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STATUS OF THE WORK OF THE INFORMAL JOINT COMMITTEE
ON HOST COUNTRY RELATIONS

Report of the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. Terms of reference	1 - 2	2
II. Composition	3	3
III. Procedures	4	4
IV. Organization of work	5 - 10	5 - 6
V. Protection of permanent missions and their staff	11 - 17	7 - 8
VI. Transportation	18 - 20	9
VII. Housing	21	10
VIII. Studies on privileges and immunities	22	11
IX. The public relations of the United Nations community in the host city	23	11
X. General remarks	24	11
Annex		
Membership, terms of reference and procedure		12

I. TERMS OF REFERENCE

1. In paragraph 2 of resolution 2747 (XXV) of 17 December 1970, the General Assembly requested the Secretary-General

"... to convene the Informal Joint Committee on Host Country Relations in January 1971 and thereafter as frequently as appropriate in order that it may be in a position to examine carefully the matters specified in its terms of reference 1/ and to seek solutions to problems which fall within the broad context of relations with the host country",

and in paragraph 5 the Assembly further requested him

"... in consultation with the Committee, to report in a comprehensive manner to the General Assembly at its twenty-sixth session on the status of the work of the Committee with particular reference to the extent to which the existing problems have been solved".

2. In paragraph 1 of the same resolution the General Assembly urged that the Government of the host country

"... make certain that the measures taken to ensure the protection and security of diplomatic missions and their diplomatic personnel are adequate to enable Permanent Missions to the United Nations to perform properly the functions entrusted to them by their Governments;"

and finally, in paragraph 3, the Assembly recommended that the Committee

"... undertake a systematic consideration of the implementation of the Convention on the Privileges and Immunities of the United Nations and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 2/ as well as conditions of life and obligations of members of Permanent Missions to the United Nations."

1/ Approved by the Committee at its 1st meeting, on 6 April 1966 (see the annex to the present report.

2/ General Assembly resolution 169 (II) of 31 October 1947.

II. COMPOSITION

3. During 1971, the Committee retained the tripartite composition which was originally agreed to in 1966 when the Committee was established. It consists of representatives of the permanent missions, of the host country and of the Secretariat. The representatives of permanent missions follow the distribution of members of the Security Council and are named by their respective geographic groups for a period of one year. In addition to the United States as host country and to the other permanent members of the Security Council, the membership for 1971 consists of the following permanent missions designated by the geographic groups: Bolivia, Bulgaria, Cameroon, Canada, Cyprus, Guyana, Iraq, Liberia, Libyan Arab Republic and Spain. In addition to the Secretary-General who is Chairman of the Committee, the Secretariat is represented by the Chef de Cabinet, the Legal Counsel and the Chief of Protocol. The Legal Counsel normally serves as Chairman when the Secretary-General is absent.

III. PROCEDURES

4. The representatives of the permanent missions which are members of the Committee report to their respective geographic groups on matters dealt with by the Committee. In turn they also inform the Committee of the reactions of their groups concerning these matters and of any topic suggested for discussion in the Committee by the various members of the groups. Permanent missions, non-members of the Committee, may bring questions to the attention of the Committee, through their representatives, or may submit proposals in writing to the Secretary-General for transmittal to the Committee.

IV. ORGANIZATION OF WORK

5. At the request of the Committee the Secretariat, on 18 February 1971, submitted a working paper giving a tentative listing of the issues to which the Committee had addressed itself in 1970 as well as the issues mentioned during the Committee's meetings on 19 and 29 January 1971, in order to assist the Committee in deciding on priorities and methods of work. The following issues were listed:

- (a) Protection of missions and diplomatic personnel;
- (b) Comparative studies of privileges and immunities;
- (c) Obligations of permanent missions and individuals protected by diplomatic immunity;
- (d) Exemption from taxes levied by other States than New York;
- (e) Possibility of establishing at United Nations Headquarters a commissary to assist diplomatic personnel as well as staff;
- (f) Housing for diplomatic personnel and for Secretariat staff;
- (g) Transportation;
- (h) Insurance;
- (i) The public relations of the United Nations community in the host city.

6. The Committee decided at its 16th meeting, on 23 February 1971, that the Chairman should establish a working group on organization of the Committee's work after informal consultations regarding the composition of such a working group. On 10 March 1971, representatives of Guyana, Iraq, Liberia, Spain, the United Kingdom, the Union of Soviet Socialist Republics and the United States met with the Legal Counsel. The invitations had been extended on behalf of the Secretary-General, taking into account the criteria of geographical balance and specific interest in the matters before the Committee.

7. The working group, at its meeting on 10 March 1971, noted that the aim of the Committee, as expressed in paragraph 2 of General Assembly resolution 2747 (XXV), was to seek solutions to problems which fall within the broad context of relations with the host country. It was therefore agreed that the Committee should organize its work in such a way as not only to give expression to the problems facing the United Nations community and the host country, but also to

achieve progress towards the practical solution of those problems. The working group further recommended that the Committee should consider establishing one or more small but representative working groups to study and report back to the Committee on parking facilities for diplomatic vehicles and on housing facilities for the personnel of the permanent missions and of the Secretariat. In view of the importance of the question of protection of permanent missions and their staff, the working group agreed that it should remain under continuous consideration by the Committee as a whole and that it should be a standing item on the Committee's agenda.

8. At its 17th meeting, on 31 March 1971, the Committee adopted the Chairman's suggestion that the Committee should appoint a working group to study and to report back to the Committee on the questions of parking facilities for diplomatic vehicles and housing facilities for the personnel of permanent missions and of the Secretariat; it was also decided that this working group would be composed of the same members as those which had attended the working group on the organization of work. At the same meeting, one representative stated that because of the importance his delegation attached to the Committee's work, the Committee should not be regarded as a small unofficial body, but should be granted official status as a United Nations organ.

9. During 1971 the Committee has held eight meetings, the most recent of which took place on 6 October. As far as possible, the Committee has met at least once every month. The working group on organization of work held one meeting. The working group on parking and housing facilities held two meetings and it submitted two interim reports, dated 14 May and 23 June 1971, to the Committee.

10. The meetings of the Committee have also been attended by Mrs. John L. Loeb, New York City Commissioner for the United Nations and for the Consular Corps. Mrs. Sarah Goddard Power, Executive Director of the Host Country Advisory Committee, and Miss Judy Schimel, Assistant Executive Director of that Committee, have attended the meetings of the Joint Committee and of the working group on housing and parking facilities. The Host Country Advisory Committee is chaired jointly by the Mayor of New York City and the Permanent Representative of the United States to the United Nations.

V. PROTECTION OF PERMANENT MISSIONS AND THEIR STAFF

11. By far the greater amount of the Committee's time has been taken up by its consideration of the question of the protection of permanent missions and their staff. ^{3/} In this connexion the Secretary-General received communications from a number of permanent missions to the United Nations. Communications from the following permanent missions were issued, at their request, as official documents of the Committee: the Byelorussian Soviet Socialist Republic, Iraq, Spain, Syria, the Union of Soviet Socialist Republics and the United States. The communications from the permanent missions other than that of the host country contained inquiries, complaints and protests concerning incidents which had taken place against either the permanent mission itself or against a mission within the same geographic group. At the meeting or meetings of the Committee following the circulation of such a communication, the representative of the host country informed the Committee in turn of the means at the disposal of, as well as of the measures already taken by, the appropriate authorities of the host country to deal with the problem in question.

12. A number of grievances were raised orally during the meetings of the Committee and considered in the course of these meetings.

13. The incidents complained of fell into several categories. Some complaints concerned thefts, burglaries or robberies to which diplomats or permanent missions had been subjected. Among the thefts was that of the official car of a permanent mission. One protest was directed against a serious assault committed against a Permanent Representative. There were many complaints about harassment in various forms against members of permanent missions, the Secretariat staff or their families. A further category consisted of threats of criminal acts against the premises of diplomatic missions, their personnel or members of the families; most often such threats were made anonymously by mail or over the telephone. In several cases threats were made to bomb or destroy the buildings of certain permanent missions or the cars with DPL licence plates belonging to the missions. Several cars were actually fire-bombed, and explosives and incendiary devices were found on the premises of the residence of a Permanent Representative; in one case a firebomb was thrown against the wall of a permanent mission. In a number of cases considered by the Committee, reference was made to certain associations and groups (in particular one radical zionist group) which, in spite of the generally hospitable attitude of the citizens of New York, appeared to have adopted policies deliberately designed to impede the work of various permanent missions. Individual members of these missions and their families had been persistently harassed when in the streets and, on occasion, threatened with violence, and demonstrations (sometimes prolonged over a number of days) had been organized near the missions concerned, so as to interfere with the safe and unimpeded conduct of official functions.

14. In response to the numerous complaints and protests which were made regarding these activities on the part of the groups in question, reassurances were given by the United States representative that the United States authorities would take all the necessary and legally appropriate measures to protect the premises of missions and to enable the staff concerned to carry out their duties without improper interference.

^{3/} A more detailed account of the views expressed by the representatives on this and other questions is found in the summary record (A/AC.146/SR.14-21).

15. Pursuant to a request made by the Committee, the Secretariat submitted a working paper, dated 16 March 1971, containing certain provisions of the United Nations Charter, the Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations and the Vienna Convention on Diplomatic Relations which are applicable to the missions and diplomatic personnel accredited to the United Nations.

16. The Commissioner of the New York City Police Department, the Honourable Patrick V. Murphy, was present at the 17th meeting of the Committee, on 31 March 1971. The Commissioner listened to statements by several members of the Committee and explained the serious efforts made by the City's police authorities to secure the safety and well-being of all diplomatic personnel and Secretariat staff in New York City.

17. By a letter dated 18 August 1971 the Permanent Representative of the United States informed the Secretary-General that the United States administration had proposed to the Congress the enactment of legislation "To amend title 18, United States Code, to provide for extended protection of public officials and foreign officials, and for other purposes". If enacted, this legislation will afford the United States federal authorities investigative and prosecutive jurisdiction (concurrent with that already possessed by individual states within the United States). This legislation would cover, among others, officers and employees at missions to the United Nations and at trade or commercial offices of foreign Governments, and foreign nationals employed by the Secretariat. The members familiarized themselves with the bill and expressed their satisfaction over the positive intent evinced on the part of the United States Government. At the same time some representatives emphasized that, regardless of the legislative process now initiated, the host country must ensure all the conditions necessary for the foreign missions and their personnel to carry out their official functions. Finally, some representatives expressed the hope that the provision of the Code of the District of Columbia, which makes it unlawful to congregate within 500 feet of the premises of buildings used by foreign Governments, should be included in the bill and implemented with regard to foreign missions in New York. The United States representative stated that, owing to the way in which the streets of New York were laid out and the greater density of population, the inclusion of a 500 feet prohibition had not been considered practical, and the bill therefore set a limit of 100 feet.

VI. TRANSPORTATION

18. The matters discussed under the heading of transportation concerned primarily the availability of parking spaces reserved for diplomatic vehicles and requirements in regard to the issuance of New York State drivers' licences. The representative of the host country informed the Committee that there were 282 parking spaces reserved for cars marked DPL and 150 spaces for cars marked FC, or a total of 432 spaces reserved in New York City. The number of DPL cars was 1,120, while there were 452 FC cars. He related the view of the administration of New York City that no further reservations could be made because of the very difficult traffic situation, particularly in the midtown area of Manhattan. Other representatives maintained that it was necessary to provide more reserved parking spaces. This point of view was supported by the Legal Counsel who called for an increase of about 100 additional parking spaces; such an increase would not add much to the already serious parking problem in Manhattan, but would go a long way towards solving the problem for diplomats. The representative of the host country recognized that a special problem existed at the Permanent Mission of the USSR, which had both a fire-station and a police-station in the same street almost facing the entrance to the mission. He therefore, at the 19th meeting of the Committee, reported that in order to assist the members of the Permanent Mission of the USSR, 10 spaces for DPL vehicles had been designated on Lexington Avenue between East 66th Street and East 67th Street.

19. A special problem was presented by the non-observance by other motorists of the reservations made for diplomatic vehicles. The representative of the host country said that the police would make greater efforts to enforce the diplomats' parking privileges.

20. Inquiries were made to the representative of the host country concerning New York State requirements with respect to drivers' licences. In response the representative of the host country stated that the Motor Vehicle and Traffic Law of the State of New York provided that individuals who are non-immigrants and who have not abandoned their residence outside the United States are not required to obtain a New York State driver's licence so long as they are in possession of a valid driver's licence from their own country. On the other hand, it was required that individuals who are citizens or permanent residents of the United States obtain New York State drivers' licences within 60 days of taking up residence in New York State. In a note verbale dated 19 July 1971, the United States Mission officially informed the United Nations Secretariat of this provision.

VII. HOUSING

21. For the discussion of the question of housing facilities for the personnel of permanent missions and Secretariat staff, the Mission of the host country submitted a working paper which gave a survey of the housing situation for the United Nations community in New York. The question was discussed mainly in the working group, which devoted most of its attention to the problem of availability of suitable housing at affordable rents. The representative of the host country expressed some optimism that the current shortage would be alleviated in the not too distant future as construction of new housing was expected to increase in Manhattan. It was generally felt that the Foundation for Improvement of Housing Arrangements for Official Foreign Personnel, Inc., had been of benefit to diplomatic tenants. Efforts are currently being made to extend the activities of the Foundation to members of the Secretariat staff. Among the other housing problems discussed were examples of racial discrimination, documentation of the high level of rents in the vicinity of United Nations Headquarters as well as the problems caused by the trend to convert apartments buildings into co-operatives.

VIII. STUDIES ON PRIVILEGES AND IMMUNITIES

22. The Committee has requested two comparative studies to be made on privileges and immunities. One study, to be prepared by the host country, will compare the privileges, immunities and status of diplomatic and non-diplomatic personnel of embassies accredited to the United States Government in Washington, D.C., with the situation obtaining for diplomatic and non-diplomatic personnel accredited to the United Nations in New York. It is contemplated that this study should, inter alia, analyse the changes that may have occurred by reason of accession by the United States to the Convention on Privileges and Immunities of the United Nations, as well as the privileges and immunities under the Vienna Convention on Diplomatic Relations. The other study, to be prepared by the Secretariat, will compare the privileges, immunities and status of diplomatic personnel and Secretariat staff at United Nations Headquarters with the situation obtaining for diplomatic personnel and Secretariat staff at other major duty stations, such as Geneva, Paris, London or Vienna. In preparation for the Secretariat study questionnaires have been sent to certain offices of the United Nations outside New York and to the specialized agencies concerned. The replies have been received and are being analysed.

IX. THE PUBLIC RELATIONS OF THE UNITED NATIONS COMMUNITY IN THE HOST CITY

23. Some delegations drew attention to the importance of the news media in maintaining good public relations for the United Nations community in New York City. They suggested that an informative campaign should be undertaken in order to increase the public's understanding of the need for special facilities for diplomats, as well as of the fact that privileges and immunities were granted on a reciprocal basis.

X. GENERAL REMARKS

24. Finally, the Secretary-General would like to inform the General Assembly that he considers that the Committee, with its informal tripartite character, has provided a useful forum for discussion of the different problems faced by the United Nations community in New York City. The problems confronting the Committee are not amenable to easy resolution, and it has not as yet proved possible to find solutions which could be regarded as satisfactory. Nevertheless, with the continued examination by the Committee of these problems and of other issues which the Committee has not yet studied in depth improvements may be expected.

ANNEX

MEMBERSHIP, TERMS OF REFERENCE AND PROCEDURES

approved by the Informal Joint Committee at
its 1st meeting, on 16 April 1966

I. Composition of the Committee

1. The Committee has a tripartite character being composed of representatives of the permanent missions, of the host country and of the Secretariat. For reasons of convenience the geographical distribution of representatives of the permanent missions will follow that of the Security Council. Representatives will be named by their respective geographical groups for a period of one year.

II. Terms of reference of the Committee

2. The Committee will serve as an informal deliberative body or organ of consultation, to help avoid or resolve problems relating to the status of representatives of Members of the United Nations through the exchange of views and the use of good offices. It will deal both with questions by members of missions relating to their privileges and immunities and with questions relating to obligations of members of missions, whether contractual or otherwise. While any problem within the broad context of host country relations may be brought before the Committee, it is not intended that the Committee will replace the present channels of direct contact between the permanent missions and the United States Mission in the handling of day-to-day problems. Wherever feasible particular cases will continue to be dealt with directly between the host country and the permanent mission concerned.

3. The work of the Committee will be in the context of the applicable Articles of the United Nations Charter, the Headquarters Agreement between the United Nations and the United States, general principles of international law and comity as well as relevant provisions of national law.

III. Procedures of the Committee

4. The Committee will meet regularly, perhaps once every three months, to review any matter which may have arisen, and also on special occasions, if necessary. Special meetings may be called by the Secretary-General on his own initiative or at the request either of a representative of the permanent missions or of the host Government. For purposes of co-ordination cases within the purview of the Committee should be reported to the Secretariat. Items for the consideration of the Committee may be submitted either by permanent missions, by the host country or by the Secretary-General.

5. Meetings of the Committee will be of an informal character. Brief minutes of the proceedings will be kept. a/

a/ General Assembly resolution 2747 (XXV) of 17 December 1970 authorized the Committee to maintain and circulate summary records of its proceedings.