

**GENERAL
ASSEMBLY**

THIRTY-EIGHTH SESSION

Official Records*



UN LIBRARY

NOV 29 1983

SIXTH COMMITTEE

8th meeting

held on

Friday, 7 October 1983

at 10.30 a.m.

New York

UN/38/11/83

SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. GASTLI (Tunisia)

CONTENTS

**AGENDA ITEM 127: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE
LAW ON THE WORK OF ITS SIXTEENTH SESSION (continued).**

**AGENDA ITEM 128: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION,
SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES:
REPORT OF THE SECRETARY-GENERAL**

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room DC2.240, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL

A/C.6/38/SR.8

13 October 1983

ENGLISH

ORIGINAL: FRENCH

The meeting was called to order at 10.50 a.m.

AGENDA ITEM 127: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS SIXTEENTH SESSION (continued) (A/38/17)

1. Mr. PARK (Observer for the Republic of Korea) said that his country believed that the Commission's efforts to unify and harmonize international trade law were important and necessary for reducing or removing legal obstacles to the flow of trade. That was why his Government had participated in the work of the sixteenth session of UNCITRAL and of its working groups, and pledged its continuing full co-operation with the Commission.
2. The most significant result of the work of UNCITRAL at its sixteenth session had been the finalization of the uniform rules on contract clauses for an agreed sum due upon failure of performance, although it had not been possible to reach a consensus on the final form which the rules should take. As the Chairman of UNCITRAL had stated, it was to be hoped that the rules would be adopted throughout the world and would thus help to unify that branch of international trade law. His delegation believed that the uniform rules should take the form of a model law; that approach, which had the support of the majority of States, would allow Governments greater flexibility to adapt the rules to their own legal systems.
3. With regard to the preparation of a draft model law on international commercial arbitration, he expressed the hope that a law taking into account the special interests of developing countries would be adopted speedily and that the Working Group on International Contract Practices would be encouraged to proceed with its work as expeditiously as possible.
4. The question of the draft Convention on International Bills of Exchange and International Promissory Notes and the draft Convention on International Cheques required an in-depth study. The Commission had therefore been wise to defer to its next session the substantive discussion on key issues raised by the drafts.
5. His delegation welcomed the progress made by the Working Group on the New International Economic Order, because it attached great importance to the formulation of a legal guide on drawing up contracts for construction of industrial works. Such a guide was particularly important for developing countries, which often suffered from a lack of expertise in negotiating complex contracts with developed countries. He was pleased to note that there had been general agreement within the Working Group that the draft outline of the guide was acceptable.
6. His delegation appreciated the efforts made by the UNCITRAL secretariat in the field of training and assistance. Symposia and seminars on international trade law were particularly important to young government legal advisers, jurists and university professors from developing countries. At the preceding session, his delegation had suggested that such symposia and seminars should be organized not only on a regional basis but also on a national basis, and it therefore wished to propose that the UNCITRAL secretariat should consider the possibility of taking

(Mr. Park, Observer, Republic of Korea)

action along those lines. The Government of the Republic of Korea had hosted from 18 to 29 October 1982 a regional course in international law organized by the United Nations Institute for Training and Research (UNITAR) for Asian and Pacific countries. Twenty-one government legal advisers and university professors from 11 Asian and Pacific countries had participated in the course, which had considered topics such as the legal aspects of the new international economic order, foreign investment, and the role of transnational corporations.

AGENDA ITEM 128: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES: REPORT OF THE SECRETARY-GENERAL (A/38/379 and Add.1, A/38/60-S/15548 and A/38/384)

7. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel) recalled that the report on the work of the Organization submitted by the Secretary-General to the thirty-fifth session of the General Assembly (A/35/1) had mentioned the alarming resurgence of violence directed at diplomatic and political persons and noted that such trends indicated anarchic tendencies which could erode the already tenuous structure of international relations. The Secretary-General had added that such activities revealed a disrespect for the domestic peace and order of other States and could only cause concern among the vast majority of States which were striving for a peaceful and less violent future.

8. The Secretary-General thus could not fail to welcome the fact that, following an initiative by the five Nordic countries, the Sixth Committee was every year required to consider that important problem, and he was glad that the General Assembly had asked him, in the successive resolutions which it had adopted on the question, to centralize and distribute to all members of the international community the reports submitted by States on serious violations of the protection, security and safety of diplomatic and consular missions and representatives. The Secretary-General was glad to be able thus to help to preserve and strengthen respect for the universally accepted norms of diplomatic and consular law, in particular as stated in the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

9. As in previous years, the report prepared by the Secretary-General (A/38/379 and Add.1) had two main parts: the first reproduced reports and views received from States and the second described the state of the aforementioned international conventions. The first part was itself subdivided into two sub-sections devoted to the reports received from States pursuant to paragraph 7 of General Assembly resolution 37/108 and to the views received pursuant to paragraph 9 of the same resolution.

10. With regard to the first of those two sub-sections, two positive observations could be made. Firstly, several States emphasized that they had no serious incident to report with regard to the protection, security and safety of diplomatic and consular missions and representatives. Secondly, States where such incidents

(Mr. Fleischhauer)

had occurred did not simply recount the facts, as they had tended to do in the earlier years, but also reported, as they were invited to do in paragraph 7 (b) of General Assembly resolution 37/108, on measures taken to bring the offender to justice and on the final outcome of the judicial proceedings. He considered that to be convincing proof of the viability of the reporting system instituted by the General Assembly in 1980 - a system which could be used by all States, whether or not they were Members of the Organization or parties to the relevant international conventions.

11. Sub-section B of the report reproduced only a small number of replies, but they all demonstrated the importance which States attached to the protection, security and safety of diplomatic and consular agents and their will to put an end to acts of violence against such persons. In their replies, certain Governments proposed specific measures, to which the Committee would undoubtedly devote its attention.

12. In section III of his report, the Secretary-General, in accordance with paragraph 11 of resolution 37/108, provided information on the state of a number of relevant international conventions. While some of those conventions had been ratified by a large number of States, there were others that had received only a small number of signatures; perhaps all States that had not yet done so should again be requested to consider becoming parties to the conventions in question and all States should be urged to respect and apply the norms of international law set forth therein.

13. In conclusion, he pointed out that the Secretary-General was deeply aware of the pressing need to ensure the primacy and observance of the law in all its aspects. The Secretariat was pleased to have been able to make its contribution to the implementation of the reporting procedures established three years previously and was prepared to do its utmost to support the Assembly in its efforts to solve a problem which was of concern to the entire international community.

14. Mr. HAKAPAA (Finland), speaking on behalf of the delegations of the five Nordic countries, noted that the discussions on the item concerning the protection, security and safety of diplomatic and consular missions and representatives held at the past three sessions of the General Assembly had brought about greater awareness in the international community of the need to take effective measures in that area. The reporting procedures established and further elaborated by the three relevant resolutions of the General Assembly had facilitated the flow of information and had no doubt provided useful material for the prevention of violations.

15. However, despite common efforts, violations of the safety and security of diplomatic and consular missions and representatives had taken place in the past year. It was obvious that continued vigilance was required of all States to protect diplomatic and consular agents accredited to Governments and intergovernmental organizations, as well as officials of those organizations, so as to ensure safe conditions for the accomplishment of their various functions. In

(Mr. Hakapaa, Finland)

that connection, emphasis should be placed on the need to ensure the fullest implementation of conventions in that field, such as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The delegations of the five Nordic countries appealed to all States which had not yet done so to become parties to the instruments referred to in the resolutions on the question adopted at previous sessions.

16. Similarly, the five delegations believed that it was important that the reporting procedures be applied as scrupulously as possible because their effectiveness depended precisely on the manner in which States applied them in practice. States should be especially encouraged to report on the measures they had taken as a result of violations of the safety and security of missions committed in their territories, as an incentive to States to pursue suspects effectively and bring them to justice. In addition, it was important to have available information on the measures taken to prevent a repetition of violations, because such information would not only attest that the State concerned was determined to prevent further violations against diplomatic and consular representation but might also provide useful guidance to other States in their efforts to prevent violations. It was, in that sense, encouraging to note that in past years reports had been submitted not only by the States whose missions or representatives had been victims of such acts but also by receiving States, describing the measures they had taken to investigate violations and bring offenders to justice.

17. Nevertheless, he believed that there was still room for improved implementation of the procedures adopted and that the question was of concern to all States, since it involved not only the special protection to be given to certain groups of people but also the protection of fundamental elements of international relationships necessary for the peaceful conduct of State relations. In that connection, it could be noted that, in previous resolutions on the subject, the General Assembly had recommended that States co-operate closely, especially through contacts between the diplomatic and consular missions and the receiving State, with a view to ensuring the protection of those missions.

18. The delegations of the five Nordic countries attached great importance to the item under consideration and intended to submit a draft resolution which, they hoped, would be acceptable to all delegations.

19. Mr. ECONOMIDES (Greece), speaking on behalf of the delegations of the 10 States members of the European Economic Community, said that the report of the Secretary-General (A/38/379 and Add.1) showed unfortunately that quite recently, in various parts of the world, including in some States members of the European Community, serious violations had been perpetrated against diplomatic and consular missions and representatives. Those acts were of great concern to the States members of the Community not only because they were of a truly criminal nature but also because they undermined the stability and harmony of international relations by striking at the very persons who were striving to develop peaceful and friendly relations among States. The international community must therefore oppose those acts through concerted efforts.

(Mr. Economides, Greece)

20. Vigorously condemning all attacks against diplomatic missions and consular posts and their personnel, the Ten were firmly resolved to continue to use all legal means to prevent and combat acts of terrorism, as they had demonstrated whenever such acts had been perpetrated in their territories. In order to achieve that objective, it was first of all necessary for all States to respect scrupulously their obligations under international law and, particularly, existing international conventions in that field. The member States of the Community believed that the texts currently in force provided a means of dealing with the situation and they hoped that States which had not yet done so would consider becoming parties to the relevant conventions and would apply in particular the optional provisions on the settlement of disputes. Secondly, all States must adopt all necessary preventive and punitive measures at home to ensure, in accordance with their international obligations, the protection and security and safety of diplomatic and consular missions and representatives. With respect to prevention, it would be useful if diplomatic and consular missions and the receiving State co-operated more closely and, with respect to punishment, States should deal with due firmness with the perpetrators of attacks against diplomatic and consular agents.

21. Finally, noting that the reporting procedures established by General Assembly resolutions 35/168, 36/33 and 37/108 had proved very useful in practice, the Ten invited all States scrupulously to observe them and thanked the Nordic States for their initiative.

22. Mr. KOSTOV (Bulgaria) stressed the paramount importance of the item under consideration, which touched upon different aspects of the political, legal, moral and customary obligations of States and on the responsibility of States, in particular of those which served as the headquarters of intergovernmental organizations. The question was important also because diplomatic and consular relations were a significant means of maintaining international peace and security and developing friendly relations between peoples and States and, consequently, of implementing the purposes and principles of the United Nations Charter. It was diplomatic relations, even in times of tension, that enabled States to communicate, regardless of their differing constitutional, legal or socio-political systems and of the political or ideological controversies which divided them.

23. His delegation had therefore devoted great attention to the item under consideration, in particular in the light of paragraph 3 of General Assembly resolution 37/108. The adoption of the measures envisaged in that paragraph would not only be in conformity with the principles and norms of international law, but would also be conducive to the development of friendly relations and more effective co-operation among States. Without normal working conditions and security, diplomatic representatives could not work efficiently for the promotion and strengthening of inter-State relations.

24. Of special importance in that respect were the Vienna Convention on Diplomatic Relations of 1961 and the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, to

(Mr. Kostov, Bulgaria)

which his country was a party. He had therefore been pleased to note that 141 States had become parties to the Vienna Convention, thereby giving it a genuinely universal character.

25. However, as the Secretary-General pointed out in his report, as a result of tensions in international affairs which created a climate of insecurity and hostility, diplomatic and consular missions and representatives had become a prime target of terrorists. Moreover, some countries, although they had signed the basic international instruments and agreements on the subject, violated their provisions either by tolerating terrorist acts against diplomatic and consular missions and their representatives or by neglecting their obligations under the agreements to which they were parties, thus further undermining relations among States. His country, having itself been a victim of such acts, deplored any violation of diplomatic immunities and considered it most unfortunate that there were cases in which such violations were designed to manipulate public opinion and achieve short-term political objectives.

26. It was only by strictly complying with the provisions of the 1961 Vienna Convention that the protection, security and safety of missions could be enhanced, and the fact that a host country failed to fulfil its obligations under that Convention cast doubt on its willingness to enhance the protection, security and safety of missions.

27. In keeping with its international obligations, his country had enacted laws and adopted measures to ensure unqualified respect for the inviolability and immunities of diplomatic and consular premises and their staff. The fact that the victim of an attack was a foreign diplomat or person enjoying international protection was regarded under the Bulgarian Criminal Code as an aggravating circumstance. His country was also party to many international agreements on diplomatic and consular privileges and immunities, including a great number of bilateral consular conventions designed to enhance the protection of foreign consular missions and representatives in Bulgaria and of Bulgarian missions and representatives abroad.

28. In conclusion, his delegation considered, that as long as numerous and grave attacks on diplomatic and consular privileges and immunities continued and States ignored their international legal obligations, the General Assembly must keep the matter on its agenda and do its utmost to create conditions conducive to the development and strengthening of relations among States.

29. Mr. SUCHARITKUL (Thailand) said that the basic issue raised by the item under consideration was State responsibility and the obligations of the receiving State regarding the protection and safeguarding of the security and safety of diplomatic and consular missions and representatives in accordance with the provisions of the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

(Mr. Sucharitkul, Thailand)

30. As to the legal nature of the obligation to provide protection, it must be determined whether the obligation was an obligation relating to conduct or to the results of conduct. On the one hand, the receiving State was required to take all necessary steps to protect diplomatic and consular missions and representatives accredited to it or situated in its territory. (In that regard, the Sixth Committee had the task of establishing a minimum standard for precautionary measures required of the receiving State.) On the other hand, failure to perform such an obligation did not in itself constitute a violation on the part of the receiving State, unless the security and safety of diplomatic and consular missions or representatives had actually been breached. So long as such a breach had not occurred, an internationally wrongful act could not, strictly speaking, be said to exist. There would thus appear to be a combined obligation: the obligation of prevention, which might be described as the obligation to exercise vigilance or diligence, or an obligation of conduct, and the obligation relating to the results of the conduct. However, the receiving State was not required to provide an absolute guarantee that a particular event would not occur. For example, it was not responsible for terrorist acts if it had exercised all possible vigilance. In any event, the obligation was a continuing one and, even if a particular occurrence such as a terrorist attack did take place, the receiving State was still required to take the necessary precautionary and compensatory measures. A subsidiary obligation, that of punishment, also existed, whereby the receiving State was required to prosecute and punish the offenders.

31. The question of the protection, security and safety of diplomatic and consular missions and representatives should give rise to a community of interests since each State was simultaneously a receiving State and a sending State and, at least in principle, equality of treatment and reciprocity should prevail. However, each situation must be considered individually and the effective measures to be taken varied depending on the circumstances. Moreover, certain States, such as Japan on the occasion of the visit of President Ford, were in a position to take security measures which were beyond the capabilities of other States. The Sixth Committee should give careful consideration to the measures to be taken in that field.

32. Mr. YAKOVLEV (Union of Soviet Socialist Republics) stressed the urgency of the need to take effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives. The United Nations could not remain indifferent to continuing attacks on the inviolability and security of diplomatic missions and on the lives and dignity of diplomats. The report of the Secretary-General (A/38/379 and Add.1) and the other documents before the Committee, as well as the statements made at the current meeting, demonstrated the gravity of the situation in that regard and the concern felt by States.

33. If the principles and norms of the United Nations Charter and the provisions of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and other international instruments defining the obligations of States towards diplomatic and consular missions and representatives continued to be violated, and if the appeals made at the preceding session of the General Assembly had often gone unheeded, the blame must be placed above all on the policy of a

(Mr. Yakovlev, USSR)

certain Government which was continually denigrating the United Nations and was seeking to replace the normal practices of diplomacy by calumny and the language of brute force. The insulting statements about the United Nations which delegations had heard at the beginning of the current session and the campaign, orchestrated by the media, to stir up feelings of hostility to the United Nations and to diplomats were examples of that policy of provocation. When such campaigns inciting hostility to the diplomatic community were taking place in a country with the support of politicians, it was reasonable to hold the latter partly responsible for the crimes committed against diplomatic representatives, including those of their own country, in other parts of the world. In a recent statement, Mr. Andropov had questioned whether an international organization whose purpose was to maintain peace and security could continue to have its headquarters in a country where a militarist psychosis was developing and where that organization was being insulted.

34. The note verbale from the United States Mission reproduced in document A/38/379 stated that there had been no major attacks on diplomats in the United States since the submission of its last report in September 1982. That was neither correct nor in keeping with what other Governments said in the same document. In 1983, the international norms for the defence and protection of diplomatic missions and their staff had been violated in the territory of the United States. Representatives of the Soviet Union and other socialist countries had had to work under very abnormal conditions: they had been subjected to attacks, sometimes bordering on banditry, of which the Soviet Union had repeatedly complained to the United States authorities (see, for example, the note reproduced in document A/38/384). However, those authorities, instead of taking steps to see that such incidents did not recur and punishing the guilty parties, had failed in their duty to ensure normal working conditions for diplomatic and consular missions and for the United Nations and its staff members and had decided openly to disregard the practices applicable to international relations. He drew attention in that connection to the attitude of the United States authorities towards the family of the First Secretary of the Soviet Embassy in Washington. In trying to prevent that diplomat's son from leaving the United States on the pretext of checking whether he wanted to remain, the United States had acted in a manner that was unprecedented in international practice. Its attempts to justify such action by invoking its domestic laws obviously did not stand up, since the domestic laws of the receiving State did not apply to diplomats, as the United States, being a party to the Vienna Convention on Diplomatic Relations of 1961, must know, and it must also know that article 37 of the Convention extended the privileges and immunities recognized by the Convention to members of the families of diplomatic agents. The latter were not liable to any form of arrest or detention (art. 29) and were not subject to the jurisdiction of the receiving State (art. 31).

35. On 4 September 1983, a mob of more than 400 hooligans had entered the grounds of the residence of the Permanent Representative of the Soviet Union at Glen Cove and had caused heavy damage. The United States authorities had taken no steps to prevent that lawless act and had thus allowed a flagrant violation of article 22 of the 1961 Vienna Convention, which declared the premises of diplomatic missions to be inviolable. Moreover, those lawless acts had occurred after the Soviet Embassy

(Mr. Yakovlev, USSR)

had submitted proposals to the Department of State for the adoption of additional measures by the United States to ensure the protection of such premises. Incidents of that kind were a clear indication of the extent to which the United States was disregarding international law. Immediately before the opening of the thirty-eighth session of the General Assembly, certain American authorities had taken actions which had prevented Mr. Gromyko, Minister for Foreign Affairs of the Soviet Union and chairman of the Soviet delegation, from coming to New York because, with the blessing of Washington, they had barred his plane from landing at Kennedy Airport or Newark Airport and had said that they declined to ensure his safety.

36. Mr. ROSENSTOCK (United States of America), speaking on a point of order, asked the Chairman to remind the representative of the Soviet Union that there was an item concerning relations with the host country on the Committee's agenda. The Soviet representative should have the patience to wait for that item to be taken up before launching into such diatribes.

37. The CHAIRMAN invited the representative of the Soviet Union to continue his statement.

38. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that flagrant violations of international agreements of the kind he had mentioned were bound to arouse indignation in the United Nations.

39. Respect by all States for the principles and norms of diplomatic law was a prerequisite for the maintenance of normal international relations. He emphasized the importance for peace and security of the work of diplomatic and consular representatives and said that the Soviet Union had always supported, and would continue to support United Nations activities aimed at preventing nuclear war, curbing the arms race and eliminating centres of international tension. It was vitally important that there should be strong condemnation, in the United Nations forum, of any attempt to undermine the authority of the Organization and any assault on the lives and dignity of diplomats and the inviolability of diplomatic and consular missions, including missions to international organizations. The media should report objectively and constructively on the role played within the United Nations by the representatives of States in strengthening peace and security and developing relations among States with different economic and social systems. It was only on that basis that real progress could be made with regard to the protection, security and safety of diplomatic and consular missions and representatives.

40. Mr. FATHALLA (Egypt) said that consideration of item 128 brought out a number of points. First, the diplomatic function and its contribution to the maintenance of international peace and security was very important, as was the development of relations among countries in all fields. Secondly, the protection of diplomats was necessary, and both the receiving State and the sending State had obligations in that respect and should co-operate. Diplomats accredited to a State should comply with its laws and regulations. States should honour their international obligations

(Mr. Fathalla, Egypt)

by taking the necessary internal measures, and those which had not yet become parties to the instruments concerning the protection, security and safety of diplomatic and consular missions and representatives should be encouraged to do so.

41. His Government had no serious violations to report with regard to the protection, security and safety of such missions and representatives, no doubt as a result of the measures which the Egyptian authorities had taken to ensure round-the-clock protection for foreign embassies and consulates and for the offices of international organizations situated in Egypt.

42. The operative part of resolution 37/108 contained two kinds of recommendations, addressed respectively to States (paras. 3-7) and to the Secretary-General (paras. 8-11). The Secretary-General had complied with most of the wishes expressed by the Assembly; he had circulated to all States the reports received by him, had invited States to inform him of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives, had drawn the attention of States to the reporting procedures set forth in the resolution and had submitted to the General Assembly a report on the state of ratification of the relevant instruments. His delegation hoped that the Secretary-General would submit as soon as possible his views on the matters mentioned in paragraph 11 of resolution 37/108. As far as the implementation by States of the provisions of resolution 37/108 was concerned, Egypt considered that they should make greater efforts to achieve the objective of the resolution. He regretted that the number of States which had become parties to the legal instruments concerning the protection, security and safety of diplomatic and consular missions and representatives had not increased sufficiently over the past year. As for efforts made to bring offenders to justice and measures adopted with a view to preventing a repetition of such violations, his delegation gathered from section II of the Secretary-General's report (A/38/379) that definitive results had been achieved in only two cases during the past year.

43. The resolution to be adopted at the thirty-eighth session should, first of all, stress the procedures for reporting in case of violations and the importance of the results of proceedings taken against offenders. Secondly, the resolution should emphasize the fact that the instruments governing the protection, security and safety of diplomatic and consular missions and representatives ought to be ratified by a greater number of States and that national laws ought to be brought into line with the provisions of those international instruments. The resolution should take account of the views expressed by States pursuant to paragraph 9 of resolution 37/108. In that connection, two suggestions merited consideration. The first concerned the possibility of issuing an information bulletin, to be distributed among member States periodically, that would outline practical methods and systems for preventing violations. Such a bulletin would allow an exchange of information, presented principally from a technical and objective standpoint, concerning experiences in specific cases of serious violations. The second suggestion was that the public should be made aware, through the use of the mass communications media, of the importance of the diplomatic function and the consular function for the strengthening of international peace and security and the normal development of co-operative relations between States and peoples.

44. The CHAIRMAN reminded members of the Committee of the rules adopted by the General Assembly, in its decision 34/401, concerning rights of reply.

45. Mr. ROSENSTOCK (United States of America), speaking in exercise of the right of reply, said that in 1980, when the item under consideration had first been placed on the Committee's agenda, a number of American diplomats had been in a dramatic situation. Nevertheless, out of respect for the importance of the item, his delegation had refrained from vitriolic statements of the kind made by the representative of the Soviet Union. That was no doubt due to the fact that the United States was not a totalitarian State, did not share the intellectual legacy of the Nazi régime - the big lie - and had no need to use invective as a cover for the horror of the camps and for aggressive behaviour. He was surprised, in fact, that his Soviet colleagues had managed to wait so long before trying to poison the atmosphere in the Sixth Committee.

46. The representative of the Soviet Union had pointed out that international obligations took precedence over national obligations. The Committee would have an excellent opportunity to consider the importance of that truth when it came to consider agenda item 126.

47. With regard to the family problems which the representative of the Soviet Union had had the bad taste to mention in the Committee, there were humanitarian considerations which should prevail in a situation of that kind. Nothing, not even diplomatic immunity, could be invoked to thwart efforts aimed at preventing a possible kidnapping. As the representative of the Soviet Union was fully aware, there had been reason to believe that someone who lacked freedom of movement might be forced to leave the United States against his will. To ask for some objective indication that such was not the case did not constitute a violation of an international obligation. In view of the suicide after the Second World War of many persons who had not wanted to fall once more into the grip of the totalitarian dictatorship of the Soviet Union, the United States had been anxious not to see such a thing happen again. Once it had taken reasonable measures to satisfy itself that there was no question of forced repatriation, there had been no further problems.

48. The representative of the Soviet Union was also fully aware that Mr. Gromyko had not been prevented from coming to the United States. As for the Glen Cove incident, which had of course been regrettable, the Soviet representative was acquainted with the facts, which differed considerably from the version he had given the Committee. About 500 members of the Korean Association of New York had gathered for a peaceful demonstration in front of the Glen Cove residence. At 9.30 a.m., some 75 persons had broken away from the group of demonstrators and tried to enter the residence grounds; about 60 of them had managed to do so, despite action by the police. Police reinforcements had immediately been called for and had arrived promptly, with the result that no one had gained entry to the residence itself and no Soviet official had been molested. The ensuing confusion and the understandable concern of the police that the grounds should be immediately and completely cleared accounted for the fact that it had not been possible to make any arrests at the scene. Five members of the Glen Cove police and two members of

(Mr. Rosenstock, United States)

the Nassau County police had been injured in protecting the Soviet residence. Similar demonstrations had taken place at the same time in front of the premises owned by the Soviet Mission in Manhattan, and some police officers protecting them had also been injured. Since those demonstrations had involved fewer people, it had been possible to make arrests.

49. Mr. YAKOVLEV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that he preferred not to descend to the level of the first part of the statement made by the United States representative or to say what kind of régime the latter represented, what relations that régime had with nazism and racism and what it was trying to conceal, or who it was that was poisoning the atmosphere by denigrating the United Nations and diplomats.

50. The United States representative had confined his remarks to one of the incidents which he (Mr. Yakovlev) had mentioned in his statement and had tried to excuse it by referring to the action taken by the local police. However, it was not the local police, who usually acted effectively, that he had been criticizing, but numerous incidents attesting to flagrant violations of international agreements, particularly the Vienna Convention on Diplomatic Relations, and propaganda which called in question the role of international organizations and of diplomacy in general. Yet the United States representative had had nothing to say about that. The Soviet Union wanted such propaganda to stop, in order to avoid poisoning the international atmosphere even more. As for the recent events to which the United States representative had alluded, no event could justify the violation of conventions such as the Vienna Conventions on diplomatic and consular relations, and it was difficult to believe, as the United States representative apparently wanted it believed, that all was quite well in the best of worlds.

The meeting rose at 12.35 p.m.