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Agenda item 136

### REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

#### Report of the Sixth Committee

Rapporteur: Mr. Kenneth McKENZIE (Trinidad and Tobago)

#### I. INTRODUCTION

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the forty-second session of the General Assembly pursuant to paragraph 9 of resolution 41/82 of 3 December 1986.
2. At its 3rd plenary meeting, on 18 September 1987, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with this item, the Sixth Committee had before it the report of the Committee on Relations with the Host Country, 1/ which was introduced by the Chairman of that Committee at the 56th meeting, on 24 November 1987.
4. The Sixth Committee considered the item at its 56th, 61st and 62nd meetings, on 24 November, 9 and 11 December 1987. The summary records of those meetings (A/C.6/42/SR.56, 61 and 62) reflect the views of the representatives who spoke during the consideration of the item.

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1/ A/42/26 and Corr.1 to be issued as Official Records of the General Assembly, Forty-second Session, Supplement No. 26 (A/42/26).

## II. CONSIDERATION OF PROPOSALS

5. The Committee had before it draft resolution A/C.6/42/L.20, sponsored by Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, which read as follows:

"The General Assembly,

"Guided by the purposes and principles of the Charter of the United Nations and its relevant provisions,

"Guided also by the Headquarters Agreement of 26 June 1947,

"Taking note of the report of the Committee on Relations with the Host Country,

"Having been apprised of the action being taken by one of the branches of the Government of the United States of America implying, inter alia, impediment of the discharge of official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York,

"Recalling its resolution 3237 (XXIX) of 22 November 1974, in which inter alia it invited the Palestine Liberation Organization, the representative of the Palestinian people, 'to participate in the sessions and the work of the General Assembly',

"Recalling also its resolution 3375 (XXX) of 10 November 1975, in which inter alia it called for 'the invitation of the Palestine Liberation Organization, the representative of the Palestinian people, to participate in all efforts, deliberation and conferences on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties, on the basis of resolution 3236 (XXIX)',

"Taking note with appreciation of the Secretary-General's position on the Observer Mission of the Palestine Liberation Organization of 22 October 1987, which reads as follows: 'The members of the Palestine Liberation Organization Observer Mission are, by virtue of resolution 3237 (XXIX), invitees to the United Nations. As such, they are covered by sections 11, 12 and 13 of the Headquarters Agreement of 26 June 1947. There is therefore a treaty obligation on the host country to permit Palestine Liberation Organization Observer Mission personnel to enter and remain in the United States to carry out their official functions at United Nations Headquarters',

"Taking note with appreciation of the statement issued on 5 November 1987 by the President of the General Assembly at its forty-second session in which he stated inter alia that 'resolution 3237 (XXIX) and the relevant paragraphs of the Headquarters Agreement concluded between the United States and the

United Nations in 1947 are binding obligations under international law, which have to be adhered to',

"1. Considers that the action being taken by the Government of the United States of America is not consistent with the purposes and principles of the Charter of the United Nations and constitutes a violation of the Headquarters Agreement;

"2. Determines that the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York is covered by the provisions of the Headquarters Agreement and consequently should be enabled to establish and maintain premises, headquarters, etc., and that the personnel of the Mission should be enabled to enter and remain in the United States to carry out their official functions;

"3. Requests the Government of the United States, the host country, to abide by its treaty obligations under the United Nations Headquarters Agreement;

"4. Also requests the Government of the United States, the host country, to refrain from taking any action that will hinder the discharge of the official functions of the Palestine Liberation Organization Observer Mission to the United Nations;

"5. Requests the Secretary-General to take the appropriate measures to ensure full respect for the Headquarters Agreement and to report immediately to the General Assembly any further developments in this respect;

"6. Decides to keep this matter under constant review."

6. Draft resolution A/C.6/42/L.20 was subsequently revised. The revised draft resolution, A/C.6/42/L.20/Rev.1, sponsored by the same Member States, read as follows:

"The General Assembly,

"Guided by the purposes and principles of the Charter of the United Nations and its relevant provisions,

"Guided also by the Headquarters Agreement of 26 June 1947, 2/

"Taking note of the report of the Committee on Relations with the Host Country, 3/

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2/ Resolution 169 (II).

3/ Official Records of the General Assembly, Forty-second Session, Supplement No. 26 (A/42/26).

"Having been apprised of the action being considered by the host country, the United States of America, implying, inter alia, impediment of the discharge of official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York,

"Recalling its resolutions 3237 (XXIX) of 22 November 1974 and 3375 (XXX) of 10 November 1975,

"Taking note with appreciation of the Secretary-General's position on the Observer Mission of the Palestine Liberation Organization of 22 October 1987, which reads as follows: 'The members of the Palestine Liberation Organization Observer Mission are, by virtue of resolution 3237 (XXIX), invitees to the United Nations. As such, they are covered by sections 11, 12 and 13 of the Headquarters Agreement of 26 June 1947. There is therefore a treaty obligation on the host country to permit Palestine Liberation Organization Observer Mission personnel to enter and remain in the United States to carry out their official functions at United Nations Headquarters',

"Taking note with appreciation of the statement issued on 5 November 1987 by the President of the General Assembly at its forty-second session in which he stated, inter alia, that 'resolution 3237 (XXIX) and the relevant paragraphs of the Headquarters Agreement concluded between the United States and the United Nations in 1947 are binding obligations under international law, which have to be adhered to',

"1. Reiterates that the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York is covered by the provisions of the Headquarters Agreement and thus should be enabled to establish and maintain premises, headquarters, etc., and that the personnel of the Mission should be enabled to enter and remain in the United States to carry out their official functions;

"2. Considers that any action which would prevent or impede the Permanent Observer Mission of the Palestine Liberation Organization from carrying out its official functions at the United Nations Headquarters would constitute a violation of the Headquarters Agreement;

"3. Requests the Government of the United States, the host country, to refrain from taking any action that would hinder or impede the discharge of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations;

"4. Requests the Secretary-General to take the appropriate measures to ensure full respect for the Headquarters Agreement and to report to the General Assembly on any further developments in this respect;

"5. Decides to reconvene to consider taking appropriate action, in the event the Government of the United States, the host country, takes any action which would impede or prevent the Permanent Observer Mission of the Palestine

Liberation Organization from carrying out its official functions at United Nations Headquarters or establishing the adequate facilities for carrying out such functions."

7. Draft resolution A/C.6/42/L.20/Rev.1 was further revised and circulated as document A/C.6/42/L.20/Rev.2.

8. At the 61st meeting, on 9 December, the representative of Cyprus introduced draft resolution A/C.6/42/L.23, sponsored by that delegation.

9. At the 62nd meeting, on 11 December, the Committee adopted draft resolution A/C.6/42/L.23 without a vote (see para. 14, draft resolution A).

10. At the same meeting, the representative of Zimbabwe introduced draft resolution A/C.6/42/L.20/Rev.2, sponsored by Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Cuba, Democratic Yemen, Djibouti, Ghana, India, Indonesia, Iraq, Jordan, Kuwait, the Lao People's Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Morocco, Nicaragua, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, the Sudan, Suriname, the Syrian Arab Republic, Tunisia, the Ukrainian Soviet Socialist Republic, the United Arab Emirates, Viet Nam, Yemen, Yugoslavia and Zimbabwe, later joined by the German Democratic Republic and Uganda.

11. At the same meeting, the Committee adopted draft resolution A/C.6/42/L.20/Rev.2 by a recorded vote of 100 to 1 (see para. 14, draft resolution B). The voting was as follows: 4/

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Singapore, Spain, Sudan, Suriname,

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4/ The representatives of Qatar, Saudi Arabia, Czechoslovakia, Guinea, Democratic Yemen, Malta, Senegal, Mauritania, Colombia, Kenya, Niger and Yemen made statements indicating that had they been present during the voting they would have voted in favour of the draft resolution (see A/C.6/42/SR.62). Subsequently, the representatives of Ethiopia, Iraq and Sri Lanka indicated to the Secretariat that had they been present they would also have voted in favour of the draft resolution.

Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: None.

12. The representatives of Israel, Denmark (on behalf of the twelve States Members of the European Community), the United States of America, Canada and the Union of Soviet Socialist Republics made statements in explanation of position (see A/C.6/42/SR.62).

13. The Chairman of the Sixth Committee made a statement in which he informed the Committee that, with reference to operative paragraph 4 of draft resolution A/C.6/42/L.20/Rev.2, the Sixth Committee would remain seized of the matter dealt with in the resolution.

### III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### Report of the Committee on Relations with the Host Country

##### A

#### The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 5/

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations 6/ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 7/

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5/ A/42/26 and Corr.1.

6/ Resolution 22 A (I).

7/ Resolution 169 (II).

Recalling further that the problems related to the privileges and immunities of all missions accredited to the United Nations, the security of the missions and the safety of their personnel are of great importance and concern to Member States, as well as the primary responsibility of the host country,

Noting with deep concern the continued acts violating the security and the safety of the personnel of the missions accredited to the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Considering further the issues raised by certain States Members of the United Nations in response to the request and to action by the host country to reduce the size of their missions,

Conscious of the increased interest shown by Member States in participating in the work of the Committee,

1. Endorses the recommendations of the Committee on Relations with the Host Country contained in paragraph 81 of its report; 5/

2. Strongly condemns any criminal acts violating the security of missions accredited to the United Nations and the safety of their personnel;

3. Urges the host country to take all necessary measures to continue to prevent criminal acts, including harassment and violations of the security of missions and the safety of their personnel or infringements of the inviolability of their property, in order to ensure the existence and functioning of all missions, including practicable measures to prohibit illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts and activities against the security and safety of such missions and representatives;

4. Renews its request to the host country and the Member States that raised the issues in response to the request and to action by the host country to reduce the size of their missions to follow consultations with a view to reaching solutions to this matter, in accordance with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

5. Stresses the importance of a positive perception of the work of the United Nations, expresses concern about a negative public image and, therefore, urges that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security;

6. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country and to continue to stress the importance of effective measures to avoid acts of terrorism, violence and harassment against the missions and their personnel, as well as the need for any pertinent legislation adopted by the host country to be in accord with the Agreement and its other relevant obligations;

7. Decides to consider at its forty-third session the question of the composition of the Committee on Relations with the Host Country;

8. Requests the Committee on Relations with the Host Country to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

9. Decides to include in the provisional agenda of its forty-third session the item entitled "Report of the Committee on Relations with the Host Country".

B

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and its relevant provisions,

Guided also by the Headquarters Agreement of 26 June 1947, 1/

Taking note of the report of the Committee on Relations with the Host Country, 5/

Having been apprised of the action being considered in the host country, the United States of America, which might impede the maintenance of facilities of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York, which enables it to discharge its official functions,

Recalling its resolutions 3237 (XXIX) of 22 November 1974 and 3375 (XXX) of 10 November 1975,

Taking note with appreciation of the Secretary-General's position on the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations on 22 October 1987, which reads: "The members of the Palestine Liberation Organization Observer Mission are, by virtue of resolution 3237 (XXIX), invitees to the United Nations. As such, they are covered by sections 11, 12 and 13 of the Headquarters Agreement of 26 June 1947. There is therefore a treaty obligation on the host country to permit Palestine Liberation Organization Observer Mission personnel to enter and remain in the United States to carry out their official functions at United Nations Headquarters",



1. Reiterates that the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York is covered by the provisions of the Headquarters Agreement and should be enabled to establish and maintain premises and adequate functional facilities, and that the personnel of the Mission should be enabled to enter and remain in the United States to carry out their official functions;
  2. Requests the host country to abide by its treaty obligations under the United Nations Headquarters Agreement and in this connection to refrain from taking any action that would prevent the discharge of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations;
  3. Requests the Secretary-General to take effective measures to ensure full respect for the Headquarters Agreement and to report, without delay, to the General Assembly on any further development in this matter;
  4. Decides to keep this matter under active review.
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