



SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. DENG (Sudan)

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(continued)

COMPLETION OF THE COMMITTEE'S WORK

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Distr. GENERAL
A/C.6/43/SR.52
8 December 1988
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 137: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY
(continued) (A/43/26 and Corr.1 and Add.1 and Corr.1; A/43/900 and Corr.1;
A/C.6/43/L.23)

1. Mr. ZAPOTOCKY (Czechoslovakia), referring to section III.B.2 of the report of the Committee on Relations with the Host Country (A/43/26 and Corr.1), said that the recent measures taken by the host country to restrict the freedom of movement of staff of the Czechoslovak Mission to the United Nations were no more justified than previous measures of the same kind. They constituted a clear violation by the United States of its obligations under the Charter, the Headquarters Agreement of 26 June 1947 and the relevant diplomatic Conventions.
2. The Permanent Mission of Czechoslovakia had therefore protested in a note verbale, dated 27 May 1988 and addressed to the Permanent Mission of the United States, against such unlawful and discriminatory measures, and had requested the host country to revoke them promptly. However, the Mission of the United States, in a further note verbale, dated 11 July 1988 and addressed to the Czechoslovak Mission and the missions of three other countries, had tightened up the conditions for travel by extending them to the Permanent Representative and the members of his family, who had until then been exempted from them.
3. After the measures adopted by the Czechoslovak Government, on the basis of reciprocity, in respect of American diplomats in Czechoslovakia, the United States and Czechoslovakia had already reached an understanding by which the chiefs of mission accredited in the two countries would be exempted from the restrictions affecting the rest of the diplomatic staff. The note verbale of 11 July 1988 represented a unilateral violation by the United States of that understanding, thus giving the Czechoslovak Government the right to annul the understanding in its entirety. It also constituted a serious violation of freedom of movement and the principle of non-discrimination.
4. Furthermore, by addressing to the members of the Czechoslovak delegation to the forty-third session of the General Assembly letters threatening them explicitly with expulsion or sanctions in the case of violations, the United States was clearly at variance with the very provisions of the note verbale of 18 May 1988, which provided that travel by members of the delegations beyond a certain radius should be notified but not prohibited; in so doing, it was flouting not only the law, but also the basic rules of courtesy.
5. Moreover, the host country had decided to impose similar restrictions on United Nations staff members who were nationals of Albania, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland and Romania. Such discrimination on the basis of citizenship constituted gross interference in the internal affairs of the Organisation, inadmissible interference with the competence of the Secretary-General, and an assault on the principle of the independence of

(Mr. Zapotocky, Czechoslovakia)

the international civil service. His delegation therefore fully supported the protests made by the Secretary-General in that connection.

6. The series of measures taken by the host country was increasingly placing both permanent missions and the United Nations itself at the mercy of its arbitrary decisions. The Secretary-General thus had an important role to play in the current dispute, since the host country remained deaf to the words of the missions themselves. The Secretary-General should inform not only the States concerned, but all Member States, of the reaction of the host country to his personal appeals.

7. In conclusion, he said that his delegation supported the recommendation made by the Committee on Relations with the Host Country in paragraph 81 of its report; it favoured the adoption of draft resolution A/C.6/43/L.23, submitted by Cyprus, and hoped that the host country would comply scrupulously with its provisions.

8. Mr. STRESOV (Bulgaria) said that his delegation welcomed the decline in the number of violations of the security of missions and the safety of their personnel, and hoped that the host country would spare no effort to prevent hostile acts against the missions, particularly during demonstrations. It was up to the competent authorities of the host country, and not the missions, to inform demonstrators of what was or was not legally permitted.

9. If the accredited missions and the United Nations itself were to function properly, it was essential to ensure respect for the privileges, immunities and facilities accorded to them under international law. For that reason, his delegation was particularly concerned by the recent violations of legally-binding international instruments. Such violations seriously hindered the work of the missions of several Member States, and particularly the Bulgarian Mission.

10. He was referring to measures contravening the letter and spirit of the clear-cut provisions of certain fundamental international legal instruments to which the States Members of the United Nations, including the United States, had acceded of their own free will, particularly Article 2, paragraph 1, and Article 105, paragraph 2, of the Charter of the United Nations, section 15 of the 1947 Headquarters Agreement, section 11 (g) of article IV of the 1946 Convention on the Privileges and Immunities of the United Nations, and articles 26 and 47 of the 1961 Vienna Convention on Diplomatic Relations.

11. Clearly there were deep-seated differences between Bulgaria and the host country with respect to the interpretation of the international instruments. The time had come for the Secretary-General to intervene directly by availing himself of the appropriate machinery. His delegation hoped, in that connection, that all the States concerned would co-operate with the Secretary-General in finding a prompt solution to the problem.

12. Referring to the rejection by the State Department of the United States of Mr. Arafat's visa application, he recalled that the General Assembly had, in its resolution 3237 (XXIX), granted the Palestine Liberation Organisation observer status, and had invited it to participate in the work of the Assembly.

13. Mr. ROSENSTOCK (United States of America), speaking on a point of order, said that he could see no point in returning to a question on which the Sixth Committee had completed its deliberations.

14. The CHAIRMAN said the President of the General Assembly had stated that the Committee remained seized of the question.

15. Mr. STREISOV (Bulgaria) pointed out that an addendum to the report of the Committee on Relations with the Host Country (A/43/26/Add.1 and Corr.1) was before the Committee, and that the agenda item under consideration concerned all aspects of relations with the host country.

16. The CHAIRMAN, in response to a further point of order raised by Mr. ROSENSTOCK (United States of America), requested delegations to comply with his rulings and invited the Bulgarian delegation to continue its statement.

17. Mr. STREISOV (Bulgaria), continuing his statement, said that the decision not to grant a visa to the Chairman of the Executive Committee of the PLO constituted a clear-cut violation by the host country of its obligations under the Headquarters Agreement. It did not contribute to a solution of the Middle East problem, in which the question of Palestine was a central issue, particularly at a time when prospects of a political settlement were emerging. His delegation reaffirmed its position that the PLO was the sole legitimate representative of the Arab Palestinian people, that it had an important role to play in the solution of the Middle East problem, and that the PLO, in the person of its Chairman, Mr. Yasser Arafat, should be heard in the General Assembly.

18. For that reason, his delegation fully endorsed the statements made by the Secretary-General and the President of the General Assembly in that connection. It was grateful to the Legal Counsel for the detailed opinion he had given at the previous meeting of the Sixth Committee. It fully supported the Chairman of the Committee in urging the host country to reverse its decision.

19. Mr. ZACHMANN (German Democratic Republic) said that his delegation had noted with interest the report of the Committee on Relations with the Host Country (A/43/26 and Corr.1), which reflected the persistence of serious problems resulting specifically from the non-granting of certain visas or delays in issuing them, as well as from new discriminatory measures taken by the host country vis-à-vis certain missions, including that of the German Democratic Republic.

20. In September 1988, the Committee on Relations with the Host Country had made its position clear with regard to the issuance of visas by the host country, at the time of the difficulties experienced in that regard by the President of Nicaragua and members of the Nicaraguan delegation to the General Assembly (A/43/26 and Corr.1, para. 58), and had called upon the host country to comply strictly with its obligations under the Charter and the Headquarters Agreement.

21. That Committee had nevertheless been forced to deal with the recent decision by the United States Government not to grant a visa to Mr. Arafat, the Chairman of the PLO Executive Committee (A/43/26/Add.1 and Corr.1). The debate in the

(Mr. Zachmann, German Democratic Republic)

Committee on Relations with the Host Country on the question had shown that the decision by the United States was incompatible with its obligations as host country under the Headquarters Agreement. The United Nations Legal Counsel had corroborated that fact. Like the overwhelming majority of Member States, the German Democratic Republic had therefore supported draft resolution A/C.6/43/L.25, urging the host country to abide scrupulously by the provisions of the Headquarters Agreement and to reconsider and reverse its decision.

22. The United Nations continued to be a proven forum for solving problems in international relations and regional conflicts, through dialogue and negotiation. More than ever before, the Organisation required all-round support and the co-operation of Member States and the observers accredited to it. Compliance with the provisions of the Charter and the agreements concluded between the United Nations and the Government of the host country, in particular the 1947 Headquarters Agreement, was thus indispensable.

23. At the previous session, his country had informed the Sixth Committee of the discriminatory measures introduced by the host country in January 1986 to regulate and restrict the movement and travel of the staff of certain missions of socialist States, and had pointed to intentions on the part of the United States Congress to take more stringent action. An appeal, in which the Secretary-General had joined, had been made to the United States Government to honour its obligations under the Charter and the Headquarters Agreement. That appeal had not met with any positive response.

24. The basic stance of the German Democratic Republic on the matter was reflected in the letters dated 9 June 1988 (A/42/956) and 25 July 1988 (A/42/958), addressed to the Secretary-General by the Permanent Representatives of Bulgaria, Czechoslovakia, the German Democratic Republic and Poland. There could be no doubt that those measures, which were applied only to selected socialist Member States and to Secretariat officials of the countries concerned, were discriminatory. His delegation also wished to make it clear that there had been no justification whatsoever for the measures; all United States diplomats had enjoyed and continued to enjoy freedom of movement in the territory of the German Democratic Republic. The United States course of action seemed all the more incomprehensible as bilateral relations between the two countries were developing favourably.

25. Assessing the measures from the legal standpoint, he made the following observations: firstly, the measures in question were contrary to the principle of sovereign equality of States, set forth in Article 2 of the Charter, and to the obligation of all Member States to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, set forth in Article 1.

26. Secondly, under article V, section 15, of the Headquarters Agreement, the Government of the United States had an obligation to accord to representatives of States Members of the United Nations the same privileges and immunities as it accorded to diplomatic envoys accredited to it, whether residing inside or outside

(Mr. Zachmann, German Democratic Republic)

the headquarters district. The discriminatory measures taken by the United States thus constituted a serious encroachment upon the privileges and immunities of the diplomatic missions to the United Nations.

27. Lastly, the Convention on the Privileges and Immunities of the United Nations, the Headquarters Agreement, the 1961 Vienna Convention on Diplomatic Relations and the Convention on the Representation of States in Their Relations with International Organisations of a Universal Character stipulated that the receiving State must accord full facilities for the performance of the functions of missions, that undeniably covered the freedom of movement and travel of members of missions explicitly provided for in article 26 of the Vienna Convention on Diplomatic Relations. Article 47 of that Convention stipulated that the receiving State must not discriminate as between States.

28. For all those reasons, his country once again rejected the discriminatory measures instituted by the United States to restrict the freedom of movement and travel of the personnel of its Permanent Mission to the United Nations, and of members of the Secretariat who were nationals of the German Democratic Republic. It also opposed the application of those measures to the other States concerned. Referring to General Assembly resolution 40/77, it therefore once again called upon the competent United States authorities to revoke without delay the discriminatory measures instituted and to fulfil their obligations. It thanked the Secretary-General for his efforts, and requested him to report on the result of those efforts in due course.

29. Mr. NOWORYTA (Poland) said that the position of his country regarding the regulations imposed by the host country to restrict the travel of members of certain missions had been reflected in a letter dated 9 June 1988, and was summarized in paragraph 29 of the report of the Committee on Relations with the Host Country (A/43/26 and Corr.1). He noted that the situation had further deteriorated in the course of the year.

30. From the legal point of view, it was perfectly clear that the restrictions imposed infringed the provisions of the Charter of the United Nations, in particular Article 105, which guaranteed the privileges and immunities of the representatives of Member States and officials of the Organization, and Article 2, paragraph 1, which set forth the principle of sovereign equality of all Member States, and accordingly prohibited any unequal treatment of selected foreign missions and selected members of the Secretariat. Such restrictions were also incompatible with the Headquarters Agreement and with the Convention on the Privileges and Immunities of the United Nations, article IV, section 11 (g), of which provided that representatives of Member States should enjoy the same privileges, immunities and facilities as enjoyed by diplomatic agents. The generally recognized norms regarding those privileges, immunities and facilities were provided for in the Vienna Convention on Diplomatic Relations, articles 26 and 47 of which embodied the principle of freedom of movement and travel, and the principle of non-discrimination.

(Mr. Noworyta, Poland)

31. Those restrictions, which contravened treaty obligations adopted by the host country, could not be justified by any domestic law or political motives. The fundamental principle pacta sunt servanda was a corner-stone of the contemporary legal order. The Vienna Convention on the Law of Treaties, which confirmed customary international law in that regard, provided that every treaty in force was binding upon the parties to it and must be performed by them in good faith and that a party might not invoke the provisions of its internal law as justification for its failure to perform a treaty.

32. It should also be stressed that those measures had been entirely unprovoked and had no factual justification. They were detrimental to the security and safety of missions because they strengthened negative stereotypes that hindered mutual understanding and friendly relations among nations and undermined the fulfilment of official functions of missions. Besides, they ran counter to the trend towards increasing confidence and co-operation among States and were hardly useful for the purposes of multilateral diplomacy.

33. All protests to the host country had unfortunately remained without positive reaction. Still, taking note of some encouraging declarations on the part of the representatives of the host country, Poland reiterated its request for the prompt revocation of the travel restrictions on the members of certain missions. It also asked the Secretary-General to continue to use his authority to achieve that end.

34. Mr. FLEISCHHAUER (Under-Secretary-General, Legal Counsel), noted that the four countries affected by travel restrictions on members of their missions had reaffirmed their position and had again requested the assistance of the Secretary-General. He wished to assure those countries that the question was still before the Secretary-General, both in connection with the members of the Secretariat and the members of the missions of the countries concerned. He cited in that connection paragraph 46 of the report (A/43/26 and Corr.1).

35. Mr. MUNTASSER (Libyan Arab Jamahiriya) said that he would speak only on the first part of the report of the Committee on Relations with the Host Country (A/43/26 and Corr.1) since the representative of Jordan had already spoken on the second part on behalf of the Arab Group. He wished to begin by highlighting the fact that on 30 November the General Assembly had adopted a historic resolution by an unprecedented majority.

36. His country reaffirmed its position as stated in paragraphs 19, 21 and 48 of the report concerning the discriminatory treatment to which the host country had subjected his delegation: restrictions on travel and on use of the residence of the head of the Mission, delays in issuing visas and prohibiting the mission from renting out apartments it was not using. That unjustifiable behaviour constituted a violation of the Headquarters Agreement and the relevant international conventions. His Mission had raised the question on a number of occasions and had even officially requested international arbitration in a letter to the Secretary-General (A/42/905).

(Mr. Muntasser, Libyan Arab Jamahiriya)

37. His country hoped that those problems would be resolved in the best way, in accordance with the provisions in force. It endorsed the arguments presented by Czechoslovakia, Bulgaria, the German Democratic Republic and Poland.

38. Mr. BYKOV (Union of Soviet Socialist Republics) said that the Committee on Relations with the Host Country played a very important role in the United Nations because its task was to deal with the practical problems encountered by diplomatic missions and their staff. The proper functioning of all missions accredited to the United Nations concerned all States without exception.

39. It must be noted, however, that old and new problems still hampered that functioning. They derived largely from the artificial obstacles raised by the authorities of the host country, particularly the travel restrictions imposed on the members of certain missions and Secretariat staff members from the countries concerned. In that respect his delegation shared the views expressed by other delegations. Those restrictions were discriminatory, and the selective recognition of diplomatic privileges and immunities was contrary to the principle of the sovereign equality of all Member States embodied in the Charter. They were also contrary to the provisions of the Convention on the Privileges and Immunities of the United Nations (1946), the Headquarters Agreement of 1947, the Vienna Convention on Diplomatic Relations (1961) and various other international legal instruments. His delegation hoped that the United States authorities would pay due attention to the serious concerns expressed in that connection and that they would revoke their illegal decisions.

40. The Committee on Relations with the Host Country had also had before it the serious question raised by the refusal of the authorities of the host country to issue an entry visa to Mr. Arafat, Chairman of the Executive Committee of the PLO. Legally such a refusal to the leader of an organisation having permanent observer status with the United Nations was another violation of the Headquarters Agreement of 1947. It also came at the very time when the PLO, in recognizing Security Council resolutions 242 (1967) and 333 (1973), showed that it was a responsible and indispensable partner in the negotiations on the Israeli-Palestinian conflict. The decisions taken by the PLO in the direction of peace had also been well received by the entire international community.

41. Against that background the host country's argument that issuing a visa to Mr. Arafat would threaten the security of the United States was hardly convincing. The permanent members of the Security Council must do everything possible to ensure peace in the world, particularly in the Middle East and to promote a constructive dialogue. The artificial obstacle raised by the Department of State to the visit to New York of Mr. Arafat was also likely to undermine the prestige of the United Nations. The adoption of resolution A/RES/43/48 by the General Assembly, which had met the day before in plenary session, clearly showed the United States authorities that they should revoke their decision.

(Mr. Bykov, USSR)

42. The draft resolution in document A/C.6/43/L.23 was of decisive importance because everything must be done, by the United States authorities in particular, to improve the image of the United Nations in public opinion and to create a better understanding of the usefulness of diplomatic missions. His delegation supported the draft resolution and hoped that it would be adopted by consensus.

43. Mr. MIRZAE-YENGEJEH (Islamic Republic of Iran) recalled that the question of visas for persons invited to the United Nations and for the representatives of certain Governments was not a new one. Since the 1950s the host country had refused on a number of occasions to issue them. That policy remained unchanged even though the international climate had improved and the diplomatic activity of the United Nations led to the emergence of new hopes.

44. His country had not been spared by the discriminatory policy of the host country. On several occasions visas had been denied to representatives assigned to participate in United Nations meetings. The Chairman of the Conference on Disarmament, who was Iranian, had been denied a visa and had been unable to submit the report of the Conference to the First Committee at the current session in person.

45. However, the Headquarters Agreement contained specific provisions in that regard, particularly in sections 11, 12 and 13, of which he read out several passages. The Legal Counsel had also observed that the Headquarters Agreement contained no provision giving the host country the right to deny, for reasons of internal security, admission to its territory, to members of missions or to persons invited by the United Nations.

46. The adoption of resolution A/RES/43/48 had confirmed that, in the eyes of the international community, United States policy in that field was incompatible with the host country's obligations under the Headquarters Agreement. It was not for the host country to choose who would participate in meetings of the United Nations. United Nations Member States and observers had the inalienable right freely to designate the members of their delegations to the General Assembly.

47. Mr. SOKOLOVSKY (Byelorussian Soviet Socialist Republic) said that the report of the Committee on Relations with the Host Country (A/43/26 and Corr.1) showed clearly that States devoted constant attention to the proper functioning of the Organisation and the diplomatic missions accredited to it. The General Assembly had pointed out on several occasions that the host country should abide scrupulously by the provisions of the Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations and other applicable international instruments. The importance of the Committee on Relations with the Host Country was thus self-evident. There were a great number of missions, a fact which required the host country to make considerable efforts, and in that regard tribute should be paid to it. However, many items on the Committee's agenda called for a reply.

(Mr. Sokolovsky, Byelorussian SSR)

48. At the previous session, several meetings of the Committee on Relations with the Host Country had been devoted to the question of restrictive and discriminatory measures imposed on the nationals of certain States and their officials at the United Nations. His country shared the grave concern expressed in that regard, since those practices were contrary to the obligations of the host country, the Charter of the United Nations and the 1947 Headquarters Agreement.

49. At the resumed forty-second session of the General Assembly, attention had been focused on the decisions taken by the host country with respect to the Mission of the Palestine Liberation Organization. Quite recently, Mr. Arafat, Chairman of the Executive Committee of the PLO, had been refused an entry visa to the United States. The Byelorussian SSR found that decision regrettable; it came at a time when the PLO was trying to find a solution to the Middle East question, with a favourable reaction in a large number of countries. The Byelorussian SSR had voted in favour of the draft resolution (A/C.6/43/L.25) which urged the host country to reconsider its illegal decision.

50. The international climate was improving and the United Nations seemed to have found its second wind. The activities of the Committee on Relations with the Host Country, which sought to improve the image of the Organization and diplomatic missions vis-à-vis public opinion, were very important. Therefore, his delegation supported in particular the recommendation in paragraph 81 (j) of the report, while approving the others.

51. Mr. ROUCOUNAS (Greece), speaking on behalf of the 12 States members of the European Community, said that, since its establishment in 1971, the Committee on Relations with the Host Country had proved to be a useful body capable of dealing with the often delicate matters submitted to it for consideration. The Twelve were satisfied with both the Committee's composition and methods of work. The smooth solution of specific problems, within a general legal framework that was in accordance with relevant international instruments, was of great importance for the proper functioning of the Organization. The Twelve expressed their appreciation of the results obtained by the Committee.

52. They also expressed their satisfaction at the co-operation shown by the various agencies of the City of New York, in particular the New York City Commission, which tried to accommodate the needs of the diplomatic community in the host country. They hoped that efforts would continue to be made to simplify the procedures for the admission to the United States of officials attending United Nations meetings.

53. The report of the Committee on Relations with the Host Country (A/43/26 and Corr.1) reflected in detail the questions with which it had dealt and which required vigilance and courtesy. It was essential that all those matters - whether they concerned principles or day-to-day life - should be considered with full respect for international law.

54. Mr. VOICU (Romania) said that his country's position on the various aspects of agenda item 137 were summarized in paragraphs 38 and 44 of the report of the Committee (A/43/26 and Corr.1). Draft resolution A/C.6/43/L.23 would, in his opinion, provide a positive solution to the problems encountered.

55. His delegation fully supported paragraph 5 of the draft, in which the host country was urged to continue to honour its obligations to facilitate the functioning of the United Nations and the missions accredited to it. It hoped that the host country would co-operate with the missions and the United Nations with a view to finding a mutually acceptable solution to the problem of travel regulations. His delegation unreservedly supported the statement by one delegation that respect for the United Nations on the part of the host country should go hand in hand with respect for the host country on the part of Member States.

56. His delegation also fully supported paragraph 6 of the draft, which stressed the importance of a positive perception of the work of the Organization.

57. Mr. PEÑALOSA (Colombia), referring more specifically to paragraph 5 of draft resolution A/C.6/43/L.23, said he wished to state that the members of his delegation had always enjoyed full freedom of movement in the territory of the host country. It was regrettable that certain missions did not enjoy the same advantage and were therefore unable to evaluate the progress made by the American people.

58. His delegation had been surprised to learn that the travel of members of certain missions had been subject to restrictions beginning on 18 May 1988, particularly since many of them had never been the object of such measures. The attitude of the host country was incomprehensible in the current period of openness and détente, and the explanations that it had given had not succeeded in dispelling misgivings. Colombia joined those countries which called on the host country to rescind the measures taken in respect of certain missions, since those measures in no way facilitated the functioning of the United Nations and merely gave rise to disputes with countries with which the United States maintained excellent relations.

59. His delegation supported draft resolution A/C.6/43/L.23.

60. Mr. ELTCHENKO (Ukrainian Soviet Socialist Republic) said that the Committee on Relations with the Host Country played an essential role but that the results of its work depended to a large extent on the reactions of the host country itself. His delegation therefore wished to commend the efforts which the latter had made to remove the difficulties that it itself had encountered.

61. The report under consideration (A/43/26 and Corr.1) showed that the Committee on Relations with the Host Country had devoted a good part of its work to the restrictive measures imposed on the travel of the members of certain missions accredited to the United Nations. Those measures had caused serious concern in United Nations circles, a concern which the Ukrainian SSR fully shared. In its opinion, that unilateral action was discriminatory and in contravention of international law, the Charter, the provisions of the Headquarters Agreement and the various relevant international conventions.

(Mr. Eltschenko, Ukrainian SSR)

62. The Ukrainian SSR was one of the countries upon which the restrictions in question had been imposed - in addition to the measures to reduce its mission staff, which could not but have a negative impact on its work and, more generally, cast a shadow on the entire United Nations endeavour.

63. The Chairman of the Committee on Relations with the Host Country had approached the United States but not received any response. The Secretary-General had also been requested to intervene. It was to be hoped that after having taken cognisance of the recommendation of that Committee as well, the United States would take the necessary steps to solve the problem that it had itself engendered.

64. The Ukrainian SSR endorsed the recommendation in paragraph 81 (j) of the report under consideration, since the media had a decisive role to play in building up public awareness of the role played by the United Nations and the missions accredited to it. The negative reports given of the work of the Organization were altogether unacceptable, at a time when the United Nations was regaining its effectiveness and its role in maintaining international peace and security.

65. Both the General Assembly and the Committee on Relations with the Host Country had given in-depth consideration to the problem arising from the measures adopted by the United States with respect to the PLO. In that connection, the Ukrainian SSR welcomed the intervention of the International Court of Justice and the Secretary-General, in an endeavour to settle the dispute. Very recently, the Committee on Relations with the Host Country had been obliged to take up the issue once again as a matter of urgency, owing to new developments. The illegality of the measures in question was obvious, as confirmed by the Legal Counsel of the United Nations. The measures violated articles 11, 12 and 13 of the Headquarters Agreement of 1947. The intention had been that Mr. Arafat should address the General Assembly in order to comment on the historic decision adopted by the Palestine National Council, which opened up new possibilities for a Middle East settlement. The United States had prevented him from doing so, by setting up an artificial obstacle. The General Assembly had made an unequivocal statement on the subject, since it had - in resolution A/RES/43/48 - urged the host country to abide scrupulously by the Headquarters Agreement and to reverse the measures adopted with respect to the PLO. The Ukrainian SSR had voted in favour of that resolution.

66. Mr. ROSENSTOCK (United States of America) said that the Committee on Relations with the Host Country had been established in order to settle disputes. It had considered at length all the issues that the Sixth Committee now appeared to be taking up once again, submitted its conclusions, and proposed - through its Chairman - a draft resolution for adoption by the Sixth Committee. Its report thus provided a good basis for expediting consideration of item 137. However, it would appear that some delegations, such as the Colombian delegation, had lacked judgement.

67. The United States saw a certain irony in the current debate; some countries were complaining about the restrictions imposed on the movements of their diplomatic personnel, while ignoring what was happening in their own territories.

(Mr. Rosenstock, United States)

Perhaps that was a sign of a new attitude towards human rights. Article 2, paragraph 1, of the Charter had also been quoted frequently. When such references were made by certain countries, they could only be an indication of a sudden change in position.

68. One should consider just the facts. Was there a single member of a diplomatic mission who was unable to travel? The answer was "no". Did members of missions have to request permission to travel? Once again, the answer was "no". Were the host country's procedures so rigid that they did not take account of cases where there was an urgent need? Again, the answer was "no". Where United Nations staff members were concerned, was it possible to quote a single staff member who had been prevented from performing his duties at the Secretariat? Once again, the answer was "no". The members of the Committee would have noted, in that connection, that some delegations had referred to the principle of reciprocity, a statement that should certainly not be forgotten.

69. His delegation did not wish to comment on the statements made by the Libyan Arab Jamahiriya and the Islamic Republic of Iran, since there was no point in reopening the debate.

70. The work of the Committee on Relations with the Host Country had been productive, both from the point of view of the exchange of ideas and from the point of view of the amicable settlement of disputes. That work could have come to a satisfactory end if all those concerned had borne in mind the nature of the recommendations made by the Committee on Relations with the Host Country and, above all, the agreed nature of the conclusions and of the draft that that Committee had been submitting to the Sixth Committee. Sooner or later, the friendly atmosphere that had reigned in the course of that Committee's deliberations would prevail and those who sought to spoil that climate would be obliged to fall into step with developments in international affairs.

71. The United States was in favour of the adoption of draft resolution A/C.6/43/L.23.

72. The CHAIRMAN invited the Sixth Committee to take a decision on draft resolution A/C.6/43/L.23.

73. Mr. DROUSHIOTIS (Cyprus), referring to paragraph 1 of the draft, said that the words "and conclusions" should be inserted in the first line, which should read: "Endorses the recommendation and conclusions of the Committee ...".

74. The CHAIRMAN said that, if he heard no objection, he would take it that the Sixth Committee wished to adopt the draft resolution, as orally amended.

75. Draft resolution A/C.6/43/L.23, as orally amended, was adopted.

76. The CHAIRMAN announced that on 30 November the General Assembly had adopted the draft resolution submitted to it by the Sixth Committee in part I of its report (A/43/900 and Corr.1), the text of which had originally been issued in document A/C.6/43/L.25. The President of the General Assembly had subsequently indicated that the question would remain before the Sixth Committee.

COMPLETION OF THE COMMITTEE'S WORK

77. The CHAIRMAN said that at the current session the Sixth Committee had achieved remarkable results. It had adopted a draft resolution containing the text of a United Nations Convention on International Bills of Exchange and International Promissory Notes, upon which UNCITRAL had been working for 10 years. Then it had adopted a draft resolution containing the "Declaration on the prevention and removal of disputes and situations which may threaten international peace and security and on the role of the United Nations in this field". It had adopted another draft resolution containing a body of principles for the protection of all persons under any form of detention or imprisonment. Lastly, it had adopted a draft resolution on the host country's denial of an entry visa to Mr. Arafat, Chairman of the Executive Committee of the Palestine Liberation Organisation.

78. Since it had had a realistic programme of work, the Committee had been able to complete on time consideration of all the items allocated to it, while devoting due attention to each item. It had thus made a contribution to the progressive development and the codification of international law.

79. In conclusion, he wished to thank all those who had contributed to the successful outcome of the Committee's work at the current session.

80. Mr. CALERO-RODRIGUES (Brasil), speaking on behalf of the Group of Latin American and Caribbean States, Mr. AL-ZADGALY (Oman), speaking on behalf of the Group of Asian States, Mr. CHABALA (Zambia), speaking on behalf of the Group of African States, Mr. TETU (Canada), speaking on behalf of the Group of Western European and Other States, Mr. KULOV (Bulgaria), speaking on behalf of the Group of Eastern European States, and Mr. AL-NUAIMI (United Arab Emirates), speaking on behalf of the Arab countries, congratulated and expressed their gratitude to the Chairman.

The meeting rose at 1.20 p.m.