



**SUMMARY RECORD OF THE 56th MEETING**

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

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**A/C.6/42/SR.56**  
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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 129: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)  
(A/C.6/42/L.5)

1. Mr. KATFA (Lebanon) said that, had his delegation been present during the voting on draft resolution A/C.6/42/L.5 at the previous meeting, it would have voted in favour.

AGENDA ITEM 139: DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (A/C.6/42/L.12, L.19)

2. Mr. TREVISI (Italy), Chairman-Rapporteur of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, introduced the Working Group's report (A/C.6/42/L.12). Unfortunately, the Working Group had been unable to submit a final draft to the Sixth Committee, because it needed to complete consideration of outstanding questions and to address some problems of a general nature.

3. The Working Group had first of all considered principles in respect of which alternatives or expressions had been left between square brackets. It had also considered principles requiring some modifications in order to conform to the definitions adopted in 1986 and included in the article on the use of terms. Changes had been made in principles 8 to 12, 14 to 18, 23, 29, 30 and 32. Extensive changes had been made in some principles, particularly principles 14 and 16. The Working Group had thus dealt with all the outstanding problems relating to the principles.

4. The Group had embarked on consideration of some questions of a more general nature that had, in part, arisen as a result of issues raised in a resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The expression "judicial and other authorities", which - together with similar expressions - occurred in many principles, had been considered too vague. A proposal put forward by the Netherlands for defining the expression "judicial or other authority" had been adopted as a working hypothesis, and consequential changes had been made in the relevant principles. The problem had arisen as to whether the proposed definition was adequate in respect of the use of the expression "judicial or other authority" in principle 29, paragraph 1, and principle 32, which corresponded to paragraphs 4 and 3, respectively, of article 9 of the International Covenant on Civil and Political Rights. While it had not been possible to reach agreement on the use of those expressions in the principles in question, agreement had been reached on the introduction of a new final principle, according to which "nothing in the present Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights". Moreover, the qualification that the "other authority" was one "empowered to exercise judicial functions" had been left between square brackets in the definition of "a judicial or other authority".

(Mr. Treves, Italy)

5. The definitions of "arrest", "detained person" and "imprisoned person" had been considered, also in the light of a proposal put forward by the Netherlands. It had been decided that the definitions of "detained person" and "imprisoned person" should be retained, and that the words inside square brackets should be eliminated from those definitions. While it had been agreed that "arrest" meant "the act of apprehending a person", some members of the Working Group had wished to specify that such apprehension was "for the alleged commission of an offence", and others had expressed a preference for specifying that such apprehension was "under the authority of the law or by any compulsion by any authority". Both formulations had been retained as alternatives. The views expressed in the debate had indicated that the definition of "arrest" was not a decisive element for the delimitation of the scope of the draft Body of Principles.

6. Although there were still outstanding problems, the level of agreement already reached represented very important progress. There were also a number of potential problems - including, perhaps, those concerning the provisions on habeas corpus. Any such problems would have to be considered before the text was "polished". He appealed to delegations to exercise the utmost restraint in reopening questions on which there was provisional agreement. If they needed to do so at all, they should raise such issues at the 1st meeting of the working group established at the forty-third session of the General Assembly. The original draft Body of Principles had been adopted by the Sub-Commission in September 1978, and it would therefore be appropriate for the work on the draft to be concluded 10 years later.

7. Mr. BROWN (Australia) said that the provisional adoption of 39 principles without any square brackets was a major step towards the completion of the important tasks assigned to the Working Group. In co-operation with the competent local authorities, his Government was drawing up minimum standard guidelines for corrections in Australia. It wished to see emerge from the General Assembly a body of principles that reinforced existing international standards for the treatment of persons in detention or imprisonment. Although the outcome in respect of a number of principles had not been altogether desirable, Australia welcomed the new principle 39.

8. There were three matters that needed to be settled at the next session of the General Assembly. One related to the definition of "arrest". The change made in the definition at the forty-first session had had the effect of narrowing the scope of the draft Body of Principles to persons detained on a criminal charge. Persons detained without charge or trial were no longer covered. Australia would prefer a broader definition of "arrest", preferably one that covered persons held in "preventive detention" or interned or otherwise detained without charge, in ordinary times or in times of emergency. It therefore supported retention of the words now appearing in square brackets in the definition of the term "arrest". In that connection, it welcomed the introduction of a new provision on the scope of the draft Body of Principles. If agreement could not be reached on the definition of "arrest", perhaps the definition could be deleted altogether.

(Mr. Brown, Australia)

9. The second matter on which his delegation would like to see progress related to the definition of "a judicial or other authority". It was essential that there should be a definition of that term in the draft in order to ensure independence and impartiality on the part of the authority concerned. That would go some way towards bringing the principles into line with the provisions of article 9, paragraph 4, of the International Covenant on Civil and Political Rights.

10. The third matter that should be settled related to the elimination of sexist language, which could be achieved with minimum drafting skill. In that connection, Australia wished to refer to the commitment made by the Chairman-Rapporteur of the Working Group concerning the preparation by the Secretariat of a paper outlining what changes would have to be made in order to eliminate sexist language.

11. Mr. VOICU (Romania) drew attention to paragraphs 65 to 79 of the report (A/C.6/42/L.12), for the benefit of those delegations which had been unable to take part in all of the Working Group's meetings.

12. Mr. NORDBACK (Sweden), introducing draft decision A/C.6/42/L.19, said that, in scrutinizing the results achieved so far by the Working Group, delegations had become aware of the risk that the draft Body of Principles would not constitute real progress in the field of human rights, but could be perceived as a watering-down of existing human-rights standards. In Sweden's view, all parties would benefit from a period of reflection. The final round of deliberations should take place at the forty-third session of the General Assembly. The working group established at that session should start its work as early as possible, so that it could conclude its task at an early stage of the session. Sweden hoped that the draft decision before the Committee could be adopted without a vote.

13. Mr. VOICU (Romania), without putting forward a direct suggestion to that effect, said that he wondered whether it might not have been appropriate to pay tribute to the efforts of the Working Group's Chairman-Rapporteur in paragraph (a) of the draft decision. With regard to paragraph (b), he suggested that the words "during the first week of" at the beginning of the second line should be replaced by the word "at", and that the words "early during that session" at the end of the fourth line should be replaced by the words "at the earliest possible date". Such a wording would be more in keeping with texts usually adopted by the Committee and would, in his view, facilitate the adoption of the draft decision by consensus.

14. Mr. NORDBACK (Sweden) said that he would be happy to add some words of appreciation of the Chairman-Rapporteur's work in paragraph (a). So far as paragraph (b) was concerned, he believed that delegations which had taken a particular interest in the work of the Working Group felt strongly about the need to make a very early start at the next session. He therefore could not accept the suggestion in respect of the second line of the paragraph. However, in a spirit of compromise, he would agree to the suggestion relating to the fourth line.

15. Mr. TREVES (Italy) said that it would be inappropriate to express appreciation of the Chairman-Rapporteur's efforts before the Working Group completed its work. With regard to paragraph (b), he strongly endorsed the Swedish representative's views.
16. Mr. WULFFTEN PALTHE (Netherlands) expressed support for the current wording of paragraph (b).
17. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that the Working Group was not the Committee's only subsidiary organ, and its work schedule should not be drawn up in such a way as to interfere with progress in other bodies. Sponsors of draft decisions should, as a general rule, consult the largest possible number of delegations from different groups, with a view to seeking consensus. His delegation, no less than any other, wished to see the completion of the draft Body of Principles at the next session. However, the use of the word "early" in the last line of paragraph (b) was subjective and open to different interpretations. He therefore proposed its deletion.
18. Mr. CALERO RODRIGUES (Brazil) said that the point made by the Soviet representative was valid. As for the second line of the paragraph, he suggested that the words "during the first week" should be replaced by the words "at the beginning".
19. After a brief discussion in which Mr. QADER (Bangladesh) and Mr. VOICU (Romania) took part. Mr. NORDBACK (Sweden) said that he accepted the suggestions made by the Soviet and Brazilian representatives.
20. Draft decision A/C.6/42/L.19, as orally amended, was adopted.

AGENDA ITEM 136: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY  
(A/42/26; A/C.6/42/L.20)

21. Mr. MOUSHOUTAS (Cyprus), Chairman of the Committee on Relations with the Host Country, introduced the report of that Committee (A/42/26). During the reporting period, January to November 1987, the Committee had continued consideration of questions relating in particular to the security of missions and the safety of their personnel, as well as to the privileges and immunities of the United Nations and the missions accredited to it. A considerable amount of time had been devoted to discussion of the request made and action taken by the host country regarding the reduction in staff of the Permanent Missions of the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic to the United Nations. In one of its recommendations, the Committee had renewed its request to the parties concerned to hold consultations with a view to reaching solutions to that problem, in accordance with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (Headquarters Agreement).
22. The Committee on Relations with the Host Country provided a necessary and useful forum for consideration of questions of importance to the United Nations community, and its deliberations had been conducted in a business-like atmosphere.

23. Mr. OMAR (Libyan Arab Jamahiriya) said that his delegation had carefully studied the report of the Committee on Relations with the Host Country (A/42/26). Referring to paragraphs 46 to 54 of the report, he expressed deep concern concerning the amendment to the State Department authorization bill which would render it unlawful for the Palestine Liberation Organization (PLO) to establish and maintain office premises or other facilities in New York. Closing the PLO Mission would set a grave precedent and would not be consistent with the host country's obligations under the Headquarters Agreement.
24. Referring to paragraph 60 regarding delays in granting visas for several representatives of his country, he stated that such actions had occurred repeatedly in recent years; it had not been until mid-October that all the representatives of his country had finally been able to join the delegation to the forty-second session of the General Assembly. His delegation hoped that the necessary steps would be taken to ensure the prompt issuance of visas.
25. Furthermore, his delegation hoped that an end would be put to the discriminatory treatment to which his mission was subjected in the host country, as exemplified in the travel restrictions placed on members of his delegation, confining them to the five boroughs of New York City. Press reports that the United States legislative branch was considering additional restrictive measures with respect to the staff of a number of countries, as described in paragraph 53, added to his delegation's concern. If the situation continued to deteriorate, it would be necessary for the Committee on Relations with the Host Country to submit constructive proposals to the General Assembly in order to resolve the issue.
26. His country had a long-standing problem with the host country concerning restrictions imposed by the authorities of the host country on official Libyan use of the residence of the Head of the Libyan Mission in Englewood, New Jersey. The authorities used the pretext that permission had been requested on too short notice and that the residence was not to be used more than twice a month. The Secretary-General and the Legal Counsel had exerted the utmost effort to find an acceptable solution to the problem, but to no avail.
27. On 19 November 1987, his Mission had addressed a letter to the Secretary-General giving the background of the unequal treatment to which it had been subjected, and formally requesting the implementation of the provisions of the Headquarters Agreement concerning recourse to international arbitration. His Mission had further requested that that letter should be circulated, together with related correspondence from 1984 to the present, under item 136. His delegation had exhausted all possible means in its attempt to resolve the problem and had announced its willingness to open a direct dialogue. Because such efforts had not succeeded, there had been no choice but to request international arbitration. Nevertheless, there still remained the possibility of achieving an acceptable solution through negotiations.
28. Mr. BYKOV (Union of Soviet Socialist Republics) said that his Government attached considerable importance to the tasks of the Committee on Relations with the Host Country and did everything possible to assist its work. Experience showed

(Mr. Bykov, USSR)

that many of the problems before that Committee were the result of the host country's failure to fulfil the relevant international obligations. In that connection, reference should be made to United States legislation concerning missions of foreign States, restrictions placed on members of the United Nations Secretariat and other unlawful and discriminatory measures undertaken in violation of obligations under the Charter and the Headquarters Agreement. Unfortunately, instead of diminishing with time, the number of such problems was increasing. As would be seen from the report in document A/42/26, during the past year the positive changes that might have been hoped for had failed to materialize and the situation had actually deteriorated. The Committee on Relations with the Host Country had been obliged to devote much of its time to the problem generated by the United States Administration's unlawful insistence on reducing the staff of the Missions of the USSR, the Ukrainian SSR and the Byelorussian SSR to the United Nations in violation of the terms of the Headquarters Agreement. Such actions were in line with the current United States policy of undermining the activities of the United Nations, hampering its efforts to develop relations of peace and international co-operation, and creating artificial obstacles to the work of missions accredited to the Organization. Discussions in the Committee had once again convincingly demonstrated the completely unfounded and legally unsound nature of the United States pretension to determine, on a purely unilateral basis, the size of missions to the United Nations. They had also confirmed that infringements of the rights of the three previously mentioned Missions touched upon the rights and interests of the Organization as a whole and of the totality of its Member States.

29. The Soviet Union had repeatedly informed the host country and the Committee on Relations with the Host Country of its readiness, in accordance with operative paragraph 4 of General Assembly resolution 41/82, to engage in consultations with the host country, possibly with the participation of the Secretary-General or his representative, with a view to arriving at a mutually acceptable settlement of the problem. Such consultations could have helped to identify genuine difficulties as opposed to artificially created ones and would have provided an opportunity for mature consideration of all sides of the question. The host country, however, had steadily declined to take part in such consultations. It evidently failed to realize that missions of States Members of the United Nations were accredited to the Organization and not to the United States Government. The arbitrary criterion of the size and activities of the United States Mission to the United Nations could not serve as a basis for determining those of other missions. Neither the Charter of the United Nations nor the Headquarters Agreement contained any such criterion, and attempts to impose it were inconsistent with the letter and spirit of those international instruments. The Soviet Union continued to expect the United States to manifest its respect for the General Assembly resolution and its spirit of co-operation by coming to the negotiating table in order to work out a mutually acceptable solution.

30. During the past year the Soviet delegation had been repeatedly obliged to draw the attention of the host country and of the Committee on Relations with the Host Country to the problem of the security of missions and the creation of normal

(Mr. Bykov, USSR)

conditions for their functioning and for the lives of their staffs. The Soviet Mission and its staff continued to be the target of hostile actions, threats and ruffianly behaviour. In addition, cases of attempts to exert pressure on individual Soviet citizens on the staff of the United Nations Secretariat had been reported to the Secretary-General. It was to be hoped that the host country's authorities would take steps without further delay to guarantee the security of missions and to provide their staffs, as well as all members of the United Nations Secretariat, with normal living and working conditions.

31. In conclusion, he said that the Soviet delegation shared the deep concern expressed in the Committee on Relations with the Host Country over unlawful actions directed against the Observer Mission of the Palestine Liberation Organization to the United Nations in violation of the Headquarters Agreement and the Charter of the United Nations. It was to be hoped that the Administration of the host country would take all necessary steps to prevent a situation which would be inconsistent with its international obligations.

32. Mr. KULOV (Bulgaria) expressed his delegation's gratitude to the New York City Commissioner for the United Nations and Consular Corps for her valuable co-operation in addressing a number of important problems facing the diplomatic community in New York.

33. Bulgaria attached particular importance to the questions on which the report (A/42/2 focused, and was concerned that, in spite of the host country's efforts, there had been a number of acts against the security of missions and the safety of their personnel. It was confident that the host country would adopt in the future all the necessary measures to prevent and eliminate any infringements of the security of missions and their personnel, as well as to ensure their safety, in the future. The mass media had a definite role to play in that respect, by highlighting in a positive way the work of the States Members of the United Nations. Unfortunately, as was stated in paragraph 78 of the report, "the mass media tended to highlight negative and marginal matters and to ignore the many positive influences on cultural and economic life and the human enrichment which resulted from the presence of the United Nations and a large diplomatic community in New York".

34. In 1987, his delegation had raised, in the Committee on Relations with the Host Country, the question of revoking the restrictions imposed upon the personnel of a number of missions accredited to the United Nations, including the Permanent Mission of Bulgaria. His Government's position on that issue was set forth in paragraph 45 of the report. The host country's measures curbing the freedom of movement of the members of the Bulgarian Mission to the United Nations were illegal, totally unprovoked, unilateral and discriminatory, and thus contrary to the spirit and letter of the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. While the host country had exempted the Permanent Representative and the Chargé d'affaires of the Bulgarian Mission from the measures in question, those measures still applied to the rest of the Mission's personnel. Bulgaria strongly urged the host country to revoke the measures in the near future.



(Mr. Kulov, Bulgaria)

35. His delegation noted with regret press reports to the effect that the United States Congress had been considering additional restrictive measures with respect to the members of the diplomatic missions of a number of countries, including Bulgaria. Such measures would constitute a further blatant violation of the obligations undertaken by the host country under the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. Bulgaria was convinced that the host country would do its utmost to avoid such an outcome, thus complying with the recommendation made by the Committee on Relations with the Host Country in paragraph 83 (5) of the report.

36. Lastly, he wished to draw attention to a correction to paragraph 54 of the report, which should read:

"The Chairman, in summing up, stated that the general opinion of the members of the Committee was that the position taken by the United States Executive Branch through none other than the Secretary of State was the one that governed the issue under consideration."

37. Mr. SOKOLOVSKIY (Byelorussian Soviet Socialist Republic) said that the report of the Committee on Relations with the Host Country (A/42/26) showed that its agenda was replete with problems requiring prompt action. Almost a year had passed since the adoption of General Assembly resolution 41/82, but no tangible progress had been made on its implementation, notably with regard to its urgent request to the host country to take all necessary measures without delay to prevent criminal acts against the missions and representatives of Member States. The efforts undertaken by the police in that connection were manifestly inadequate, and the staff of certain missions were constant targets of hostile activities and threats of physical violence. Hooligan mobs continued to assemble outside missions, including his own, yelling unprintable abuse, insults and threats at those who worked in the missions and members of their families. His delegation hoped that the host country would take the necessary measures to strengthen the security and protection of missions and their staff and families without further delay, by prosecuting and severely punishing individuals and groups guilty of criminal acts.

38. The host country's demand for a reduction in the numbers of staff at the missions of several States, including his own, was a matter of grave concern. Discussion of the question had shown that the host country's unilateral and arbitrary rulings on the numbers of staff in missions to the United Nations did not conform with international law. The Secretary-General had unambiguously described the host country's demands as not in keeping with the provisions of the Headquarters Agreement. General Assembly resolution 41/82 had urged the host country and the Member States concerned to consult with a view to reaching mutually acceptable solutions to the problem, but the host country was stubbornly refusing to do so.

39. The numerous actions taken by the host country against the missions of several Member States not only were directed against those States, but also damaged the normal functioning of the whole Organization. The mass media had a significant

(Mr. Sokolovskiy, Byelorussian SSR)

role to play in creating a favourable climate for the normal functioning of missions to the United Nations. It was all the more unjustifiable, therefore, to use newspapers and television to incite a negative public attitude towards mission staff in the city where the Headquarters was located. His delegation supported the recommendation of the Committee on Relations with the Host Country regarding the promotion of public awareness, by all available means, of the important role played by the United Nations and the missions accredited to it in the strengthening of international peace and security. His delegation also supported the Committee's other recommendations, and hoped that it would continue its useful work to solve the many problems confronting missions to the United Nations.

40. Mr. GOERNER (German Democratic Republic) said that the report of the Committee on Relations with the Host Country (A/42/26) illustrated the manifold activities of the Committee in connection with the security and normal functioning of permanent missions to the United Nations. His delegation was gratified to note that it had been possible to resolve some of the questions that had arisen, especially with regard to tax deductions. At the same time, many very serious problems remained, including the discriminatory measures practised by the authorities of the host country since January 1986 in restricting the freedom of travel and movement of the personnel of selected missions of socialist countries, including his own, and the unlawful demand by the host country that the personnel of the Permanent Missions of the Soviet Union, the Byelorussian SSR and the Ukrainian SSR should be reduced. His delegation again called for the immediate revocation of those measures.

41. Recent debates and decisions in the United States Senate showed, however, that efforts were being made to tighten further the discriminatory and internationally unlawful measures. On 8 October, the United States Senate had confirmed a request to the Secretary of State to apply to each foreign mission in the United States of Bulgaria, Cuba, Czechoslovakia, Hungary, Poland, Romania and the German Democratic Republic the same terms, limitations, restrictions and conditions which were applied to the foreign missions in the United States of the Soviet Union. The implementation of such a one-sided, unprovoked, hostile measure would be in contravention of the purposes and principles of the Charter and of the obligations of the United States under the Headquarters Agreement and other relevant instruments of international law. It would also constitute a grave and entirely unjustifiable interference with the effective functioning of the Permanent Mission of the German Democratic Republic to the United Nations, and his Government would not accept it.

42. In unanimously adopting General Assembly resolution 40/77, all Member States, including the host country, had reiterated that adherence of all Member States to the provisions of the Headquarters Agreement and to other relevant agreements was an indispensable condition for the normal functioning of the Organization and the missions accredited to it. He therefore urgently appealed to the Government of the United States to forgo the application of the envisaged measures, to discontinue discriminatory action with regard to the missions accredited to the United Nations, and to fulfil its international obligations.

43. Mr. HABIMANA (Rwanda) said that Rwanda was grateful to the host country for its efforts to fulfil its obligations in a satisfactory manner, providing excellent services and acting in good faith to settle the various problems faced by the permanent missions to the United Nations. He drew attention to paragraph 7 of General Assembly resolution 41/82, which stipulated that the Assembly would consider at its forty-second session the question of the composition of the Committee on Relations with the Host Country. It was unquestionable that the limited composition of the Committee was posing more and more problems, in view of the considerable increase in the number of Member States since the Committee's establishment in 1971. The Committee did not mention in its report that the enlargement of its membership had not been considered during the current year; his delegation had learned that the sponsors of the resolution on the item intended to postpone the question to the forty-third session. Rwanda, while understanding the time constraints, nevertheless hoped that the postponement was not a means of preventing the enlargement of the Committee and more equitable geographical representation.

44. Mr. ELCHENKO (Ukrainian Soviet Socialist Republic) said that his delegation attached great importance to the work of the Committee on Relations with the Host Country. The Committee had already been considering for about a year the implementation of General Assembly resolution 41/82, which had called for the host country and the Member States concerned to consult on the former's request for reductions in the size of their missions with a view to reaching solutions to the problem. A respectful attitude to the resolution, which had been adopted by consensus, logically implied action by the interested parties to implement its provisions. His own Mission had repeatedly approached the United States Mission with proposals for consultations but had received no reply, which showed that the Americans were stubbornly insisting on their unfriendly and illegal demand for the staff of his country's Permanent Mission to be reduced to 10 members. Many representatives present were well aware how difficult it was for such a small team to participate actively in the work of all the various United Nations bodies and meetings, the number of which increased every year. His delegation expected the host country to treat those comments with all due seriousness.

45. The list of topics which had remained under the consideration of the Committee on Relations with the Host Country for many years included problems of exceptional importance for the normal functioning of missions to the United Nations, such as the question of the security of missions and the safety of their personnel, that of entry visas issued by the host country, and matters relating to transport. As was known, the diplomatic corps accredited to the United Nations was the target of organized provocative actions by Zionist and other emigrant groups and organizations of various kinds trying to disrupt the normal activities of the missions and of the Organization as a whole. In that connection, he wished to draw attention to the fact that the Permanent Mission of the Ukrainian SSR continued to receive telephone calls containing threats of physical aggression, and that for some incomprehensible reason, the Mission was obliged to pay the telephone companies for such calls. Gatherings of hostile elements with provocative slogans were organized weekly outside the Mission building and acts of vandalism were committed against the Mission's vehicles. In that connection, he referred to an

(Mr. Elchenko, Ukrainian SSR)

incident during the night of 6 August 1987 when a shot from an airgun had been fired at the apartment occupied by the First Secretary of the Mission of the Ukrainian SSR, breaking the glass pane of the entrance door.

46. Turning to the question of entry visas, he said that his delegation appreciated the rules and time-limits governing the issuance procedure. Nevertheless, the nature of the Mission's work sometimes made it necessary to apply for a visa as a matter of urgency. Such a case had arisen in September 1987, when the Deputy Permanent Representative of the Ukrainian SSR in New York had been obliged to travel to Geneva on urgent business and had had to spend three additional days there while awaiting a United States visa. Lastly, referring to parking problems, he drew attention to the increase in the number of cases of arbitrary and excessive fines imposed on vehicles with diplomatic licence plates for alleged parking violations.

47. In conclusion, he said that his delegation shared the serious concern expressed by other delegations in connection with the host country's unlawful actions directed against the Observer Mission of the Palestine Liberation Organization to the United Nations.

48. His delegation supported the recommendations and conclusions contained in paragraph 83 of the report of the Committee on Relations with the Host Country.

49. Mr. BERNHARD (Denmark), speaking on behalf of the 12 States members of the European Community, said that the Committee on Relations with the Host Country had proved to be an able and useful body. Both the Committee's methods of work and its composition, which took due account of the need for regional representation, were satisfactory in the view of the Twelve. The smooth solution of concrete problems and the existence of a general legal framework consistent with the relevant international instruments were of great importance for the functioning of the United Nations and for working conditions at Headquarters.

50. The Twelve fully shared the views expressed by both the Legal Counsel of the United Nations and the United States Secretary of State that the United States was under an obligation to permit PLO Observer Mission personnel to enter and remain in the United States to carry out their official functions at United Nations Headquarters. The Twelve hoped that the matter could be resolved in a satisfactory manner.

51. The recommendations contained in General Assembly resolution 41/82, which with minor amendments appeared also in the Committee's report (A/42/26), were a very adequate framework for a solution to the problems brought to the attention of the Committee.

52. Mr. MIKULKA (Czechoslovakia) said it was disappointing to note that the number of incidents where the dignity and safety of certain permanent missions or representatives had not been respected could no longer be viewed as negligible. His delegation was also disappointed that the General Assembly's recommendations

(Mr. Mikulka, Czechoslovakia)

concerning the solution of the problems which had arisen as a result of the host country's arbitrary decision to reduce the number of personnel of certain missions had remained a dead letter. The unilateral steps taken by the host country against those missions were illegal and contrary to the Headquarters Agreement. The opening of consultations between the parties concerned, pursuant to General Assembly resolution 41/82, was the only admissible method of solving those problems.

53. His delegation regarded as fully justified the complaint of the observer for the PLO referred to in paragraph 46 of the report. A forced closure of the PLO Observer Mission would constitute a clear violation by the United States of the Headquarters Agreement.

54. In 1986, his delegation had protested against the discriminatory measures introduced by the host country against the staff of the Permanent Missions of Bulgaria, the German Democratic Republic, Poland and Czechoslovakia concerning travel arrangements. Those measures had not been provoked by any improper conduct on the part of the Missions. Their implementation was illegal, contradicted the provisions of the Headquarters Agreement and of the Convention on the Privileges and Immunities of the United Nations, and was unequivocally of a discriminatory nature. Moreover, the legislation approved by the United States Senate in October with a view to prohibiting the staff of certain missions from travelling outside a 25-mile radius from the place of their offices was not only a breach of the relevant international instruments, but also an expression of the political irresponsibility of those circles in the United States for which a relaxation of international tension was displeasing. Again, the measure had not been provoked by any unlawful conduct on the part of the personnel of those missions. The implementation of those measures would have serious consequences, and Czechoslovakia reserved the right to raise the issue again, if necessary, in the Committee on Relations with the Host Country.

55. Mr. VREEDZAAM (Suriname) drew attention to the fact that diplomats were required to insure their cars for a higher amount than non-diplomats. Moreover, since diplomats could not go to court, they were placed in a difficult situation if an uninsured motorist caused injury to them or damage to their cars. While thanking the host country for all its efforts to co-operate in solving problems, he wished to have some clarification about what recourse a diplomat had in such a situation.

#### OTHER MATTERS

56. The CHAIRMAN, referring to the letter from the Chairman of the Fifth Committee concerning agenda item 116, said that only two regional groups had responded. The Group of Latin American States had expressed the view that, in the note by the Secretary-General which had been mentioned in the letter, the reference to international law was very limited, and that the Sixth Committee should indicate that codification and progressive development of international law must be included in an appropriate form in the next United Nations medium-term plan. The Chairman

(The Chairman)

of the Group of Western European and other States had indicated that the Group was not prepared to comment on the medium-term plan beyond noting that it attached continuing importance to the timely publication of important documents of particular interest, including the United Nations Juridical Yearbook, the Repertory of Practice of United Nations Organs and the United Nations Treaty Series.

57. If he heard no objection, he would take it that the Sixth Committee authorized him to reply to the Chairman of the Fifth Committee by transmitting the aforementioned views.

58. It was so decided.

59. The CHAIRMAN, referring to the letter from the Chairman of the Fifth Committee concerning publications of the International Court of Justice, said that he had received only one reply, from the Chairman of the Group of Latin American States. He had also received a letter from the Legal Counsel, which contained suggestions for replying to the letter of the Chairman of the Fifth Committee, and which had been communicated to the Chairmen of the regional groups. It was his intention to reply immediately to the Chairman of the Fifth Committee by transmitting to him the views expressed by the Group of Latin American States and the comments of the Legal Counsel. If he heard no objection, he would take it that the Sixth Committee agreed.

60. It was so decided.

The meeting closed at 6.10 p.m.