

United Nations
**GENERAL
ASSEMBLY**

TWENTY-SIXTH SESSION

Official Records



**SIXTH COMMITTEE, 1286th
MEETING**

Monday, 22 November 1971,
at 3.25 p.m.

NEW YORK

Chairman: Mr. Zenon ROSSIDES (Cyprus).

AGENDA ITEMS 99 AND 86

Security of missions accredited to the United Nations and safety of their personnel (continued) (A/8479, A/8493, A/8505, A/8522, A/C.6/409)

Status of the work of the Informal Joint Committee on Host Country Relations: report of the Secretary-General (continued) (A/8474)

1. Mr. BENITES (Ecuador) felt that the question of the security of missions accredited to the United Nations was primarily political and only secondarily a legal matter. The trouble was not any lack of international instruments relating to the subject, but the fact that the existing instruments were not being applied, and that a whole series of factors had to be considered in a political context. Proof enough of that was to be found in the comments made recently by the Vice-President of the United States, as reported in the press, to the effect that for 26 years the United Nations had been living at the expense of the American taxpayer. That offensive statement was also quite inaccurate, since, as another American politician had pointed out, if the amount of the contributions from the various States Members of the United Nations was compared with their *per capita* income, the United States held only the sixth position in respect of size of contribution. All the economic advantages of the presence of the United Nations in New York should also be borne in mind, as had been mentioned in an article in *The New York Times* of 22 November 1971.

2. Some people went so far as to say that the fact of having its Headquarters at New York made the United Nations, so to speak, a branch of the United States Government. The most outstanding example of that state of mind had been the indignation produced by the recognition of the People's Republic of China as the legitimate representative of China, even though that decision had in no way been a manoeuvre organized against the United States but the expression of the will of the States Members of the United Nations, which were all sovereign and equal.

3. It was a fact that New York was a very dangerous city, where crime was increasing much more than in other large cities; and it was intolerable that, as had happened the previous year, policemen should go on strike and demonstrate in uniform against the United Nations, asking not to be assigned to protect missions since they regarded themselves as exclusively at the service of the American taxpayer.

4. Noteworthy also was the lack of legal protection, as demonstrated in the attack near the Spanish Mission on the Ambassador of Spain who had not been subsequently told what action had been taken in connexion with the attack.

5. The Informal Joint Committee on Host Country Relations had the great disadvantage of being presided over by a United Nations official. His delegation thought that international civil servants in the Secretariat should not preside over any organ on which sovereign States were represented and whose work might be of a controversial nature. It was impossible to continue thinking in terms of that kind of organ if the problem of the safety of missions and their personnel was really to be dealt with. Rather, it was essential to establish an official body which could take effective and practical steps towards solving the problem flexibly but positively, which could prepare informative documentation for missions, and which would have no international civil servants from the Secretariat unless their presence was needed for administrative purposes. Such a body should be given a very specific mandate. Its first objective would of course be to keep in touch with the city authorities in order to study the whole range of measures which could effectively guarantee the safety of staff members of missions and their families. It should also study the problem of diplomatic immunities and privileges which were very often minimal, for example, in respect of the type of visa granted to mission personnel. It would also be desirable to review the provisions of the Agreement between the United Nations and the United States of America concerning the Headquarters of the United Nations¹ with particular reference to the principle of reciprocity; in Ecuador for example the police, and in some instances the armed forces, had intervened to ensure the safety of United States representatives, even when relations between the two countries were going through a difficult period. The proposed body should also make a full study, in collaboration with the United States authorities, to ascertain what was the real position of the United States Government on the question of retaining the Headquarters of the United Nations in New York.

6. The question of security arose even inside Headquarters. In that connexion his delegation paid a tribute to the courage of the United Nations security guards, who had to deal with difficult situations without being armed. Nevertheless, on some occasions the services responsible did not appear to take sufficient security measures, as had been demonstrated in recent incidents, for example where an outsider had attempted to speak in the General Assembly hall. A short time after that incident, missions had been informed by the Protocol and Liaison Section that only

¹ See General Assembly resolution 169 (II).

representatives and authorized members of the Secretariat would have access to the General Assembly hall. That meant restricting the number of persons with access to that hall to 10 persons per delegation, five representatives and five alternates, thus excluding spouses, which was completely absurd. The measure had been repealed a little later.

7. Clearly, in future, complimentary admission tickets should be granted only with the greatest of care, and closer co-operation between the city police and United Nations security guards would be most desirable.

8. He did not in any way question the good faith of the United States Mission to the United Nations in its attempt to find a solution to those various problems.

9. Mr. ALARCON QUESADA (Cuba) said that his delegation had opposed the allocation of the item on the security of missions accredited to the United Nations to the Sixth Committee, on the grounds that it was basically a political question and a serious one which urgently required a solution. Delegations should be guaranteed favourable conditions in which to carry out their duties. It would take too long to make a full list of the various crimes and offences of which diplomats accredited to the United Nations had been victims. His delegation agreed with the delegations of Iraq (1285th meeting) and the USSR (*ibid.*) that the responsibility for actions of a political nature committed against permanent missions lay with the authorities of the host country.

10. He listed the offences committed against the premises and personnel of the Cuban Mission since 1963, ranging from attacks with plastic explosives against the premises of the Mission to flagrant assassination attempts. He also described the action taken by the police and legal authorities of the city of New York in relation to those offences. Very little had in fact been done; the sentences had never exceeded 60 days imprisonment, persons recognized as guilty had been temporarily set free and those responsible for many of the attacks had never been found.

11. He reaffirmed that those problems arose from the fact that the United States authorities were protecting various political movements hostile to certain delegations and were unwilling to impose sanctions against persons known to be guilty. The only way to solve those problems was to transfer the Headquarters of the United Nations to another country which could provide conditions for permanent missions enabling them to carry out their work normally. The question of the security of missions and their personnel should be considered on a continuing basis by the General Assembly, which was competent to do so under Article 105, paragraph 3, of the Charter. An official permanent organ of the General Assembly should be established. Its members would be selected by the same criteria as those of other United Nations standing bodies; it would hold public meetings; its documents and the summary records of its meetings would be accessible to all; and its mandate would be regularly to consider the question of the security of missions and their personnel and to report to each session of the General Assembly.

12. Mr. DE PINIES (Spain) stressed the seriousness and complexity of the problem of safety of missions, particu-

larly in view of the climate of violence pervading New York at present and affecting all diplomatic missions. He himself had been the victim of an attack the previous year. In that connexion, his delegation thought it unfortunate that the documents on the various incidents and the complaints on them had not been made available to representatives.

13. In view of the seriousness of the acts committed, the indifference shown towards them was all the more striking. The host State merely acknowledged receipt of the complaints and promised to look into them. At the very least a written explanation was called for indicating the steps taken and the punishment meted out to the culprits.

14. His delegation had found it surprising that the agenda item under consideration should be referred to the Sixth Committee, which was made up mainly of representatives attending the General Assembly but not belonging to permanent missions, and hence unfamiliar with the facts of life in New York.

15. In spite of the assurances given by the Informal Joint Committee on Host Country Relations, New York did not offer the same safeguards as other large cities, and the security arrangements should therefore be improved. The United States Government had not ratified the Vienna Convention on Diplomatic Relations, but it had ratified the Headquarters Agreement granting accredited missions the same privileges and immunities as diplomatic personnel accredited to the United States Government. Hence the provisions in question should be respected. If it was true that the enormous size of New York made the application of the Agreement difficult, the inference to be drawn was that New York was not the appropriate site for the Headquarters of the United Nations.

16. In the course of the year, a request had been made in the Informal Joint Committee for a campaign to inform public opinion as to the difficulties encountered. But nothing had been done, indeed the Organization had been the victim of hostile campaigns.

17. What was needed therefore was an official committee which would hold public meetings, with full written records, and attended by representatives of the news media. His delegation would support any proposal in that direction.

18. The United States Government had recently proposed to Congress amendments to the United States Code with a view to increasing the protection of public servants and foreign officials. His delegation welcomed that move, and hoped it would help to improve the present situation. It must not be forgotten, however, that any improvement depended not only on the laws and those responsible for enforcing them. The people of New York too must realize that privileges and immunities were essential for a diplomatic community if it was to carry out its functions properly. After all, the American diplomatic missions demanded the same privileges in the countries to which they were accredited. Until such an attitude prevailed in New York, it would be difficult to remedy the present state of affairs, and in those circumstances, having regard also to the difficulty of enlarging the Headquarters premises in New York, it would be well to consider transferring the

Organization elsewhere, either to another country or 30 or 40 miles outside New York.

19. Mr. GONZALEZ LAPEYRE (Uruguay), referring first of all to the question of acts of terrorism committed against diplomatic personnel, said that his delegation subscribed to what had been said at the previous meeting by the Soviet Union representative. It was radically opposed to recourse to terrorism, whatever the motivation and objectives, and whoever the perpetrators. International law must penalize such criminal activities with exceptional severity, even where they claimed to be serving a just political or social cause. To condone terrorism, in whatever circumstances, amounted to legal sanction of the Machiavellian principle that the end justified the means, however inhuman and odious.

20. The physical protection of diplomatic missions and members of their personnel, one of the aspects of the inviolability granted to them under international law, placed on the host State the obligation to take adequate security measures to prevent attacks and aggression. The preventive measures taken should be reasonably proportionate to the foreseeable risks. However, in present circumstances it would appear that the measures taken had been inadequate to prevent acts of terror such as the recent attack on the Permanent Mission of the Soviet Union.

21. The legal protection of missions and their personnel was bound up with the serious attitude, in municipal law, towards crimes committed against the diplomats of foreign States. The criminal law of countries like Ecuador, Egypt, Poland and Cuba, was particularly severe in that respect. Uruguay had taken vigorous measures along those lines. For example, a Uruguayan student who in the course of a demonstration had insulted Mr. Dean Rusk during a visit to Montevideo had immediately been arrested and indicted, without any question of release on bail. He would have been sentenced to a minimum penalty of two years' imprisonment if the defence had not succeeded in proving that Mr. Dean Rusk was not travelling as an official representative of the United States. It was a well-known fact that the individual who had fired large calibre shots at the premises of the Soviet Mission, endangering the lives of several children, had been released provisionally immediately after his arrest in a surety of \$50,000. In the circumstances, it might be asked whether the bond demanded was an adequate guarantee of the safety of the members of the USSR delegation and their families. Without wishing in any way to challenge the competence and impartiality of the judiciary in the United States, he could not help but wonder whether the penal law in force in the host country met international standards in the matter of protection of diplomatic missions, and whether it was capable of preventing the political attacks of which certain diplomatic missions accredited to Washington or New York had recently been the victims. Fortunately the United States Government had realized the seriousness of the situation and had introduced a bill in Congress to amend section 18 of the current code.

22. His delegation was confident that it could appeal to the United States Government to take the necessary preventive and security measures to ensure the physical and

legal protection of the diplomatic missions accredited to the United Nations. It proposed that the records of the debate on the question be transmitted to the International Law Commission to be taken into account in drawing up the draft convention on the protection of diplomats which the General Assembly was to recommend it to formulate.

23. Mr. GRIGORYEV (Byelorussian Soviet Socialist Republic) said that the question under consideration was essentially a political one. The point was simply to ensure that the host State, in the present instance the United States, took adequate steps to ensure the application of rules of international law that had long been recognized. However, the question of the safety of missions and their personnel, which had for a long time been on the agenda of the Informal Joint Committee on Host Country Relations, was particularly urgent at the present time in view of the fact that for the last few years attacks against various missions, in particular those of the USSR, the Ukrainian SSR and Byelorussian SSR, had become more and more serious and frequent. Furthermore, the missions of a number of African countries and their personnel were discriminated against, and an increasing number of diplomats were attacked, threatened or robbed. Just recently, shots had been fired at the premises of missions and the private residences of permanent representatives. The facts had been communicated to the Secretary-General and to the Permanent Mission of the United States. His delegation considered such incidents to be part of a systematic campaign organized by certain extremist groups. The United States authorities made excuses, expressed regrets and promised to prosecute and chastise those responsible, but not a single one had been punished to date.

24. His delegation wondered whether the attacks in question should not be interpreted as a violent counterpart of the political struggle taking place in the United States. Any country whose views were unpopular in the United States ran the risk of being the victim of a similar campaign and seeing the diplomatic immunity of its representatives systematically violated. A panacea was offered in the form of the bill at present before the United States Congress, under which the federal authorities would be able to prosecute the perpetrators of crimes against diplomats. Actually, even if the bill were enacted, everything would depend on the goodwill of the federal and municipal authorities and the way in which they applied the rules in force. In his delegation's view, the United States Government was failing to meet its obligations under various international instruments such as the Vienna Convention on Diplomatic Relations, the Convention on the Privileges and Immunities of the United Nations, and General Assembly resolution 2747 (XXV). His delegation protested against the tendency of the United States authorities to put the representatives of States on the same footing as nationals, requiring them for example to have recourse to the local judicial authorities. The United States authorities did of course claim that they were doing their utmost to prevent acts of aggression against missions and their personnel, but in actual fact they had taken no effective measures in that direction, even though the extremist groups responsible for the attacks stated openly that their purpose was to upset relations between the United States and various other countries in the interests of a third State.

25. Referring to an article in *The New York Times* of 28 October 1970 which stated that a large number of people had been arrested either because they had committed offences or intended to commit them, he pointed out that with the considerable police and judicial resources at their disposal, the United States authorities should be able to take much more effective measures than they had done up to the present to ensure that the culprits were arrested and punished.

26. During the debate on the report of the International Law Commission, the majority of delegations had supported the Commission's view that the scope of the privileges and immunities accorded to members of permanent and observer missions accredited to international organizations should be extended.

27. His delegation considered that the Joint Committee had been right to give priority to the question of the security of missions and their personnel. If United Nations officials were given a status similar to that of diplomats, working conditions at Headquarters would undoubtedly be improved. The United States authorities should be required to put an end to the activities of extremist groups against the diplomatic community and to take the necessary steps to ensure that its members enjoyed normal working conditions.

28. Mr. BISHARA (Kuwait) said that it was not the intention of his delegation to make accusations against anybody; it wished merely to do all in its power to ensure that everyone could work in a climate of confidence and security. It was in that spirit that his delegation, along with others, had requested the inclusion of the present item in the agenda of the General Assembly. But since it believed that the question was a purely political one, it had opposed its allocation to the Sixth Committee.

29. The role of diplomats accredited to the United Nations was not to satisfy the political aspirations of certain organizations in the United States but, as the representatives of States, to defend the position of their Governments. Yet it was common knowledge that those organizations systematically harassed, threatened and attacked anyone whose policies and political conduct were unpalatable to them. In 1970, a bomb had exploded in the Kuwait mission, causing heavy damage, and quite recently shots had been fired at the Mission of the Soviet Union. The situation was clearly very serious, and effective measures had to be taken by the host country to ensure the protection of diplomats and United Nations officials. Indeed, that obligation was clearly set forth in section 16 (a) of the Headquarters Agreement and also in article 22, paragraph 2, of the Vienna Convention on Diplomatic Relations,² which the Government of the United States had incidentally not ratified.

30. The United States authorities had given their assurance that they would take all necessary steps to protect the premises of missions and to enable their staff to carry out

their duties without improper interference. His delegation had studied the text of the bill at present before the United States Congress; if the text was adopted, any offence against the person or property of members of permanent missions to the United Nations or against the property or premises of those missions would become a federal offence, and the federal authorities of the United States, jointly with the different states, would be competent to investigate and prosecute. His delegation hoped that the Sixth Committee would recommend to the General Assembly that it request the United States Government to spare no effort to ensure that the bill became law.

31. The measures taken by the New York municipal authorities in connexion with the long list of incidents which had befallen missions and members of their staffs had not been satisfactory. Mr. Kahane, the head of the Jewish Defense League, had openly stated that he intended to continue his organization's campaign of violence against the Soviet Union; yet he had received only a five-year suspended sentence and a \$5,000 fine. It was inconceivable that the local authorities should be so lenient towards someone whose violent intentions were well known. The United States Government must fulfil its obligations to States Members of the United Nations and their missions in New York.

32. The Informal Joint Committee on Host Country Relations should compile a list of violations of the rights of permanent missions and their staff; the list would then be referred to the United States delegation so that it could take the necessary steps to ensure that a full investigation was made of each incident and a report submitted to the Informal Joint Committee giving all particulars on those responsible for the incident and the penalty imposed. The Informal Joint Committee could then prepare an annual report on the subject, for submission to the General Assembly.

33. Mr. BAROODY (Saudi Arabia) considered that a plan must be drawn up for the final solution of the difficulties faced by the staff of diplomatic missions in New York. Drawing upon his long experience as a resident of New York, he emphasized how seriously living conditions in the town had deteriorated. In his view, the reasons for that deterioration were essentially administrative and political. The administration of the town was no longer under the control of those responsible for it.

34. He had been addressing himself to the subject for many years and now believed that the Organization would be well advised to decentralize and convene organs and committees dealing with topical political issues, such as the First Committee, the Special Political Committee, the Fourth Committee and the Security Council, outside New York. Such a measure would lead to economies, since the United Nations Development Programme and the United Nations International Children's Fund services could then be housed in the Secretariat building.

35. He wished to pay a tribute to the representatives of the host country to the United Nations, who had invariably shown understanding. He requested the United States representative to remind his Government that it was the duty of the federal authorities to ensure the protection of

² See United Nations Conference on Diplomatic Intercourse and Immunities, 1961, *Official Records*, vol. II (United Nations publication, Sales No.: 62.X.1) document A/CONF.20/13 and Corr.1, p. 82.

diplomats accredited to the United Nations and to request it to take the necessary measures to ensure that any act committed against the members of missions was severely punished.

36. Mr. BETTAUER (United States of America), speaking in exercise of the right of reply, said that he shared the very serious misgivings expressed by the various representatives who had spoken at the present meeting. The United States Government recognized its obligations and was sparing no effort, in collaboration with the local authorities of the city of New York, to carry them out. The United States delegation nevertheless wished to emphasize that the criticisms that had been made against the administration of the city of New York and its policies were neither justified nor appropriate. Moreover, the argument that the United States Government was allegedly encouraging the hostile attitude of certain groups towards the United Nations had

no basis in fact. On several occasions President Nixon had stated that his Government supported the world body, and the people of the United States as a whole were in favour of the Organization.

37. On 29 April 1970, the United States Government had ratified the Convention on the Privileges and Immunities of the United Nations. As for the shots which had recently been fired at the Mission of the Soviet Union, he wished to emphasize that while the person who had purchased the weapon from which the shots had been fired had been provisionally released on bond pending his trial, it had proved impossible to date to establish with certainty that the same person had in fact fired those shots.

38. He reserved the right to revert to the question later.

The meeting rose at 6.05 p.m.