



UN/SA COLLECTION
SUMMARY RECORD OF THE 71st MEETING

Chairman: Mr. GASTLI (Tunisia)

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 133: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY
(continued) (A/38/26)

1. Mr. DOMINGUEZ (Cuba) said it was clear from the report of the Committee on Relations with the Host Country (A/38/26) - which, regrettably, had been issued late - that there were problems affecting the normal functioning of the permanent missions to the United Nations and that the host country had systematically violated the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. For example, there had been unprecedented impediments to the arrival in New York of the Soviet Minister for Foreign Affairs. With respect to the Permanent Mission of Cuba, the host country was constantly disregarding its obligations under the Headquarters Agreement and violating the norms of diplomatic law laid down in the 1961 Vienna Convention on Diplomatic Relations. For two decades, the Permanent Mission of Cuba had been the target of constant terrorist acts and threats and had had to cope with obstacles imposed by the host country on the normal discharge of its functions.
2. Three years after the brutal murder, in broad daylight, of the Cuban diplomat, Félix García, the United States authorities had still failed to punish the murderers. It had been over a year since certain individuals had been charged with involvement in a dynamite attack on the car of the Permanent Representative of Cuba to the United Nations. The question was how many years would have to pass before they were tried and punished.
3. In 1982, the United States had expelled three members of the Cuban Mission on the basis of an arbitrary interpretation of the Headquarters Agreement. In April 1983, it had expelled, on the basis of false charges, two more members of the Cuban Mission. Those expulsions were clear evidence of the host country's systematic attempts to hamper Cuban diplomatic personnel in the normal discharge of their functions.
4. Shortly after the unjustified expulsions, the host country had imposed restrictions on the movement of members of the Cuban Mission. Those restrictions were flagrant violations of the spirit of article V, section 15, and article IX, section 27, of the Headquarters Agreement, of Article 105 of the United Nations Charter and of articles 25 and 26 of the 1961 Vienna Convention. They demonstrated clearly how quick the host country was to violate the most elemental norms of international law and what little regard it had for diplomatic privileges and immunities.
5. Such an attitude was not surprising to his delegation, for it was part of the old United States policy of making things difficult for Cuba's representatives. It was inadmissible, however, that the host country should abuse its prerogatives in order to obstruct the activities of Member States. Cuba was not the only Member State whose rights had been violated.

(Mr. Dominguez, Cuba)

6. The contempt which the host country had for the permanent missions had been reflected by its representative in the Committee on Relations with the Host Country, who had virtually invited the United Nations to start packing. That attitude had led many Member States to wonder whether it would not be advisable for the Organization to move its Headquarters to a country that would guarantee diplomatic privileges and immunities and treat diplomatic representatives with dignity.
7. His delegation supported the recommendations contained in paragraph 60 of the report of the Committee on Relations with the Host Country. The mandate of that Committee should be renewed so that it could continue its work in accordance with the relevant General Assembly resolutions.
8. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the Committee on Relations with the Host Country had done useful work in 1983 and had endeavoured to find solutions to the problems before it. The general state of affairs was, however, far from satisfactory. Criminal acts had been committed against the inviolability and security of missions and diplomats, including the unprecedented attack by a mob on the residence of the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations. Rowdy demonstrations and the campaign of abuse directed against missions and their personnel continued. His delegation was particularly concerned by the participation of certain official figures in such activities and the broadcasting of the incidents on television.
9. His delegation condemned such criminal acts and demanded that they should be stopped, those responsible punished and compensation paid for the damage caused. It was a matter of respecting the letter and spirit of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, in accordance with which no obstacles should be put in the way of delegations wishing to participate in the General Assembly, no legislative or other measures should be taken to limit the immunities of missions and their personnel and no encouragement should be given to the campaign against the United Nations and missions. The host country had a duty to fulfil those obligations.
10. The Committee on Relations with the Host Country could and should promote proper conditions for the work of the United Nations and the missions in New York, in accordance with the Agreement. It had made a number of useful recommendations to that effect, and they should be put into practice. He hoped that the Agreement would be strictly observed and that the host country authorities would take the necessary measures at all levels to prevent future criminal acts against missions and their personnel.
11. As in previous years, the Sixth Committee's resolution on the subject should condemn all criminal acts against missions and their personnel and should provide for measures to prevent them. It might also approve the recommendations of the Committee and instruct it to continue its work with a view to putting them into practice.

12. Mr. ROSENSTOCK (United States of America) said that the host country was not insensitive to the problems which the missions faced from time to time.

13. He felt obliged to comment on the unfortunate situation of those who, cloaked with diplomatic status, engaged in such activities as the attempted purchase of electronic equipment for illegal shipment out of the host country, in clear violation of the relevant norms of international law, and who, when caught engaged in such illegal activities, acquiesced more or less in the request to leave the country, only to have their colleagues abuse the patience of the Sixth Committee by invoking their diplomatic status. No doubt such persons would like even more freedom to travel in the host country than they already had, in order to make their illegal activities harder to detect.

14. His delegation trusted that the facts were well known to all concerned.

15. Mr. DOMINGUEZ (Cuba) said that the United States representative had attempted to misrepresent the facts.

16. All the commercial transactions entered into by the Cuban Mission had been fully legal. The communications that had led to the conclusion and signing of the contracts had been open and had in no way violated the laws of the United States, which had simply seized a pretext to order an illegal expulsion.

17. Under the existing norms of international law, Cuba's representatives were entitled to the same freedom of movement as the representatives of other Member States and should not be subjected to special restrictions.

AGENDA ITEM 123: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.6/38/L.21)

18. The CHAIRMAN invited the Committee to proceed to a vote on draft resolution A/C.6/38/L.21.

19. Mr. ENKHS AIKHAN (Mongolia), supported by Mr. RAO (India) and Mr. PATRONAS (Greece), speaking on behalf of the members of the European Economic Community, requested a suspension of the meeting.

The meeting was suspended at 4.10 p.m. and resumed at 4.50 p.m.

20. Mr. PATRONAS (Greece) and Mr. HILL (United Kingdom) requested a further suspension of the meeting.

The meeting was suspended at 5 p.m. and resumed at 5.10 p.m.

21. Mr. ENKHS AIKHAN (Mongolia) said that, following consultations, a generally acceptable draft had been produced. The fifth preambular paragraph of A/C.6/38/L.21 had been replaced by the fifth and sixth preambular paragraphs of

(Mr. Enkhsaikhan, Mongolia)

resolution 36/109. Operative paragraphs 1 and 2 had been replaced by paragraph 2 of the same resolution. The former paragraph 4 now read "Urges all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs to contribute to the progressive elimination of the causes underlying international terrorism". Paragraph 9 of the original draft now reads "Calls upon all States to observe and implement the recommendations submitted by the Ad Hoc Committee on International Terrorism to the General Assembly at its thirty-fourth session". The operative paragraphs of the revised draft would have to be renumbered accordingly.

22. Mr. DE STOOP (Australia) said that his delegation would prefer to keep the reference to measures to prevent terrorist acts and the elimination of their consequences in paragraph 4 of A/C.6/38/L.21. It did not, however, wish to break the consensus.

23. Mr. SCHRICKE (France), said that, in the interest of logic, the paragraph re-endorsing the recommendations submitted by the Ad Hoc Committee on International Terrorism should be placed immediately before the paragraph which called upon all States to observe and implement those recommendations.

24. Mr. DIACONU (Romania) said that he agreed with the suggestion made by the representative of France. It would also be more logical to place paragraph 7 of A/C.6/38/L.21, which dealt with national measures but was currently sandwiched between two paragraphs dealing with international measures, before paragraph 5.

25. Draft resolution A/C.6/38/L.21, as orally amended, was adopted by consensus.

26. Mr. DIACONU (Romania) said he could not help noticing that on some resolutions consensus was achieved, while others had to be adopted without a vote.

The meeting rose at 6 p.m.