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at 3 p.m.
New York

SUMMARY RECORD OF THE 51st MEETING

Chairman: Mr. DENG (Sudan)

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The meeting was called to order at 4.10 p.m.

AGENDA ITEM 133: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES (continued) (A/C.6/43/L.13 (and programme budget implications in document A/C.6/43/L.19))

1. Mr. BAGE (Nigeria), speaking on behalf of the sponsors of draft resolution A/C.6/43/L.13, which had been joined by Benin, said that the amendments to the fifth preambular paragraph proposed during informal consultations had not been accepted by some delegations. He therefore had the mandate of the sponsors to introduce the draft resolution as originally worded.

The meetina was suspended at 4.15 p.m. and resumed at 4.50 p m.

2. The CHAIRMAN announced that a separate vote on the fifth preambular paragraph had been requested.

3. The fifth Drearnbular paragraph of draft resolution A/C.6/43/L.13 was adopted by 100 votes to 9. with 15 abstentions.

4. The CHAIRMAN said that a vote would be taken on draft resolution A/C.6/43/L.13 as a whole.

5. Mr. SCHARIOTH (Federal Republic of Germany), speaking on a point of order, said that he had wished to move that the draft resolution should be adopted on a no-objection basis.

6. The CHAIRMAN said that the motion was out of order because the voting had already begun.

7. Draft resolution A/C.6/43/L.13 was adopted by 122 votes to none, with 3 abstentions.

8. Mr. ROUCOUNAS (Greece), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that the statement by the Twelve on 26 October 1988 had left no doubt as to their strong condemnation of the activities of carcenaries and their will to continue taking an active part in the Ad Hoc Committee's work aimed at the elaboration of a universally acceptable convention. In respect of the provision in the fourth prearnbular paragraph taken from the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, they emphasised that their approval of the resolution did not mean that they departed from the interpretation of that provision as adopted in the context of the Declaration. Moreover, in the fifth preambular paragraph, the term "threat or use of force" was broadened well beyond the meaning given to it in the Charter. With regard to the statement in the same paragraph that the activities of mercenaries were contrary to fundamental principles of international law, the

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Twelve believed that the crimes of individuals acting on their own behalf, although clearly reprehensible, could not be imputed to States or, in the absence of a convention, be regarded as violations of international law. For those reasons, the Twelve had been unable to agree with the fifth preambular paragraph. They maintained their positive attitude to the work of the Ad Hoc Committee, however, and were content to see the draft resolution adopted.

9. Mr. HAREL (Israel) said that his delegation considered certain substantive provisions of the draft convention to be problematic, such as those included in the report of the Ad Hoc Committee (A/43/43). At an appropriate time, his delegation would explain its position in a more detailed manner.

10. Mr. BRING (Sweden), speaking on behalf of the Nordic countries, said that they had voted in favour of the draft resolution because they strongly condemned the activities of mercenaries and supported the work of the Ad Hoc Committee. At the same time, however, they were disappointed and concerned with developments in other forums. The overlapping between activities in the Economic and Social Council and the Third Committee on the one hand, and the Sixth Committee on the other hand, was unfortunate in itself and obviously also created a danger of conflict between those activities. In addition, the fifth preambular paragraph of the draft resolution was too far-reaching. The illegality of the recruitment, use, financing and training of mercenaries could not be established without taking into account the purposes which States sought to attain thereby. The Nordic States had therefore abstained in the vote on the fifth preambular paragraph.

11. Mr. ROSENSTOCK (United States of America) noted that significant progress had been made in the work of the Ad Hoc Committee on the basis of consensus. e regretted that some delegations had chosen to depart from that basis of consensus and alter the draft resolution under consideration. His delegation had voted against the fifth preambular paragraph because it did not contain an accurate statement of the law. It was exceedingly curious that the phrase "by States" had been added, in the light of the recent use of mercenaries in Maldives, Seychelles and Guinea, by the out-of-power party rather than by States. Moreover, in the fourth preambular paragraph, the phrase from the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations had been taken wholly out of context. In that Declaration, the phrase was an undeniably accurate formulation of the meaning of Article 2, paragraph 4 of the Charter, and was properly formulated in the context of Article 51 of the Charter and the inherent right of self-defence. A State under attack by another State could not be deprived of the ability to resist by the use of irregular forces or armed bands, including mercenaries. His delegation would continue to try to approach the work of the Ad Hoc Committee in a spirit of co-operation. However, it was more difficult to achieve progress in an exercise not launched on the basis of consensus.

12. Mr. TARUI (Japan) said that his delegation supported the content of the draft resolution in general. It had abstained in the vote, however, because it was not in a position to agree with the statements in the fifth preambular paragraph. His

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delegation also has serious reservations about the action taken by thr Third Committee without regard for the wishes of the Sixth Committee and thr Ad Hoc Committee, which could only have a negative impact on the Ad Hoc Committee'8 work.

13, The CHAIRMAN raid that Suriname would speak *on* behalf *of* the rponrorr of the draft resolution.

14, Mr. WERNERS (Suriname) said that the matter contained in the draft resolution was of great concern for many developing countries, including Suriname,

15, Mr. YIMER (Ethiopia), speaking *on a* point of order, raid that an explanation of vote by on8 of the sponsors of *a* draft rerolution was not allowed under the rule8 *of* procedure.

16. The CHAIRMAN raid it was hi8 understanding that the representative of Suriname was not speaking in rxplanation *of* vote.

17. Mr. WERNERS (Suriname) said that, a8 a msmbrr *of* the Ad Hoc Committee, Suriname had called *on* all peace-loving nations to rupport the Ad Hoc Committee in it8 endeavours *to* discharge it8 mandate a8 loon a8 possible. The international community in general, and thr developed countries in partiaular, had a moral obligation not to delay the conclusion *of* such a convention, The many meeting8 of the Ad Hoc Committee could be reen a8 the beginning of *an* international concerted action against the recruitment, use, finanaing and training of mercenaries. He expressed the hope that, at the next session *of* the General Assembly, 10 year8 after the inclusion of the item in the agenda, *the* final results of the Ad Hoc Committee's work would be seen.

18. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 133.

AQENDA ITEM 1361 DEVELOPMENT AND STRENQTHENINO OF GOOD-NEIGHBOURLINESS BETWEEN STATES (continued) (A/C.6/43/L.14/Rev.1, L.20)

19, Mr. LUKIANOVICH (Union *of* Soviet Socialist Republics), speaking in explanation of vote before the vote, said that hi8 delegation would vote against draft resolution A/C.6/43/L.14/Rev.1 becaue it contained nothing of substance but was rather a decision to defer th. matter until the forty-fifth session of the General Assembly, Because of a lack *of* willingness on the part of some delegations on the other side, no compromise solution had been found that would be acceptable *to* all parties concerned.

20, Mr. VOICU (Romania) raid that, despite hi8 delegation's efforts to reach a consensus, the sponsors *of* draft resolution A/C.6/43/L.14/Rev.1 had shown no flexibility. Although consensus was important, no country should be silenced fo. the sake of achieving it, The message of the draft resolution was simple: it8

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sponsors did not want to havr a rub-committoo on good-neighbourliness, not even in 1990. Suah a position was not in keeping with General Assembly rrrolution 39/78, adopted by consensus in 1984. Draft resolution A/C.6/43/L.14/Rev.1 contained a disturbing and negative message which was unambiguous. It could only he interpreted au the first stop towards the ● vontual removal of good-neighbourliness am an agenda item. For those reasons and many others, him delegation would vote against the draft rrrolution,

21 Mr. ROSENSTOCK (United States of America) said that tho remarks of the representative of Romania had been seriously misleading. The draft resolution did not prejudice the General Assembly's decision with regard to the procedural handling of the matter at the forty-fifth session. It did not contain a negative message, since it providrd for the reinclusion of the item,

22. His delegation would vote in favour of the draft resolution, although it had had grave reservations about its appropriateness to the Sixth Committee from the beginning, In deference to the views *of* its *proponenta,* it had kept an open mind, However, after several years of study, it had become clear that there was no legal content to the item. That inescapable conclusion, together with the breathtaking hypocrisy of the primary proponent of thr item, which had been mistreating ethnic groups in its own country to an astonishing extent in the part six months, led his delegation to vote in favour of draft resolution A/C.6/43/L.14/Rev.1 and against draft resolution A/C.6/43/L.20.

23, Mr. VOICU (Romania), speaking *on a* point of order, said that, out *of* respect for the Committee, he had not wanted to interrupt the representative of the United States, who had made gratuitous assertions which wore not well-grounded and had nothing to do with the matter under discussion. It was not appropriate to discuss Third Committee matters in the Sixth Committee.

24. Mr. KATEKA (United Republic of Taneania) raid that the previous speaker had failed to observe the rules of procedure, Moreover, the way in which the item under consideration had been dealt with was extremely disturbing. Even al though the United Republic of Tanzania had originally intended to vote in favour of draft resolution A/C.6/43/L.14/Rev.1, it would express its displeasure by not participating in the vote on that draft, The current situation regarding the draft and the so--called amendments thereto was very confusing, and it was unclear whether the Committee would vote on draft resolution A/C.6/43/L.20 if it had already adopted draft resolution A/C.6/43/L.14/Rev.1.

25. Mr. DELON (France) said that it was understandable that the representative *of* the United Republic of Taneania had taken the position just stated, Nevertheless, France intended to vote in favour of draft resolution A/C.6/43/L.14/Rev.1.

26. Mr. HOMOUD (Jordan) said that he wished to explain his delegation's position on both of the draft resolutiono before the Committee. The concept of good-neiqhbourlinerr was elusive and did not lend itself to detailed formulations. Moreover, it cut across a number of other legal concoptc that had born elaborated

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in a more substantive way and could yield clearer rights and obligations for States. Among such concaptr wan that of the fundamental rights and duties of States, as well as the oonooptr dealt with by the International Law Commiraion under the topics *of* the law of the noa-navigational uses of international watercourses and international liability for injurious conrrqurncer arising out of acts not prohibited by international law, Jordan would therefore abstain in the vote on draft resolution A/C.6/43/L.20. It would vote in favour of draft resolution A/C.6/43/L.14/Rev.1, subject to the reservation8 just entered, which applied in particular to the third *preambular* paragraph of that draft,

27. Draft resolution A/C.6/43/L.14/Rev.1 was adopted by 28 votes to 20, with 64 abstentions.

28. Mr. AL-SABEEH (Kuwait), speaking in explanation of vote after the vote, said that his delegation had abstained in thr vote on tho draft resolution just adopted because the draft. did not contain any reference to the preparation of an international instrument to strengthen good-neighbourliners,

29. Mr. KIRSCH (Canada) said that, under rule 131 of the rules of procedure, he wished to move that the Committee should not take a decision on draft resolution A/C.6/43/L.20.

30. Mr. VOICU (Romania) said that he strongly objected to the Canadian motion.

31. The Canadian motion was rejected by 88 votes to 23, with 11 abstentions.

32, Mr. AUST (United Kingdom) requested separate votes on the last preambular paragraph and paragraph 5 of draft resolution A/C.6/43/L.20.

33. The last preambular paragraph of draft resolution A/C.6/43/L.20 was adopted by 98 votes to 21, with 7 abstentions.

34. Paragraph 5 of draft resolution A/C.6/43/L.20 was adopted by 97 votes to 21, with 8 abstentions.

35. Draft resolution A/C.6/43/L.20 as a whole was adopted by 100 votes to 9, with 18 abstentions.

36. The. CHAIRMAN said that the Committee had thus completed its consideration of ogendn i tom 186.

AGENDA ITEM 137: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (continued) (A/43/26, A/43/215-S/19616, A/43/217-S/19623, A/43/273-S/19720, A/43/319-S/19806, A/43/393-6/19930, A/43/667-5/20212, A/43/709, A/43/716-S/20231, A/43/744-S/20238; A/C.6/43/3, A/C.6/43/6, A/C.6/43/L.23)

37. Mr. MOUSHOUTAS (Cyprus), speaking as Chairman of the Committee *on* Relations with the Host Country, introduced that Committee's report (A/43/26). In the reporting period, the Committoe had continued its efforts to resolve with ths

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United States various question8 of common interest and *concern* to thr United Nations diplomatic community *in* the hoet country, It had held nine meetings, *snd* its officers had met twice, The report, which followed the format of previous reports, consisted of a brief introduction, three further sections and an annex.

nO. The topics dealt with in the period under review were covered in section III, Tho Committee on Relations with the Host Country had, inter alia, continued consideration of questions relating to the security of missions and the safety of their personnel, and to the privileges and immunities *of* the United Nations and missions accredited to it. A considerable amount *of* time had been devoted to discussion of the travel restrictions imposed by the hoet country on the personnel of a number of missions and *on* Secretariat staff members *of* certain nationalities, One of the topics actively discussed had been the question of the issuance of entry visas by the host country.

39. The recommendations and conclusions approved by the Committee at its 134th meeting were set forth in section IV of the report, The Committee inter alia urged the host country to take all necessary measures in order to prevent any criminal acts, so as to ensure the normal functioning of all missions. In the light of its connidaration *of* the host country's travel regulations, it also urged the host country to continue to honour its obligations to facilitate the functioning of the United Nationn and the missions accredited to the United Nations. Furthermore, it reiterated its request to the parties concerned to hold consultations with a view to achieving solutions regarding the host country's request that the size *of* certain Member States' missions to the United Nations should be reduced and regarding action taken by the host country in that connection,

40. As in previous years, the list of documents issued in connection with and relating to the deliberations of the Committee was annexed to the report.

41, The Committee on Relations with the Host Country provided a necessary and useful forum for the exchange of views on questions *of* significant importance to the United Nations community. All its deliberations had been conducted in a business -like atmosphere and in a spirit of co-operation.

42, An addendum to the report would be issued to cover the 135th and 136th meetings, as well as the statement that he had made in his capacity as Chairman at the 136th meeting. In that. statement he had indicated that, at its 135th and 136th meetings, the Committee had heard statements by its members, observers for Member States, the Observer for the Palestine Liberation Organization (PLO) and the Legal Counsel of the United Nations concerning the determination by the Secretary of. State of t.he United States denying the visa application made by Mr. Yasser Arafat, Chairman of the PLO, in order to enable him to attend and participate in the forty-third session *of* the General Assembly. Taking into account the statements heard, in his capacity as Chairman of the Committee on Relations with the Host Country he had summed up in the following terms: (i) the vast majority of speakers had been of tha opinion that the denial or Mr. Arafat's visa application was a violation *of* United States obligations under

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the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. In that regard, those speakers had concurrod with the statements issued by thr Secretary-General and thr President of the General Assembly; (ii) the United States had rrtated its position that its actions were fully conriotent with the facts of the situation, with its obliqationr under the Headquarters Agreement and with existing practice; (iii) the vaxt majority of those who had rpoken had been of the opinion that thr hart aountry should be asked urgently to review and reverse the decision taken with respect to Mr, Arafat, so as to enable him to participate in the General Assembly debate as scheduled.

43, He wished to introduce draft rrrolution A/C.6/43/L.23 *on* thr report of thr Committee *on* Relations with the Host Country, which followed thr pattern of corresponding resolutions *in* previous years. He hoped that the Sixth Committee would be able to adopt it by consensus.

44, Mr. HAMMAD (United Arab Emirates) raid that ho wished to requert that the statement made by the Legal Counsel at the 136th meeting *of* the Committee on Relations with the Host Country, to which the Chairman of that Committee had just referred, rhould be issued in extenso.

45. Mr. ROSENSTOCK (United States of America) *said* that he by no means objected to the request just made by the representative of the United Arab Emirates. However, he wished to aek the Secretariat to look into the matter of the financial implications of the requert *before* the Committee took *a* decision.

46, Mr. KALINKIN (Secretary *of* the Committee) maid that he had been informed by the Office *of* Programme Planning, Budget and Finance that the financial implications would be approximately $5,200, which could be absorbed in the existing budget *of* the Department of Conference Services. Accordingly, the circulation of the statement in question in the xix official languages would not entail any additional cost to the United Nations,

47, The CHAIRMAN said that if he heard no objection he would take it that the Committee wished tha statement by the Legal Counsel to be circulated as a document *of* the Sixth Committee.

48. It was so decided.

49. Mr. AL-KHASAWNEH (Jordan) , introducing draft resolution A/C.6/43/L.25 on behalf of the members of the League of Arab States, announced that the sponeore had been joined by Brunei Darussalam, India, Indonesia, Malaysia, Yugoslavia, Zambia and Zimbabwe.

50. The draft resolution, after recalling the relevant legal instruments and the fact that the PLO had been invited by the General Assembly to participate in its work in the capacity *of* observer, affirmed, in the third preambular paragraph, the right of Member States and observers to designate freely the members of their

(Mr. Al-Khasawneh, Jordan)

delegations to the Assembly. That statement could arouse no misgivings. The fifth preambular paragraph conveyed the view of the sponsors that the decision of the host country to deny an entry visa to Mr, Yasser Arafat, Chairman of the Executive Committee of the PLO, was *in* violation of its international legal obligations and the sixth endorsed the opinion rendered by the Legal Counsel on the matter,

51. For the sake of greater logical coherence, paragraphs 2 and 3 of the draft reeolution ware to be transposed, Thus, new paragraph 2 would embody the reaction of the Qeneral Assembly to the establishment of a precedent that might affect any of its members. By now paragraph 3, the Assembly would consider that the decision by the Government of thr host country constituted a violation of its international legal obligations under the Headquarters Agreement,

52, Paragraph 4 conveyed the general feeling expressed in other committees in urging the host country to abide scrupulously by the provisions of the Agreement and to reconsider and reverse its decision.

53. In requreting the Secretary-Qeneral to submit *a* rrport on developments in the matter, paragraph 5 would allow the General Assembly to establish an appropriate date in December 1986 for the submission *of* that report.

54. The matter was one of extreme urgency, since, if the host country found it impossible to reconsider its decision, the Qeneral Assembly would have to adopt alternative measures in order to enable Mr, Arafat, at a historical moment, to contribute to breaking the long deadlock on the question of Palestine. That consideration required that the Committee should take aonrtruative action in order to enable the General Assembly to perform its functions quickly and effectively. It was to be hoped that, if the draft resolution was adopted by the Committee, it would be referred to the Qeneral Assembly with the greatest urgency.

55. Mr. ZAPOTOCKY (Czechoslovakia) paid tribute to the Chairman of the Committee on Relations with the Host Country for his skilful leadership of that Committee and his lucid introduction *of* its report.

56, The Committee on Relations with the Hoot Country had just faced the serious problem of the host country'8 denial of the visa application of Mr, Arafat. The statement regarding that issue made on 28 November 1988 by the Legal Counsel was clear and convincing, leading to the unambiguous conclusion that the host country had been and was under an obligation to grant the visa request of the Chairman of the PLO,

57, His delegation fully shared the Legal Counsel's view that Mr, Arafat's request fell under sections 11, 12 and 13 of the Headquarters Agreement, according to which invitees of the United Nations should not be impeded in their access to the Headquarters district. He also greatly appreciated the Counsel's legal analysis showing that the host country's decision was inconsistent even with its own relevant laws.

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58. His delegation could not accept the United States reference to the abstract concept of "national security" as a justification for that country's unwillingness to honour its international obligations, In general, his country was reluctant to accept the continuous attempts by the host country to call those international obligations into question, using the pretext of national interest. International law provided the only grounds for just solutions to problems of that nature, taking into account the interest of all parties concerned and that of the international community as a whole.

59. He rejected the attempt by the host country to use the alleged acquiescence of the United Nations and its Member States on similar occasions in the past as a justification for its action in the current matter, Such an argument was not valid with respect to the denial of visa applications or any other matter covered by the Headquarters Agreement and by other relevant international instruments,

60. His delegation fully supported the appeal made on 28 November by the Chairman of the Committee on Relations with the Host Country for the host aountry to reconsider its decision regarding Mr, Arafat's visa application and to proceed in strict observance of its international obligations.

61. His country reserved its right to sprak at a later time on specific chapters of the report of the Committee on Relations with the Host Country,

The meeting was suspended at 6.25 p.m. and resumed at 6.45 p.m.

62. The CHAIRMAN invited delegations to present their views on draft resolution A/C.6/43/L.25.

63. Mr. ROSENSTOCK (United States of America) ● mphasired that his delegation wished to have the opportunity to speak on the substance of the item under consideration, namely, the report of the Committee on Relationa with the Host Country, at the end of the debate on that item, If the Committee wae now turning its attention to draft resolutions A/C.6/43/L.23 and L.25, his delegation was prepared to participate . However, it felt that the most orderly procedure would bo to consider draft resolution A/C.6/43/L.23 first, since it had been available to delegations longer, and then take up the other draft resolution.

64. The CHAIRMAN said that the United States delegation would have the opportunity to speak at the end of the debate on the report of the Committee on Relations with the Host Country.

65. He recalled that the representative of Jordan had requested that draft resolution A/C.6/43/L.25 be considered first au a matter of priority.

66, Mr. ROSENSTOCK (United States of America) said that if the Committee was engaged in a debate on the substance of the report of the Committee on Relations with the Host Country, then it had not yet reached the stage at which it. could adopt draft resolutions on the item, Once the Committee had reached that stage,

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his delegation would not object to considering the draft resolutions in the order proposed by the raprerentative of Jordan.

67, The CHAIRMAN said that the subject dealt with in draft resolution A/C.6/43/L.25 fell within the context of the report of the Committee on Relations with the Host Country,

68. Mr. JESUS (Capo Verde) said that since the representative of Jordan had propored, and the Committee had agreed, to accord priority to draft resolution A/C.6/43/L.25, it should *now* proceed with the general debate on the item dealt with in that draft resolution, followed by consideration of the draft resolution itself, the vote thrreon and explanations of vote. The Committee could then turn its attention to the debate on the remainder of the report of the Committee on Relations with the Hort Country, and then to the remaining relevant draft resolutions,

69, The CHAIRMAN pointed out that once the Committee had agreed to accord priority to an issue, the Committee was required to proceed accordingly,

70. Mr. CASTROVIEJO (Spain) said that his delegation understood the desire of the sponsors of draft resolution A/C.6/43/L.25 to accord that document priority and saw merit in the propoeal by the representative of Cape Verde,

71. However, his delegation, which was a member of the Committee on Relations with the Host Country, recalled that the Chairman of that Committee had stated that the section of the Committee's report dealing with the issue covered *in* draft resolution A/C.6/43/L.25 was not yet available, Accordingly, his delegation felt that the Sixth Committee could not consider the draft resolution in question until it had before it the relevant section of the report of the Committee on Relations with the Host Country,

72, Mr. AL-KHASAWNEH (Jordan) insisted that a discussion in the Sixth Committee of draft resolution A/C.6/43/L.25 was not contingent on having the relevant part of the report of the Committee on Relations with the Host Country at hand, The draft resolution was not directly related to that section of the report, He reiterated his delegation's desire that the draft resolution should be conridered promptly,

73. Mr, OULD EL-GAOUTH (Mauritania) endorsed the remarks by the representative of Jordan.

74. Mr. HAMMAD (United Arab Emirates) said that his delegation too agreed with tha statement made by the representative of Jordan, It was time to take action on draft resolution A/C.6/43/L.25 without any further filibustering,

75, Mr. CASTROVIEJO (Spain) said that his delegation had no objection to considering draft resolution A/C.6/43/L.25 as long as it was not assumed that the Committee was examining the part of the report addressing that subject.

76, Mr. ROSENSTOCK (United States of America) raid his delegation regretted any suggestion that attempts were being made to filibuster or to delay matters. Those delegations which had aontributed to the debate, including his own and those of Spain and Cape Verde, had done so with the purpose of ● nruring orderly discussion of the important matter under aonrideration, *in* aacordanao with the Committee's normal careful way of working. His delegation had raised no objection to the reversal *of* the normal priority of aonrideration with rrrpect to draft rerolution A/C.6/43/L.23 and A/C.6/43/L.25. However, his delegation did *regret* that the excellent suggestion made by thr representative *of* Cape Verde had not boon followed, Furthermore, it rhould be borne in mind that the section of the report of the Committee on Relations with thr Hoat Country dealing with the matter ourrently under oonrideration war *not* yet available to the Sixth Committee,

77, His aountry hrd always taken seriously its responsibilities as hort aountry to the United Nation8 rnd would continua to do so. It had issued thousands of visas over the years to persons coming to the United Nations who othe:wise oould not, under United States laws, have entered the aountry,

78. His oountry acknowledged that the 1947 Hoadquarterr Agreement and the 1974 United Nations invitation to the PLO to participate as *an* obrerver at the General Assembly obligated it to accord entry, transit and residence to PLO observers. Accordingly, visa waivers had been issued as a routine matter to PLO members for official business at thr United Nations and a PLO observer mission had born operating at the United Nations since 1975, notwithstanding any policy differences between the United States and the PLO, His country had not and would not, deny a visa solely on the groundc of policy differences with an invitee of the United Nnt ions. It had therefore been acrupuloun in its respect for its obligations undar the Headquartera Agreement .

79, *On* rare occasions, his aountry had denied visa applications. Aside *from* existing specific provisions on the matter on which his country's acceptance of tho Headquarters Agreement had been conditioned, it was widely recognized that the United States, or any hoet aountry, hsd the right to protect its national security. Therefore, his country could not accept language suggesting that nny invitee had the right to vend whichever representative it chose, irrespective of the circumstances. Furthermore, United Nations practice confirmed that the hort country was not expected to accept entry *of* every individual to the Headquarters district, but retained the right to exclude entry of individuals in certain limited cases. That principle had been established as early as 1954, when the United States, with the acquiescence of the United Nations, had denied B visa to Mr, Erkandary, convicted of conspiring to kill tho Shah of Iran, The principle had also been confirmed in recent United Nations practice: the Organization had made no objections when it had been informed on several *occasions* in recent years that the United States would not accept the presence of individuals who had played a prominent role in the hortago incidents and other acts of aggression against United States citizens which were clear violations of international law.

80. In the case currently under consideration, his country had convincing evidence thet PLO elements had engaged in terrorism against United States citizens and

(Mr. Rosenstock, United States)

others, including a series of operations undertaken by thr Force 17 and Hawari organisations after the PLO hrd claimed to foreswear thr use of terrorism in the 1986 *Cairo* Declaration. As Chairman of the PLO, Mr, Arafat was responsible for the aationr of those organisations, which were units of Fatah, ☜■ ● lrmrnt of the PLO whioh wax under his control, Having found that Mr. *Arrfat* had known of, condoned and lent support to terrorism against itu citizens, the United States had aonaludad that ho war an accessory to such terrorism and hrd accordingly denied the visa.

81, That decision was consistent not *only* with the United States security reservation to the Headquarters Agreement, but rlro with thr right of the United States, confirmed by United Nationr practice, to exclude individuals responsible for terrorismorotheractsof● ♈♈❒❑❑❑☽❑■ againstUnitedStatescitizenswhich aonotitutrd clear violation@ of international law, Lastly, his Government believed that it had acted on the basis of established precedent in denying the visa to *Mr,* Arafat and it had granted visas to other members of the PLO, thur ● nruring that their views would be heard before the United Nations.

82. Mr. TERZI (Observer, Palestine Liberation Organisation) raid that *as* the United States representative had repeated the lengthy statement already made the previous day to the Committoo on Relations with the Host Country, the Legal Counsel rhould respond, just as he had after the first statement by thr Unitrd States representative.

83. The CHAIRMAN invited delegations to explain their voter brforr thr vote.

84, Sir Crispin TICKELL (United Kingdom), speaking *in* explanation *of* vote before the vote, said ho wished to make it clear that *in* the view *of* his Government, Mr, Arafat should have been allowed *to* come to United Nations Headquarters. That was a legal obligation of the United States. His delegation endorsed the opinion given on that matter by the *Legal* Counsel the previous day.

85. But just as the United States ahould show respect for the United Nations, the United Nations should show respect for the United States, and that mhould have born reflected in the language of draft resolution A/C.6/43/L.25. His delegation had taken the trouble to work out such language which, without affecting the substance of the draft, would have enabled the United Kingdom to vote for it, Unfortunately, the authors of the draft had not been reedy to accept the United Kingdom's suggestions, and his delegation would therefore abstain.

86. Mr. HAREL (Israel) said he wondered whether the Chairman was purposely omitting the word "distinguished" when referring to the Israeli delegation,

87. Since 1964, his Government had regarded the PLO as a terrorist organisation whose covenant and actions were in contradiction with the Charter of the United Nationc.

88. The CHAIRMAN asked the delegation of Israel not to engage in name-calling with regard to an organization having observer status in the United Nations.

89. Mr. HAREL (Israel), resuming his statement, said that his delegation was not engaging in name-calling, but was expressing the opinion of its Government, which regarded the PLO as a terrorist organization because of both its views and its actions. Israel had strongly objected to the granting of observer status to the PLO. The position of his Government had not changed, and, accordingly, his delegation would vote against draft resolution A/C.6/43/L.25.

90. Mr. GUPTA (India) said that his Government regretted the host country's decision to refuse a visa to Mr. Arafat, an action which violated its obligations under the Headquarters Agreement, as had been *confirmed* by the Legal Counsel. India urged the United States to reconsider its decision.

91. Mr. RIANOM (Indonesia) said that his delegation was dismayed by the United States decision to deny a visa to Mr. Arafat, Chairman of the PLO, the sole legitimate representative of the Palestinian people, who had been scheduled to address the General Assembly during its consideration of the question of Palestine. Indonesia concurred with the Secretary-General that that decision constituted a unilateral action incompatible with the obligation of the host country under the 1947 Headquarters Agreement and thus posed a serious challenge to the authority and credibility of the United Nations itself.

92. Coming as it did in the wake of the proclamation of an independent Palestinian State by the Palestine National Council and the sustained popular uprising in the territories illegally occupied by Israel since 1967, two events that Indonesia strongly supported, that decision could hardly contribute to a just and peaceful settlement of the Middle East conflict. Rather, it would only fur-her encourage Israeli intransigence on the convening of an International Peace Conference on the Middle East in conformity with General Assembly resolution 38/58 C and deepen the understandable frustration and resentment of the Palestinians, thereby exacerbating the crisis in the occupied territories and heightening tensions in the region as a whole.

93. There was still time for the United States to reconsider its position, which it could do by complying with the Headquarters Agreement, and particularly the provisions contained in section 11 prohibiting the host country from imposing any impediments on access to the United Nations for anyone invited by the Organization. It was with that objective in mind that Indonesia was co-sponsoring draft resolution A/C.6/42/L.25.

94. The CHAIRMAN invited the Committee to vote on draft resolution A/C.6/43/L.25, as orally revised.

95. Draft resolution A/C.6/43/L.25, as orally revised, was adopted by 121 votes to 2, with 1 abstention.

96. Mr. BOREHAM (Australia), speaking in explanation of vote after the vote, said that although his delegation had voted in favour of the draft resolution and agreed with the principles expressed in it, it would have preferred it if the word "Deplores" in paragraph 2 had been replaced by "Regrets". It also had reservations about the appropriateness of the language used in the fifth preambular paragraph and in paragraph 3 with regard to the interpretation of the Headquarters Agreement.

97, Mr. KIRSCH (Canada) said that his delegation hrd voted in favour of tho draft resolution in order to register its concern at thr decision taken by the hoot country, Canad 's first priority was to determine whether the United States would reconsider i' uecision.

98. His delegation had reservations concerning thr language ursd in the resolution, particularly in paragraphs 2 and 3, which aould have been formulated more constructively.

99. Ms. HIGGIE (New Zealand) oa'd thrt hrr delegation had voted in favour of the draft resolution, which embodied an important point of principle with regard to obligations undortaken under international law, But *hrr* delegation would have preferred the draft reaolution, and espe-ially paragraph 3, to be aouahrd in more moderate language,

100, Mr. SHIHABI (Suudi Arabia) said that thr draft resolution sent a clear message to the United States to reconsider its decision, and he hoped that that message would be taken to heart,

101. Mr. ROUCOUNAS (Greece), speaking on behalf of the 12 States members of the European Community, said thet the Twelve had noted with concern thr refusal *of* thr United States Government to grant a visa to *Mr,* Arafat. They believed that Mr, Arafat rhould be allowed to address the General Assembly in Now *York,* in accordance with the Headquarters Agreement and the opinion of the Legal Counsel. The Twelve were also firmly of the opinion that at the current critical stage of the situation regarding the Middle East, it was important not to hinder the United Nations from playing its role as a forum in which a leader of a party to the dispute could express his views. Moreover, the Twelve felt that it was necessary to maintain and encourage the momentum created by the recent decisions of the Palestine National Council, The Twelve called upon the United States Government to review the legal arguments and reconsider its decision.

The meeting rose at 8 p.m.