolution A/C.6/31/L.16.

5. Mr. MAAS GEESTERANUS (Netherlands) said that his delegation had concurred in the consensus with which General Assembly resolution 3501 (XXX) had been adopted but, in an explanation of vote, it had expressed its doubts concerning the advisability of studying the question of the diplomatic courier. Because of that reservation made the previous year, his delegation felt obliged to comment on the follow-up draft resolution now proposed in document A/C.6/31/L.16, confining its remarks to the question of the diplomatic courier.

6. His delegation had carefully studied the comments and observations submitted by 15 Members (A/31/L45 and Add.1) on which the aforementioned draft resolution was based, and it was in agreement that the scope of the question should be broadened to include the diplomatic bag not accompanied by a diplomatic courier, in accordance with one of the observations made. It had also noted that the request for a study, in operative paragraph 4 of the draft resolution, had been limited - in his opinion unduly limited - to the study of proposals on the elaboration of a protocol, thus excluding other proposals such as those made by the Government of the Netherlands that practical measures be devised to promote the smooth functioning of diplomatic courier services, which, by their very nature, were not easy to incorporate in a protocol or other international convention.

7. Those Governments which had proposed the elaboration of a protocol had not made it clear, either in their written observations or in the current debate, what actual difficulties diplomatic courier services experienced as they functioned at present without the proposed additional provisions. Mention had, admittedly, been made of cases of non-observance of the Vienna Convention of 1961, but non-observance of an existing privilege did not in itself justify the creation of additional privileges. In the view of his delegation, the observations so far received from Member States convincingly demonstrated the desirability of a study of the question.

(Mr. Maas Geesteranus, Netherlands)

8. Furthermore, replies had been received from only one tenth of the membership of the United Nations and only three replies were from non-European States. In the opinion of his delegation, the Committee would be well advised not to adopt the decision proposed in operative paragraph 4 of the draft resolution. On the other hand, his delegation would agree to the renewal of the invitation to Member States in paragraph 3, and would at the same time suggest to the sponsors of the draft resolution that that paragraph be supplemented by a reference to the desirability of proposing practical measures to promote the smooth functioning of diplomatic courier services.

9. Mr. BUBEN (Byelorussian Soviet Socialist Republic) said that his delegation's position on the implementation of the Vienna Convention on Diplomatic Relations of 1961 had been set forth in its reply to the Secretary-General (A/31/145). The Byelorussian SSR had also been a sponsor of resolution 3501 (XXX) adopted by the General Assembly on the same item the previous year. There was no doubt that the progressive development and codification of international law should effectively contribute to the strengthening of the legal foundations of international relations among States with different social systems and that that was one of the most important functions of the United Nations.

10. The Vienna Convention on Diplomatic Relations of 1961, which regulated a very important area of international relations, could play a very effective role in promoting international peace and détente, and had served as a model for a series of international agreements in other areas. The Vienna Convention had already been ratified by 120 States and, in the 12 years since it had entered into force, extensive experience had been gained in its implementation. His delegation believed that there was no obstacle preventing the Convention from becoming universal, which it was not yet, and that the United Nations should take action to increase the number of States parties to the Convention to the maximum extent.

11. It was, however, not sufficient to create an appropriate legal framework for international relations. It was essential that all States should strictly respect those rules. Experience in applying the Vienna Convention on Diplomatic Relations of 1961 showed that there were instances where the rules of international diplomatic law and, in particular, the provisions of the Vienna Convention, were violated. Some countries justified such violations by citing the existence of domestic administrative regulations, although under the Vienna Convention of 1961 the special guarantees which it provided for embassies and missions and their diplomatic personnel took precedence over the guarantees given under any other set of legal rules. Non-observance of its basic provisions by some States, in particular States parties to the Vienna Convention of 1961, had often led to serious disagreements and complications in relations between States. Effective action should therefore be taken to ensure strict observance of the Convention by all States.

(Mr. Buben, Byelorussian SSR)

12. It would also be useful to collect and disseminate the experience gained by States in applying the Vienna Convention of 1961 and, in that connexion, it would be advisable to retain the item on the agenda of the General Assembly and to try to increase the number of States parties. To that end, it would also be desirable to request the Secretary-General to transmit to States Members periodically, perhaps every three or four years, a questionnaire relating to the implementation of the Vienna Convention on Diplomatic Relations of 1961, placing special emphasis on instances of the violation of the Convention in practice. The replies of States could form the basis of analytical reports to be prepared by the Secretary-General; the periodic consideration of such reports by the General Assembly would promote stricter observance of the Vienna Convention of 1961 and an increase in the number of States parties, and would create the necessary conditions for the complete elimination of violations of the rules of international law.

13. Experience in applying the Vienna Convention of 1961 had also shown that there were certain areas of relations between States which required additional regulation. That was especially true of the functions and status of the diplomatic courier. In the replies of some Member States to the Secretary-General's questionnaire (A/31/145 and Add.1), it was stated that the diplomatic courier had already been defined in article 27 of the Vienna Convention. However, articles 27 and 40 of that Convention defined the functions of the diplomatic courier only in very general terms. Moreover, other provisions concerning the status of the diplomatic courier were to be found in articles 35 and 54 of the Vienna Convention on Consular Relations of 1963, in articles 28 and 42 of the Convention on Special Missions of 1969, and in articles 27, 57 and 81 of the Vienna Convention of 1975 on the Representation of States in Their Relations with International Organizations of a Universal Character. However, in none of those provisions was there a definition of the diplomatic courier, much less a definition of the status, privileges and immunities of the diplomatic courier. For all those reasons, the elaboration of a separate international legal instrument on that question would be an essential and important contribution to the regulation of diplomatic relations among States.

14. It was not a question of in any way amending or revising the provisions of the Vienna Convention of 1961, but of confirming and developing them in the light of modern practice in the diplomatic courier service. As other delegations had already pointed out, there was also a need for standardization of the rules relating to the diplomatic bag not accompanied by diplomatic courier, a very common practice among States. In his delegation's opinion, the international instrument designed to regulate the status of the diplomatic courier and the diplomatic bag could take the form of an additional protocol to the Vienna Convention on Diplomatic Relations of 1961, on the provisions of which it would be based. That protocol should reflect all the rules defining the privileges and immunities of the diplomatic courier, the status of premises used by him and the procedure for the termination of his functions, as well as the status of the diplomatic bag. During the consideration of that question, a number of delegations had expressed

(Mr. Buben, Byelorussian SSR)

concern that any modification of the Vienna Convention might be prejudicial. Those fears seemed unfounded, since it was not a question of changing the text of that Convention, but simply of developing it through well-considered additions.

15. His delegation considered that the drafting of such a protocol should be entrusted to the International Law Commission, which had prepared the drafts of the Vienna Convention on Diplomatic Relations of 1961 and other related documents. In their replies, some Member States had expressed doubts regarding the ability of the Commission to prepare such a draft protocol, given its heavy programme of work. His delegation considered that the Commission could prepare the draft protocol in a relatively short space of time, in view of the fact that the basic norms to be included in any rules relating to the status of the diplomatic courier and the diplomatic bag were already contained in the comments and observations submitted by Member States. It would also facilitate the work of the Commission if as many States as possible submitted their observations and comments on the question in the near future. His delegation did not share the doubts expressed during the debate regarding the usefulness of such comments. In support of that view, he cited the position adopted by the United Nations on similar questions during the past three years.

16. Undoubtedly, the elaboration and adoption of such an international instrument would make a constructive contribution to the codification and progressive development of international diplomatic law and would strengthen co-operation and the development of friendly relations among States, in accordance with the purposes and principles of the United Nations Charter. It was for that reason that his delegation was one of the sponsors of draft resolution A/C.6/31/L.16.

17. Mr. MATHIAS (India) said that his delegation attached great importance to the Vienna Convention on Diplomatic Relations of 1961 which not only codified the generally recognized rules of diplomatic law, but also further strengthened and developed diplomatic relations. To date, 116 States had acceded to that Convention, and his delegation urged those States which had not yet become parties to it to do so.

18. While there was no need to amend the Convention, there should be further elaboration of the rules relating to certain questions covered in that instrument, such as the question of the diplomatic courier, which was dealt with in article 27. There had been instances where diplomatic couriers had been hindered in the normal performance of their duties, and his delegation felt that the International Law Commission should draw up new rules in that regard. The elaboration of a protocol relating to the status of the diplomatic courier and the unaccompanied diplomatic bag did not mean the granting of fresh privileges, but rather the development and concretization of the rules agreed to in the Vienna Convention.

19. His delegation also supported the idea that Member States should be invited periodically to give their views on the implementation of the Convention, as its observance was essential to the maintenance of normal relations between States.

20. It was for those reasons that his delegation had joined the sponsors of draft resolution A/C.6/31/L.16, which he hoped would be adopted by consensus.

/...

21. Mr. SHILATI (Iran) said that one of the greatest developments in the history of diplomatic relations had been the conclusion of the Vienna Convention on Diplomatic Relations on 8 April 1961. Fifteen years had passed since that time and yet that important instrument, so fundamental to the regulation of diplomatic relations and so much in harmony with the spirit of the United Nations Charter, had stood the test of time.

22. His Government considered the Vienna Convention to be a vital instrument guaranteeing the ordered functioning of diplomatic relations between States. Consequently, his delegation attached great importance to the strict observance and implementation of the Convention. Moreover, universal acceptance of the Convention was not only indispensable, but imperative in the political life of States. The proper implementation of the provisions of the Convention and the adherence of as many States as possible would serve to improve the political atmosphere of the international community. He agreed, however, more detailed regulations should be elaborated with regard to certain questions covered in the Convention, such as the status of the diplomatic courier. Consequently, his delegation supported draft resolution A/C.6/31/L.16 and expressed the hope that it would be adopted by consensus.

23. Mr. SHIGETA (Japan) said that his delegation attached great importance to the Vienna Convention on Diplomatic Relations of 1961 and believed it useful to urge States which had not yet done so to become parties to the Convention, although the Convention was binding upon those States, too since it was the codification of existing law.

24. However, his delegation was not entirely convinced of the need to study the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier. The status of the courier and the diplomatic bag was defined in article 27 of the Vienna Convention in reasonably clear terms, and the development or concretization of that article should be undertaken with care so that its normative character would not be impaired. Given the limited number of views submitted to the Secretary-General by Member States in accordance with General Assembly resolution 3501 (XXX), and the limited time available to the Committee to discuss the issue, he did not consider that the stage had been reached where the Committee could pronounce definitely on the advisability of studying the status of the diplomatic courier and diplomatic bag not accompanied by diplomatic courier.

25. In paragraph 4 of draft resolution A/C.6/31/L.16, it was proposed that the question of the status of the diplomatic courier and the unaccompanied diplomatic bag should be referred to the International Law Commission. However, his delegation had doubts regarding the advisability of such action, on two accounts. Firstly, given the already heavy agenda of the Commission, the referral of that question to it might disrupt the order of priority of the items before it. Secondly, his delegation believed that a matter should be referred urgently to the Commission only when there was a reasonable measure of agreement among Member States as to the advisability of undertaking the elaboration of rules on the question and the content of the work to be accomplished, which, in his opinion,

(Mr. Shigeta, Japan)

was not so in the current instance. His delegation expressed the hope that the sponsors of draft resolution A/C.6/31/L.16 would formulate the draft in a manner which would be acceptable to all delegations.

26. Mr. GODOY (Paraguay) said that there was a contradiction in draft resolution A/C.6/31/L.16. In paragraph 5 of that draft, the Secretary-General was requested to submit to the General Assembly at its thirty-third session an analytical report on ways and means to ensure the implementation of the Vienna Convention on Diplomatic Relations of 1961, taking into account the results of the study by the International Law Commission. However, paragraph 4 did not specify the period of time within which the Commission was to complete such a study, but simply requested it to study the question "at the appropriate time".

AGENDA ITEM 109: REPORT ON THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY
(A/31/26; A/C.6/31/6) (continued)

27. Mr. QUAZILBASH (Pakistan) said that the work of the Committee on Relations with the Host Country during the past year had been devoted largely to consideration of the increasingly frequent acts of violence directed against missions accredited to the United Nations in New York, particularly the missions of the third world and socialist countries. His own country's Mission had twice been subjected to acts of vandalism and its personnel had frequently received threats.

28. The creation of a peaceful atmosphere for the working of the missions and their personnel was the responsibility of the host country. His delegation therefore supported the recommendations of the Committee on Relations with the Host Country urging the host country to take effective and concrete measures without any further delay in order to prevent the recurrence of terrorist and other criminal acts detrimental to the security of missions, the safety of their personnel and the inviolability of their property. His delegation fully supported the view that effective measures should be taken against the illegal activities of organizations which instigated and encouraged acts of violence against foreign missions and their personnel, and also emphasized that the authorities of the host country should take all necessary measures to apprehend, prosecute and punish those guilty of such criminal acts.

29. Mr. SIAGE (Syrian Arab Republic) said his delegation had studied carefully the report of the Committee on Relations with the Host Country (A/31/26). His delegation attached great importance to the work of that Committee, since the results of its efforts helped to facilitate the normal conduct of business by missions. Although missions should respect the laws and regulations of the host country, the latter should take the necessary steps to ensure the security of missions against all acts of violence. Several missions had been threatened by organizations in the pay of foreign Powers, including the Zionist terrorist entity. His delegation urged the Government of the host country to take the necessary steps to check the illegal activities of those organizations and punish the individuals guilty of such acts.

30. Mr. BOJILOV (Bulgaria) said that the question of the security of missions and the safety of their personnel had been given high priority in the list of items to be considered by the Committee on Relations with the Host Country. His delegation regretfully noted that, as the report of that Committee (A/31/26) showed once again, acts of terror, violence and harassment continued to be committed against missions accredited to the United Nations. It sufficed to point out that, in 1976 alone, the Committee had considered seven cases at the request of Member States, while 21 cases had been brought to its attention at the request of Member States. In fact, criminal acts had been committed against seven missions.

31. On two occasions, on 5 March and 6 April 1976, the Committee had strongly condemned those terrorist acts and had urged the host country to take all necessary measures in order to ensure the security of missions and their personnel, and especially to apprehend, prosecute and punish those guilty of criminal acts committed against missions. It was worth mentioning that those decisions of the Committee had been adopted by consensus.

32. If the current report of the Committee was compared by that submitted in 1975, it was clear that the number of acts of terror, violence and harassment had increased in 1976. In 1975, the Committee had considered six cases and three had been brought to its attention, whereas in 1976 it had considered seven cases and 21 had been brought to its attention. That did not imply that in 1976 the host country had not taken any measures to ensure the security of missions and the safety of their personnel, but it did imply that on several occasions it had failed to ensure their security. The host country had sought to justify its position by referring to the difficulties involved in applying its federal legislation, but his delegation wished to reiterate its view that those difficulties could not be invoked as an excuse for failing to comply with obligations under international law. The principle of the primacy of international law had been codified in the Vienna Convention on the Law of Treaties and had been referred to several times by the International Court of Justice. Similarly, articles 23 (b) and 28 of the Convention on the Representation of States in their Relations with International Organizations of a Universal Character established the obligation of the host country to take all appropriate measures to prevent any attack on diplomats and their freedom and dignity and, in the case of an attack, to take all appropriate steps to prosecute and punish those who had committed it. In that connexion, his delegation noted the assurances given by the competent authorities of the host country and wished to associate itself with the appreciation expressed by the Committee for the work of the New York City Commission.

33. Mr. BERESNEV (Byelorussian Soviet Socialist Republic) said that the report of the Committee on Relations with the Host Country and the statements by various delegations showed that the conditions in which diplomats performed their functions in New York continued to be difficult. In 1976 serious acts had occurred which violated the norms of international law relating to diplomatic immunity and offences had been committed against various missions which constituted a threat to their diplomatic personnel. His delegation wished to draw attention once again to the incident involving shots fired at the Riverdale building used by the missions of the Soviet Union, the Byelorussian SSR and the Ukrainian SSR on 26 February

(Mr. Beresnev, Byelorussian SSR)

and the incident which had taken place in Manhattan in April. Those incidents indicated an escalation of the violence against Soviet diplomats and other Soviet citizens living in New York. The Riverdale building had continued to be the target of Zionist demonstrations, which had deteriorated into direct threats against the personnel.

34. Numerous fines had been imposed for infringements of the parking regulations in cases where the vehicles had been parked in official parking areas and had consequently not been blocking traffic. His delegation recalled that according to the norms of international law, especially article 34 of the Vienna Convention on Diplomatic Relations, diplomatic agents accredited to a country were exempt from all local dues and taxes, and there was consequently no basis for imposing the aforementioned fines. The local authorities were fully aware of those norms, but nevertheless continued to intensify the fine campaign. That situation was aggravated by the activities of the local press, which did nothing to help improve the conditions in which missions had to function. He pointed out that in his country fines were not imposed on diplomatic vehicles parked in special areas.

35. The war against crime depended largely on the application of punitive provisions. The assurances of the United States Government that it was doing everything within its power could not be believed if at the same time no punishment was meted out to the criminals who, moreover, did not hide their identity. Diplomats and their families continued to be harassed while the police did nothing to prevent such harassment. That simply encouraged the commission of further acts of that type. The authorities of the host country could not claim that they were respecting the right to freedom of speech, since in fact the terrorist acts and threats merely made it difficult for diplomats to perform their functions freely. The host country had not abided by the terms of its agreement with the United Nations or the Vienna Convention of 1961. Furthermore, there was the 1972 Federal Act for the Protection of Foreign Officials and Official Guests of the United States, whose strict implementation would end the current abnormal situation.

36. He recalled that in paragraph 5 of resolution 3498 (XXX), the General Assembly had urged the host country to continue to implement fully and effectively its Act for the Protection of Foreign Officials and Official Guests of the United States and, in particular, to take all appropriate measures to make certain that demonstrations and picketing, especially where there was reason to believe that they might be accompanied by violence or might prevent the conduct of normal business of Missions to the United Nations, were held in conformity with the aforementioned law and closely monitored by the police. Unfortunately, that resolution, like many previous resolutions, had been ignored. His country believed that it would be useful to appeal to the States parties to the Vienna Convention, particularly those in whose territories the headquarters of international organizations were situated, to apply its provisions strictly.

37. In conclusion, he stressed the importance of the work of the Committee on Relations with the Host Country, particularly with regard to ensuring the functioning of missions and the safety of their personnel.

38. Mr. KAPETANOVIC (Yugoslavia) said that, in the year covered by its report (A/31/26), the Committee on Relations with the Host Country had devoted most of its attention to the question of the security of missions and the safety of their personnel. There had been a number of attacks against missions and their personnel in that period, although the authorities of the host country had taken some measures to prevent such acts. On the other hand, it should be noted that adequate measures had not been taken to apprehend and punish the perpetrators of those terrorist acts.
39. The previous year, his delegation had cited a number of attacks against its Permanent Mission. In that connexion, it had expressed the hope that strong measures would be taken with a view to preventing both the perpetration and the preparation of terrorist acts and that the perpetrators of such criminal acts would be apprehended and adequately punished. His delegation's dissatisfaction with the impunity enjoyed in practice by the perpetrators of the aforementioned terrorist acts was all the greater because it had repeatedly drawn the attention of the host country to the terrorist groups from whose ranks those criminals were recruited. He therefore insisted that energetic measures should be taken for the purpose of apprehending the terrorists and meting out to them exemplary punishment.
40. In that connexion, it should be noted that, according to the laws of the United States, as well as the laws of all other countries, the preparation of a criminal or terrorist act was prohibited and punishable. He therefore called upon the United States authorities to ban the activity of terrorist groups and organizations engaged in carrying out such acts, especially since they were Fascist groups whose ideologies and activities were oriented towards the commission of crimes and terrorist acts.
41. He expressed his delegation's satisfaction with the attention devoted in the report and recommendations of the Committee to the serious problem of parking of diplomatic vehicles. He expressed the hope that the authorities of the host country would show due understanding of the problem, take measures aimed at increasing the number of diplomatic parking spaces in the streets of New York, and discontinue the practice of issuing summonses to diplomats, since that practice had proved to be ineffective and had merely provoked unnecessary misunderstandings between diplomats and citizens of the City of New York.
42. His delegation hoped that the authorities of the host country and the diplomatic community would implement all the recommendations of the Committee, a course which would, no doubt, enable the members of the diplomatic community to carry out their functions more easily and render their stay in New York more pleasant.
43. Mr. POVZHIK (Ukrainian Soviet Socialist Republic) said that the Committee on Relations with the Host Country had attached great importance during the current year to the security of missions and their staffs and had devoted three meetings to the consideration of acts of terrorism committed during that period, including the shooting incidents of February and April. A fourth attack of that kind had been made against the building used by the Missions of the Soviet Union,

(Mr. Povzhik, Ukrainian SSR)

Byelorussia and the Ukraine, fortunately without any casualties, but there were no guarantees that such attacks would not recur and there was no indication that future attacks would have the same fortunate result. The shooting incidents constituted a scandalous violation of the generally recognized principles of international law because they represented an attack on the lives of representatives of foreign States accredited to the United Nations. As for the legal provisions underlying the obligations and undertakings assumed by the host country vis-à-vis the missions of Member States, the Sixth Committee had stressed on various occasions the importance of the Federal Law on the protection of foreign officials and official guests of the United Nations, of 1972. Similarly, in resolutions adopted at the twenty-seventh, twenty-eighth, twenty-ninth and thirtieth sessions the General Assembly had urged the host country to adopt more effective measures to ensure the protection of missions and their staff so that they could perform their work under normal conditions.

44. In those resolutions an appeal had been made to the host country to adopt all the necessary measures to apprehend, prosecute and punish those guilty of criminal acts against missions and their staff. Unfortunately, those resolutions had not been properly implemented. His delegation hoped that the United Nations would adopt the necessary measures in that respect. Indeed, there had been an increase in the violations of the rights of missions because in 1976 there had occurred, besides the attacks already mentioned against the Soviet, Byelorussian and Ukrainian Missions, a bomb attack against the Cuban Mission and other attacks against the Missions of India and Mongolia. If the authorities did not adopt effective measures, including the necessary investigations and the apprehension and prosecution of the guilty parties, those acts directed against diplomatic staff would remain unpunished.

45. Acts of that kind were the work of individuals belonging to organizations and groups which were trying to obstruct the work of the United Nations and to prevent the adoption of decisions; they also prevented the consolidation of the atmosphere of co-operation, confidence and détente and prejudiced the maintenance of normal international relations. Such acts did not represent the feelings of the United States people who, like other peoples, favoured harmony and coexistence. It was impossible to understand how activities aimed at creating an abnormal situation and at causing harm to an organization like the United Nations could go unpunished. His delegation stressed the importance of recommendation (5) of the Committee on Relations with the Host Country which urged the host country to take effective measures to prohibit illegal activities of organizations that organized, instigated, encouraged or engaged in the perpetration of terrorist or other acts of violence against missions to the United Nations or their personnel. The General Assembly should adopt a similar appeal.

46. As in previous years, the diplomatic corps in New York had had difficulties in the matter of parking. They had been given repeated fines, often unjustified. Press reports on that subject had tended to discredit the diplomatic corps vis-à-vis the population of the City of New York.

/...

(Mr. Povzhik, Ukrainian SSR)

47. Finally, he supported the recommendations of the Committee on Relations with the Host Country which had accomplished useful work and he felt that the General Assembly should extend its mandate.

48. Mr. FIFOOT (United Kingdom) recalled that the Committee on Relations with the Host Country had been established in 1971 with the mandate laid down in paragraph 7 of General Assembly resolution 2819 (XXVI). With that mandate, it had been a function, and a function to which the Committee had devoted much of its time, to examine matters of complaint. And understandably and justifiably, the Committee had emphasized how serious were the attacks against missions and their staff which had occurred during the year. His delegation joined in the condemnation of those deplorable incidents.

49. However, without in any way detracting from the concern to which those incidents gave rise and without detracting from the other questions which the Committee had asked the authorities of the host country to examine, he must draw attention to a further factor. There was a view, widely shared in the Committee, that the report would give an unbalanced picture if it appeared to suggest that relations between missions and their personnel in the host country were confined to occasions on which the security of missions was imperilled or to the aftermath of attacks and violent demonstrations against such missions. There was also the generally held view that appropriate assurances had been given by the authorities of the host country and that useful measures had been taken by those authorities for security of missions and their personnel. That opinion was reflected in the recommendations of the Committee on Relations with the Host Country.

50. The report of the Committee had been submitted late in 1976 because it had taken a long time for its members to agree on the manner in which their recommendations should be expressed. Eventually, they had been adopted by consensus in the terms set out in paragraph 65 of the report. When listening to the statements being made in the debate, the Sixth Committee should bear in mind that the Committee on Relations with the Host Country had adopted all its recommendations by consensus. His delegation would find it very surprising if any member of the Committee on Relations with the Host Country were to take a different position at the present stage, thus going back on an agreement reached barely a month previously.

51. His delegation would suggest to the Sixth Committee that the outcome of the present debate should be a resolution which followed the recommendations so laboriously constructed. The Committee on Relations with the Host Country was broadly representative of the membership of the United Nations and the recommendations had been accepted by consensus, as the representative of Bulgaria had pointed out. His delegation was therefore prepared to work for a resolution which reflected all the recommendations and he was confident that the Sixth Committee would adopt them, bearing in mind that all the members of the Committee on Relations with the Host Country had adopted them by consensus.

52. Mr. NYAMDO (Mongolia) said that, in spite of the repeated resolutions of the General Assembly and the decisions and recommendations of the Committee on Relations with the Host Country, acts of violence continued to be perpetrated

/...

(Mr. Nyamdo, Mongolia)

against the missions accredited to the United Nations. Among the most recent of those attacks, mention should be made of the shots which had been fired against the Soviet Mission in the month of April 1976. The Mongolian Mission had also been the victim of a number of acts of vandalism in recent years. Those acts infringed the norms of international law and interfered with the normal performance of the duties of missions. They were serious crimes which must be severely punished by the host country, which was obliged, under international law, to detain and prosecute their perpetrators. However, at the moment, such acts remain to a large extent unpunished, a fact which proved that the efforts of the competent authorities were far from being effective. His delegation vigorously condemned all kinds of acts of violence against any mission and urged the host country to adopt effective measures to put an end to those acts and to punish the guilty parties. In that respect, he emphasized the importance of paragraph 5 of the recommendations of the Committee on Relations with the Host Country. Finally, he felt that the mandate of the Committee should be extended.

53. Mr. BLUM (Israel), speaking in exercise of his right of reply, said that reference had been made during the discussion to "Zionist hooliganism". In a democratic society a great variety of legitimate channels were open to those who wished to indicate their displeasure with the policies of their Government or of other Governments. Recourse to violence was not among those legitimate means of protest and his delegation unreservedly rejected and condemned that outrageous form of protest. In May 1976, Mr. Yigal Allon, the Israeli Deputy Prime Minister and Minister of Foreign Affairs, had himself denounced in unequivocal terms the threats issued by the fringe group led by Rabbi Kahane and had said that those shameful threats made by an irresponsible group must not be confused with the efforts of the Jewish people to ensure the freedom of Soviet Jewry to emigrate in accordance with the Declaration of Human Rights and Final Act of the Helsinki Conference, which had been signed by the Government of the USSR.

54. The Government of Israel unequivocally rejected any form of terrorism by whomever it was carried out. His delegation had full confidence in the American system of law and hoped that offenders against the immunity of foreign missions and their personnel would be punished in accordance with the provisions of the law.

55. At the same time, his delegation wished to protest against the provocative insinuations contained in some of the statements made on the present item. The Mission of Israel had been subjected on more than one occasion in the past to threats of violence but it had never occurred to the Israeli Mission to react to those threats by calling names all the States which pursued violently bellicose anti-Israeli policies both inside and outside the United Nations.

56. Mr. HAMID (Observer for the Palestine Liberation Organization), speaking in exercise of his right of reply, pointed out that the organization directed by Rabbi Kahane enjoyed complete freedom of action in the Arab territories occupied by Israel.

57. The CHAIRMAN announced that Burundi, Egypt, Liberia, Byelorussian SSR and Somalia had joined the sponsors of the draft resolution in document A/C.6/31/L.16.

The meeting rose at 12.55 p.m.