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Chairman : Mr. Manfred LACHS (Poland).

**Application of the Headquarters Agreement to representatives of non-governmental organizations (A/1926) (*continued*)**

[Item 59] \*

1. Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) recalled that it was resolution 413 C (XIII) of the Economic and Social Council which had requested the General Assembly to examine the question of the application of the Headquarters Agreement to representatives of non-governmental organizations. The Ukrainian delegation wished first to stress the rather surprising nature of the invitation thus addressed by the Economic and Social Council to the General Assembly. The United Nations had already been in existence for seven years and Article 71 of the Charter explicitly provided that the Economic and Social Council could make suitable arrangements for consultation with non-governmental organizations which were concerned with matters within its competence. During those seven years, in accordance with Article 71 of the Charter and with special decisions of various organs of the United Nations and in particular the Economic and Social Council, whereby certain organizations had been given consultative status, the non-governmental organizations had been consulted on matters which came within the competence of the Economic and Social Council. That practice had been reflected in a series of General Assembly and Economic and Social Council decisions. Thus, for seven years, the presence of representatives of non-governmental organizations at public meetings of the General Assembly and its Committees had never been questioned, which was in conformity with the legal arguments recently put forward.

2. The question arose now because in 1950 the United States Government had grossly violated the right of a representative of a non-governmental organization to attend the meetings of the General Assembly. The person involved was Mr. Fischer, representative of the World Federation of Trade Unions, who had gone to New York on 19 September 1950 to attend the fifth session of the General Assembly as an observer. Although he had had a visa in accordance with the regulations then in force in the United States, he had been

improperly detained by the American authorities for three days and had not been allowed to get in touch with the United Nations or with the World Federation of Trade Unions. He had been interrogated on his political convictions and invited to withdraw his application for the visa which he had already been granted. Finally, on 22 September 1950, he had been expelled from the country. That act by the United States Government was a violation of the Headquarters Agreement concluded on 26 June 1947 by the United Nations and the United States. It was well known that article IV, section 11, of the Agreement specified that the federal, state or local authorities of the United States should not impose any impediments to the transit of representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter. There had been sharp protests against that arbitrary act and the United States Government had tried in vain to justify it.

3. The representatives of the United States Government had alleged that the right of representatives of non-governmental organizations to attend the meetings of the General Assembly and its Committees had not so far been specifically formulated. That was, with certain variations of detail, the United States Government's argument. It was, of course, devoid of legal foundation and was simply an attempt to justify *ex post facto* the arbitrary action of the American police authorities, of which Mr. Fischer had been a victim. However, such arbitrary action was a violation of the most sacred human rights and had been committed against the representative of millions of workers from all countries. It could not be justified. The pseudo-legal arguments which had been put forward would not stand examination. They were contrary to the Charter and to the provisions of the Headquarters Agreement.

4. The United States representative had alleged that permission to enter the United States could only be accorded to the representatives of non-governmental organizations after an invitation from the General Assembly. The legal opinion given by the Secretary-General on that question<sup>1</sup>, however, recalled that resolu-

\* Indicates the item number on the General Assembly agenda.

<sup>1</sup> See *Official Records of the Economic and Social Council, resumed eleventh session, Annexes*, document E/L.123.

tion 288 (X) of the Economic and Social Council provided that the representatives of non-governmental organizations would be able to enter the United States at the request of the organizations concerned in order to attend the meetings. The Economic and Social Council's decision was perfectly justified and in conformity with Article 71 of the Charter, as well as with other decisions of the Economic and Social Council and the General Assembly, in which the United Nations had defined the meaning of "consultation" as used in Article 71 of the Charter. It also appeared from the Secretary-General's legal opinion that the attitude of the United States Government was contrary to article IV of the Headquarters Agreement.

5. Under United States pressure, however, the Economic and Social Council at its thirteenth session, instead of censuring the violation of the Agreement, had adopted resolution 413 C (XIII) calling upon the General Assembly to decide under what conditions the representatives of non-governmental organizations could attend the discussions of the General Assembly and its Committees. The Economic and Social Council had not, however, been able to pass over in silence the fact that in order to achieve the purposes for which consultative status had been established, it was important that the representatives of non-governmental organizations should be able to follow the discussions of the General Assembly, as was shown by the third paragraph of the preamble to resolution 413 C (XIII). To deprive those representatives of that right would be to deprive them of the right of any individual to attend the public meetings of the General Assembly and its Committees. It was pointless to have a special decision on the right, since it derived from Article 71 and from many decisions of the General Assembly and the Economic and Social Council and was in conformity with the practice so far adopted.

6. He could not therefore support the provision in the joint draft resolution submitted by France and Iran (A/C.6/L.227) which made the presence of the representatives of non-governmental organizations at the public meetings of the General Assembly subject to a decision of the Economic and Social Council or its Committee on Non-Governmental Organizations, thus implying that negative decisions could be taken. The only steps the General Assembly should take should be to guarantee the United Nations and the non-governmental organizations against further violations of the Headquarters Agreement by the United States Government.

7. In view of the foregoing he would vote in favour of the Polish amendment (A/C.6/L.229).

8. Mr. TARAZI (Syria) thought that the joint draft resolution and the Polish amendment were both valuable because they proposed a solution for difficulties which had occurred in the past and might arise again. He thought that the words "with its own objects" at the end of the joint draft resolution might be replaced by the words "with its purposes". It was important to make clear that the non-governmental organizations referred to in the resolution were those aim was to achieve the purposes set forth in Article 1 of the Charter. He supported paragraph 2 of the Polish amendment. If the amendment were not adopted, he intended to ask the representatives of France and Iran to accept the alteration he had just suggested.

9. Mr. DUPUY (France) thought the Committee should not look back to the past but prepare for the future.

He agreed with the Polish and Ukrainian representatives that everything possible must be done to avoid recurrence of the incidents which had occurred. He did not, however, entirely share the Polish representative's interpretation of Article 71 of the Charter, to mean that the Economic and Social Council had the duty and the right to organize consultation with non-governmental organizations, not only so far as the Council was concerned, but for all United Nations organs. That interpretation was too wide because, from the strictly legal point of view, Article 71 of the Charter did not impose upon the Economic and Social Council any obligations with regard to other United Nations organs such as the General Assembly. It was, however, advisable to interpret Article 71 widely enough to allow for full application of the arrangements for consultation in the future. It would be contrary to logic, common sense and even the spirit of the Charter, to say that non-governmental organizations could work only with the Economic and Social Council. Many of the questions studied by the Council were taken up by the General Assembly, and it was therefore logical that non-governmental organizations should be able to follow in the General Assembly questions they had followed in the Council.

10. The purpose of the joint resolution was to lay down a procedure for the presence of representatives of non-governmental organizations in the General Assembly, in conformity with the letter and spirit of the Charter and with the provisions of the Headquarters Agreement. The first paragraph laid down that principle, for it was not the Committee's business to question the provisions of the Headquarters Agreement. It would be wise to wait and see how the proposed arrangements would work, and the French delegation therefore could not accept the Polish amendment; in order to avoid certain difficulties the Committee should not run the risk of creating more. Moreover, the amendment confined itself to expressing a wish, whereas the Economic and Social Council resolution asked the General Assembly to establish the procedure to be followed in the matter. The joint draft resolution met that request by calling upon the Economic and Social Council to provide, for each session of the General Assembly, a list of the non-governmental organizations which might be interested in the questions on the agenda. The proposed procedure seemed logical, for the Economic and Social Council and its Committee on Non-Governmental Organizations were in a position to judge whether there was good reason for the organizations to attend the meetings.

11. In addition, two important facts must not be forgotten. In the first place, there were some 1,500 non-governmental organizations in contact with the various departments of the Secretariat and 214 of them had consultative status. Secondly, the Secretariat had acted very wisely in making it possible for non-governmental organizations to follow General Assembly proceedings. Thus, about 350 non-governmental organizations had been authorized to follow the discussions at the Assembly's sixth session.

12. It had been suggested that the end of the last sentence of the joint draft resolution might have a restrictive meaning not intended by its authors. Accordingly, in agreement with the representative of Iran, he would be prepared to accept the Syrian representative's amendment. He would even prefer to go further and replace the words "and to the study of which the organization has contributed in conformity with its own objects" by the words "and the organization concerned".

13. Mr. PETRZELKA (Czechoslovakia) recalled the terms of Economic and Social Council resolution 413 C (XIII) and observed that, whatever the bearing of that resolution, the Council could not ignore the provisions of the Charter, in particular Articles 62 and 71, which specified the extent of the rights of representatives of non-governmental organizations. That was why the Council, in resolution 288 (X), had had to state that all non-governmental organizations having consultative status were entitled to consult the relevant department of the Secretariat and to use the library and the Press documentation service, whether the Economic and Social Council was in session or not.

14. The question under discussion had been placed on the agenda of the General Assembly after the United States Government's refusal to admit the representative of the World Federation of Trade Unions, who had wanted to attend the fifth session. It was therefore a question of the interpretation of article IV, sections 11 and 13, of the Headquarters Agreement. Article IX, section 27, stated that the agreement should be construed in the light of its primary purpose, which was to enable the United Nations at its Headquarters, fully and efficiently to discharge its responsibilities and fulfil its purposes. Section 26 of the same article was also relevant. The Economic and Social Council, in resolution 288 (X), had laid down rules concerning the entry of representatives of non-governmental organizations into United Nations Headquarters territory, without relating the matter to the question of sessions of the Council. Such representatives accordingly had the right to enter whenever the Economic and Social Council deemed fit and also whenever the non-governmental organizations concerned thought it necessary, which was in accordance with General Assembly resolution 169 (II).

15. Article IV, Section 13 of the Agreement stated that the laws and regulations in force in the United States regarding the entry of aliens, should not be applied in such manner as to interfere with the privileges referred to in section 11. The fact of the Assembly being in session could not therefore constitute an obstacle to the rights of the representatives of non-governmental organizations, and there could not therefore be any difference between the treatment accorded to a non-governmental organization having its headquarters or a permanent representative in the United States and other non-governmental organizations.

16. In addition, according to rule 62 of the General Assembly's rules of procedure, meetings of the General Assembly and its committees were public. There was therefore nothing to prevent the representative of a non-governmental organization attending as a spectator. It was for the competent organ alone, and not for the United States Government, to decide whether such a representative should attend the meetings or not. That was how the Council's resolution 413 C (XIII) should be interpreted.

17. It was important for representatives of non-governmental organizations to be able to attend the meetings of the General Assembly, both because questions relating to the consultative arrangements for those organizations were considered at its meetings and because matters of concern to them might be discussed.

18. The United States Government must therefore not restrict the right of representatives of non-governmental organizations to enter the territory of the United Nations Headquarters in violation of the Headquarters Agreement. When the United States Government had pre-

vented the representative of the World Federation of Trade Unions from attending the fifth session of the General Assembly, it had arrogated a right which belonged exclusively to the relevant organ of the United Nations.

19. The creation of the World Federation of Trade Unions had resulted from the struggle of peoples against nazism and fascism. To-day its membership covered more than 80 million wage-earners and it was one of the basic organs fighting for peace. Its entire activities fell within the framework of the principles of the Charter. They were directed, *inter alia*, towards eradicating unemployment, developing world economy, safeguarding trade-union rights and effectively implementing land reform. Hence, its collaboration was valuable and members of the Committee must not allow its participation in the work of the United Nations to give rise to inadmissible political persecution.

20. The case of the representative of the World Federation of Trade Unions was not an isolated one. It was imperative for the United Nations to maintain its universal character and to arrange for any non-governmental organization whose collaboration would be fruitful to take part in its work, regardless of whether or not that body's activities were approved by the United States Government.

21. He would vote for the Polish amendment (A/C.6/L.229), which was such as to prevent any inadmissible hindrance of the work of the United Nations by the United States authorities.

22. Mr. MAJID ABBAS (Iraq) thought that a solution acceptable to the greatest number of delegations should be sought. He was prepared to vote for the joint draft resolution and also accepted paragraph 2 of the Polish amendment. He proposed that that paragraph should be added to the operative part of the joint draft resolution, instead of replacing it, so as to strengthen the safeguards for non-governmental organizations.

23. He could not, however, support paragraph 1 of the Polish amendment. He would ask for the two paragraphs of the amendment to be voted upon separately if the Polish representative was unable to agree to the deletion of paragraph 1.

24. Mr. BORATYNSKI (Poland), replying to the United States and French representatives, said that non-governmental organizations, whether national or international, must be accorded consultative status in order to collaborate with the United Nations. Participation in meetings of the General Assembly was essential to ensure such collaboration in accordance with the Charter. Hence the Headquarters Agreement should be interpreted in that sense. The sole requirement was therefore the granting of consultative status by the Economic and Social Council. That being so, it was surprising to make a specific invitation from a United Nations organ a second requirement, as the United States representative had done.

25. He was also surprised at the doubts expressed by the French representative about the Economic and Social Council's competence to lay down rules respecting the functions of non-governmental organizations and their right to attend meetings of the General Assembly and its Committees. There was no provision either in the Charter or in the Headquarters Agreement that could justify the arguments of the United States and French representatives. On the contrary, free access of representatives of non-governmental organizations to United Nations Headquarters was guaranteed by all previous

decisions on the point. Neither a special decision nor a specific invitation was needed. The granting of consultative status represented a permanent invitation according to representatives of the organizations the right to an entry visa into the United States whenever the organization deemed the attendance of its representatives at meetings of the General Assembly necessary. He was sure that the matter would be satisfactorily settled if the United States would apply the letter of the Headquarters Agreement.

26. Mr. DUPUY (France), replying to the Polish representative, said that the Economic and Social Council, under Article 71 of the Charter, could make suitable arrangements for consultation with non-governmental organizations on its own account, but not on behalf of other General Assembly organs.

27. He was ready to accept the Iraqi representative's proposal, provided that it was specified in paragraph 2 of the Polish amendment that the non-governmental organizations concerned were those referred to in the joint draft resolution, by inserting the word "such" before the words "non-governmental organizations". Moreover, the meaning of the word "facilitating" should be made clear. Subject to those two remarks, the French delegation could accept the Iraqi representative's proposal if it was also acceptable to the Iranian delegation.

28. Mr. FITZMAURICE (United Kingdom) felt it was somewhat discouraging to hear criticisms by the countries of the Soviet group in view of the difficulties likely to face representatives of non-governmental organizations wishing to enter their territories. He had not intended to speak, but it would appear that only representatives of Soviet countries were interested in the question, whereas the United Kingdom attached equally great importance to it.

29. There was no need for the Committee to make a detailed study of the affair that had given rise to the question, since it had been satisfactorily settled. He had no intention of interpreting Article 71 of the Charter or the various Articles of the Headquarters Agreement. In effect, the position was simple and would be satisfactorily settled for the future if the Committee adopted the joint draft resolution. The United States was apparently prepared to admit representatives of non-governmental organizations who were duly accredited by their organizations and by the Economic and Social Council. Their position was therefore the same as that of the members of national delegations to the United Nations.

30. The Ukrainian representative had said that any one was entitled to attend meetings of the General Assembly and its Committees. That was true, but only provided that the person in question was in the country where the General Assembly session was taking place. He considered that the operative part of the joint draft resolution provided an excellent solution to the matter. The Iraqi representative proposed that the second paragraph of the Polish amendment should be added to the operative part of the joint draft resolution. Without criticizing that paragraph, he thought it was superfluous; the word "facilitating" was not specific enough and would be open to too wide an interpretation. He would therefore vote against that amendment and in favour of the joint draft resolution as it stood.

31. Mr. BERNSTEIN (Chile) said that the Ukrainian representative's statement that the Economic and Social Council had adopted resolution 413 C (XIII) under United States pressure was unfounded; the United

States delegation had abstained in the vote on the draft resolution submitted by the French and Chilean delegations, in other words in the vote by which the Council had adopted the resolution.

32. He did not believe either that the Economic and Social Council could be criticized for having referred the question to the General Assembly on the ground that, by so doing, it had to some extent evaded its responsibility instead of itself taking a decision on the question. The issue was how non-governmental organizations with consultative status should be represented in the General Assembly and its Committees, and it was clear that the General Assembly would not have been bound by a decision of the Council on the matter. The attitude which the Economic and Social Council had adopted, for the reasons stated in the second paragraph of the preamble to resolution 413 C (XIII), was therefore entirely justified. Moreover, the Council had in no way evaded its responsibilities, for it had made its views clear in the second and third paragraphs of the preamble to the resolution, which recalled paragraph 40 (f) of Council resolution 288 (X) and said that in the Council's opinion the non-governmental organizations should be able to follow the discussions of the General Assembly and its Committees on questions which concerned them.

33. With regard to the joint draft resolution, he would have preferred the General Assembly to associate itself with resolution 413 C (XIII) instead of merely taking note of it. He would, however, agree to the words "Taking note", since the General Assembly in that way tacitly approved the provisions of the resolution.

34. He also thought that the phrase beginning with the words "and to the study of which the organization" should be deleted from the operative paragraph of the joint draft resolution; the words "and of the organization concerned", which the French representative proposed to substitute for that phrase, were also superfluous. It was clear that the Economic and Social Council and its Committee, on Non-Governmental Organizations, whose task it would be to request the non-governmental organizations to send representatives to the meetings of the General Assembly and its Committees, were perfectly well aware of the question and had no need of such a clarification, which might in fact lead to confusion.

35. In conclusion, he wished to ask the sponsors of the joint draft resolution two questions. First, did the word "representative", in the operative paragraph, mean that each non-governmental organization would be authorized to send only one representative? That seemed quite inadequate in the case of large organizations such as the World Federation of Trade Unions or the International Confederation of Free Trade Unions. Secondly, he wondered whether the NGO Committee really had the power to request the Secretary-General to make arrangements to enable the representative designated by any non-governmental organization to attend public meetings of the General Assembly.

36. Mr. MAJID ABBAS (Iraq) thanked the French representative for his goodwill in accepting his suggestion. The non-governmental organizations referred to in paragraph 2 of the Polish amendment were clearly those which qualified for such measures, that is, those which were covered by the operative paragraph of the joint draft resolution. If paragraph 2 of the Polish amendment were added to the joint draft resolution, as had been proposed, it was obvious that the final draft resolution would form a whole and that the last para-

graph of the operative part could not be interpreted in a way which ran counter to the first paragraph. In the circumstances, it seemed that the clarification suggested by the French representative had little point. Moreover, the purpose of including the paragraph in question would be to ensure that the representatives of an organization which was invited to attend the General Assembly's discussions on the ground that it fulfilled the prescribed conditions would encounter no difficulty in discharging their task.

37. In reply to the United Kingdom representative's remark that paragraph 2 of the Polish amendment would add nothing to the operative part of the joint draft resolution, he pointed out that the latter "authorized" the Secretary-General to make certain arrangements, whereas paragraph 2 of the Polish amendment "requested" him to continue to facilitate the transit of representatives of non-governmental organizations. There could be no doubt that there was a substantial difference between the two terms. Moreover, paragraph 2 of the Polish amendment requested the Secretary-General not simply to "make arrangements" but to "continue" to facilitate transit of such representatives: in other words, to comply with any requests he might receive from such representatives who still encountered difficulties after the necessary arrangements had been made.

38. Mr. BORATYNSKI (Poland) explained that his delegation's amendment should not be considered as a whole, but as two separate parts.

39. In order to allay the French representative's fears, he saw no objection to its being made clear in paragraph 2 of the amendment that the reference was to representatives of non-governmental organizations with consultative status.

40. Finally, in reply to the United Kingdom representative, he pointed out that there was no difficulty in understanding exactly what was meant by the expression "facilitating transit". It was common knowledge that the difficulties encountered by the representatives of non-governmental organizations had never been connected with questions of transport or of travel, but with that of obtaining an entry visa to the United States. It did not seem, therefore, as though that expression could give rise to different interpretations.

41. Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) said that he would insist on the legal aspect of the question. In voting for the joint draft resolution, delegations would be voting not in favour of maintaining the present procedure, which had been followed for a number of years, but in favour of altering it.

42. Under established practice, it was sufficient for a non-governmental organization with consultative status to express the wish to attend meetings of the General Assembly for its request to be immediately granted, in accordance with its irrefutable right. The question amounted, therefore, to issuing a kind of "*laissez-passer*" to the representatives of such an organization.

43. The proposal of the French and Iranian delegations was to discard the present procedure in favour of a new one, under which a non-governmental organization with consultative status could be authorized to attend the meetings of the General Assembly when a decision was taken to that effect, upon the request of the Economic and Social Council or its NGO Committee, and when—and only when—matters were being discussed which

had already been studied by the organization in question. With regard to the latter stipulation, it should be noted that the amendment proposed by the representative of France, to substitute the words "and of the organization concerned" for the last clause of the operative part of the joint draft resolution, was no improvement, since it amounted to saying the same thing in a different way. Inclusion of that stipulation would introduce an arbitrary factor, since it would always be simple to prove, as need required, that any question which was being discussed by the General Assembly did not concern a particular non-governmental organization.

44. The provision that representatives of non-governmental organizations would not be entitled to attend meetings of the General Assembly without an invitation issued at the request of the Economic and Social Council or of its NGO Committee was equally unacceptable. A condition of that kind would be a powerful weapon for the Council or the Committee, which would be able to exclude any organization which they did not desire to be present, in defiance of the Charter and the other relevant texts.

45. There was no question of granting privileges or special rights to the non-governmental organizations, but merely of issuing a pass to their representatives giving them the right of entry to the Assembly Hall and the Committee rooms. It had been rightly said that considering that the man in the street was entitled to attend public meetings of the General Assembly, representatives of non-governmental organizations should enjoy at least the same right. The argument put forward by the United Kingdom representative that that right was enjoyed only by nationals of the country in which the Assembly was meeting or by persons previously admitted to the country was not convincing. A country could not take advantage of the fact that an organization was situated in its territory arbitrarily to allow or forbid the entry of persons whose undisputed right it was to attend the public meetings of that organization.

46. In fact, as the Polish and Ukrainian representatives had already pointed out, the question was now before the Committee for the very reason that the United States had taken up that attitude in the case of Mr. Fischer, thereby violating the Headquarters Agreement. In order to justify its attitude, the United States delegation had elaborated a theory which was devoid of legal foundation. Moreover, even supposing, for the sake of argument, that the United States representative's views were of some value, the fact remained that on Mr. Fischer's arrival in the United States, his visa, which had been issued by the American authorities, had been perfectly in order. That being so, it was incomprehensible that those same authorities should have meted out to Mr. Fischer the kind of treatment usually reserved for bandits or criminals. If the United States representative had made some excuse, there might have been ground for believing that the United States Government was not responsible, but he had not done so. On the contrary, he had made some hypocritical allusions to the delicate position of the "host" country. The United States had apparently a strange notion of hospitality, in the light of the cases of Mr. Fischer and Miss Diaz and the attacks which had been made against a member of the Saudi Arabian delegation and three ladies belonging to the delegation of Pakistan, not to mention the attack on the building occupied by the USSR delegation. In view of those events it seemed

that the time had come when the United States Government's attention should be drawn to its obligation to respect its Agreement with the United Nations, so that further incidents of the same kind should not occur.

47. For the above reasons, the USSR delegation would vote for the Polish amendment.

48. Mr. ABDON (Iran) would not touch upon the political aspect of the question. Article 71 of the Charter could not, as the Polish representative had maintained, be interpreted as giving the Economic and Social Council the right to decide on the representation of non-governmental organizations at meetings of the General Assembly. Moreover, that interpretation was incompatible with Article 21 of the Charter, which said that the General Assembly should adopt its own rules of procedure. There was therefore no doubt that it was for the General Assembly itself to decide on the representation of non-governmental organizations at its meetings and those of its Committees.

49. The Iranian delegation accepted the addition of paragraph 2 of the Polish amendment to the joint draft resolution, subject to the insertion of the word "these" before "non-governmental organizations".

50. In reply to the Chilean representative's questions, he admitted that some non-governmental organizations might be authorized to send several representatives. Obviously, however, the number could not be unlimited and it would therefore be well to leave the decision as to the number to be allowed in each case to the Council and its NGO Committee.

51. He admitted that there was no theoretical basis for the argument that the NGO Committee was competent to request the Secretary-General to authorize a non-governmental organization to be represented at meetings of the General Assembly. However, the Economic and Social Council was not in session all the year round and no doubt it could easily in practice delegate its powers to the Committee.

52. He would prefer the words "and of the organization concerned" to be retained, so as to make it quite clear that the organizations with consultative status could be represented at meetings of the General Assembly only when questions of interest to them were being discussed. If, however, the majority voted in favour of the deletion of those words, he would not press for their retention, in order to obtain acceptance by the greatest possible number of delegations.

53. Mr. BARTOS (Yugoslavia) thought that the item before the Committee had important political implications, and should be dealt with in a liberal spirit. Some delegations were setting themselves up as the sole defenders of the non-governmental organizations, whereas that was the responsibility of all delegations.

54. He agreed with the representative of Chile that the words "Taking note" in the joint draft resolution (A/C.6/L.227) were too laconic, since in reality the point at issue was to give effect to resolution 413 C (XIII) of the Economic and Social Council. The right of representatives of non-governmental organizations to attend the General Assembly had been definitely laid down in article IV, section 11 of the Headquarters Agreement, and the United States Government had shown great tolerance in that regard. The joint draft resolution modified the decision taken by the General Assembly in approving the Headquarters Agreement, and did not give effect to resolution 413 C (XIII) of the Economic and Social Council. The draft resolution necessitated

a formal decision on the part of the Economic and Social Council or its NGO Committee. There was a list of non-governmental organizations with consultative status, and the General Assembly's agenda was known in advance. It could therefore be ascertained from those two documents what non-governmental organizations with consultative status were entitled to send representatives to the General Assembly, and it was therefore unnecessary to take a decision in each case.

55. The number of representatives which each non-governmental organization was authorized to send should not be limited to one, because that would prevent experts in different fields belonging to the same organization from attending debates connected with their particular fields. However valuable the records were, they could not replace attendance at the General Assembly and its Committees. The right to attend their meetings was an essential part of the consultative function of the non-governmental organizations.

56. He would therefore probably abstain from voting on the joint draft resolution, unless it was modified in such a way as to stress the fact that representatives of non-governmental organizations should be given free access to the proceedings of the General Assembly.

57. The Yugoslav delegation would be unable to vote for paragraph 1 of the Polish amendment since it referred only to the United States. The words "facilitating transit" in paragraph 2 of the amendment did not appear to be applicable to visas alone; in October 1946, when there had been a strike of air-line staffs, members of delegations and journalists accredited to the United Nations had been able to proceed to the session of the General Assembly in New York only thanks to the military aircraft placed at their disposal by the United States Government. Moreover, the paragraph made no reference to the question of allowing representatives of non-governmental organizations free access to the meetings of the General Assembly. The Yugoslav delegation would therefore not vote for the Polish amendment.

58. Mr. TATE (United States of America) said that the United States had never questioned the right of representatives of non-governmental organizations to attend meetings of the Economic and Social Council or to visit the United States once the necessary arrangements had been made by the General Assembly, the Secretary-General or the Economic and Social Council itself. He thanked the French representative for having urged members of the Committee to look to the future rather than to the past.

59. The United States delegation could not accept the Polish amendment, which would perpetuate the *statu quo*. Steps had been taken at every session of the General Assembly and of the Economic and Social Council to enable representatives of non-governmental organizations to attend the meetings of those organs.

60. With regard to the cases of Mr. Fischer and Miss Diaz, arrangements had been made too late for it to be possible to take the necessary action. On the other hand, a number of other persons had abused the permits they had received and had gone so far as to engage in espionage, as in the Gubichev case.

61. The joint draft resolution was satisfactory, and his delegation would vote for it. With regard to the question of how many representatives each organization could be allowed, he thought that the principle should be to allow only one, but that arrangements could be made to allow more than one if it was necessary.

Neither the Headquarters Agreement nor the United Nations Charter authorized members of non-governmental organizations to attend meetings of the General Assembly. He wondered what the USSR Government's attitude would be if a General Assembly were held in Moscow.

62. Mr. DUPUY (France) said that the only alteration that the French and Iranian delegations were making to the joint draft resolution was to replace the last clause in the operative paragraph, beginning "and to the study" by the words "and of the organization concerned".

63. The two delegations were prepared to accept the last paragraph of the Polish amendment if the words "representatives of non-governmental organizations" were replaced by the words "representatives of such non-governmental organizations". By so doing they wished to avoid limiting the right of representatives of non-governmental organizations to attend the discussions of the General Assembly, and they also wished to comply with the request made by the Economic and Social Council in resolution 413 C (XIII).

64. Mr P. D. MOROZOV (Union of Soviet Socialist Republics) said that in his statement the United States representative had expressed approval of his country's conduct in the Fischer case, although, as Mr. Fischer had held a visa in due form, that conduct was quite unjustifiable. The United States representative had referred to his country's hospitality, but Mr. Morozov did not consider that the ill-treatment to which the First Secretary of the Embassy, Mr. Polianski, had been subjected in New York was a proof of hospitality. He also recalled that Mr. Gubichev, Third Secretary of the Embassy, had been arrested illegally in consequence of what was really provocation by the police. Similarly, the staff of the United Nations had been accused of espionage and the Staff Committee had been obliged to protest against that accusation. During the trial of Mr. Gubichev it had appeared that the Federal Bureau of Investigation was in possession of a photograph which had been sent to it by the Department which was headed by Mr. Price, and that the telephone lines of some United Nations officials had been systematically tapped. Those were cases of flagrant breaches of the Headquarters Agreement.

65. He also recalled that the Secretariat had been obliged to protest against racial discrimination with regard

to housing and that the Ukrainian and Byelorussian representatives on the Commission on Human Rights had had to fill up questionnaires of a discriminatory nature before they could obtain visas. He could go on giving examples of that type indefinitely and he was amazed that, instead of acknowledging such misdeeds, the United States representative should claim that his country was very hospitable to the United Nations. He also asked why the United States of America had not yet ratified the Convention on Privileges and Immunities of the United Nations, and how that could be reconciled with the assertion relating to its so-called hospitality.

66. With regard to the question under consideration, it was his view that the United States was seeking to restrict the right of representatives of non-governmental organizations to what was nothing more than a *laissez-passer*. But that was an elementary right, provided for in Article 71 of the Charter and also in Economic and Social Council resolution 288 (X), to which neither the General Assembly nor the United States had objected.

67. A vote in favour of the joint draft resolution would be a vote in favour of restricting the rights of the non-governmental organizations. The USSR delegation would therefore vote against it, for its adoption would alter a procedure which had been established by the Economic and Social Council in full knowledge of the facts.

68. Mr. BARTOS (Yugoslavia) asked the United States representative whether the United States Government would authorize the entry into its territory of the representatives of non-governmental organizations who were invited by a body such as the Economic and Social Council or the General Assembly, the Secretary-General having been asked to take the necessary action in that respect. In the event of the United States representative's reply being in the negative, he was afraid that there was conflict between the statements of the United States representative and the provisions of the joint draft resolution.

69. Mr. TATE (United States of America) replied affirmatively to the Yugoslav representative's question.

The meeting rose at 6.40 p.m.