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REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Report of the Sixth Committee

Rapporteur: Mr. Valentine V. BOJILOV (Bulgaria)

I. INTRODUCTION

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the thirty-first session of the General Assembly pursuant to its resolution 3498 (XXX) of 15 December 1975.
2. At its 4th plenary meeting, on 24 September 1976, the General Assembly decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 62nd and 65th to 70th meetings, held from 3 to 10 December.
4. At the 62nd meeting, on 3 December, the Rapporteur of the Committee on Relations with the Host Country introduced its report. ^{1/} The Sixth Committee also had before it a letter dated 21 October from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (A/C.6/31/6).

II. CONSIDERATION OF DRAFT RESOLUTIONS

5. From the 65th to the 70th meetings, held from 7 to 10 December, the Sixth Committee considered four draft resolutions (A/C.6/31/L.20, A/C.6/31/L.21, A/C.6/31/L.23 and A/C.6/31/L.24) in connexion with the item.

^{1/} Official Records of the General Assembly, Thirty-first Session, Supplement No. 26 (A/31/26).

A. Draft resolution A/C.6/31/L.20

6. Draft resolution A/C.6/31/L.20, sponsored by the Ukrainian Soviet Socialist Republic, later joined by Bulgaria, Cuba, Czechoslovakia, Hungary and Mongolia, read as follows:

"The General Assembly,

"Having considered the report of the Committee on Relations with the Host Country, 2/

"Drawing attention to its resolutions 2747 (XXV) of 17 December 1970, 2819 (XXVI) of 15 December 1971, 3033 (XXVII) of 18 December 1972, 3107 (XXVIII) of 12 December 1973, 3320 (XXIX) of 14 December 1974 and 3498 (XXX) of 15 December 1975, in which it urged the Government of the host country to make certain that the measures taken to ensure the protection and security of permanent missions to the United Nations and their personnel were adequate to enable those missions to perform properly the functions entrusted to them by their Governments,

"Recalling the responsibilities of the Government of the host country with respect to the United Nations and the missions accredited to it, their personnel and their correspondence under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 3/ the Convention on the Privileges and Immunities of the United Nations, 4/ the Vienna Convention on Diplomatic Relations of 1961 and general international law,

"Noting with deep concern the dangerous acts of terrorism and other criminal acts which have been committed against missions and their personnel, including in a number of cases the use of bombs and firearms, which constituted a threat to the lives of mission personnel and caused damage to the premises of missions and the living quarters of their personnel,

"Further noting with concern that hostile demonstrations and picketing near mission buildings, accompanied by violence, threats and insults directed against the personnel of missions, are still taking place,

"Expressing its deep sympathy with the missions and their personnel that have become the victims of such acts,

"Considering that the problems related to the privileges and immunities of the United Nations and to the status of the missions accredited to it are of mutual concern to Member States, including the host country, as well as to the Secretary-General,

2/ Ibid.

3/ General Assembly resolution 169 (II).

4/ General Assembly resolution 22 A (I).

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

"1. Strongly condemns terrorist and other acts of violence against missions and their personnel as fundamentally incompatible with the status of such missions and personnel under international law, and in particular under the Vienna Convention on Diplomatic Relations of 1961;

"2. Expresses its deep concern at criminal activities against missions and their personnel and property by Zionist and other elements, including demonstrations and picketing which are accompanied by violence, threats and insults against personnel of those missions and which cause damage to the property of missions and their personnel;

"3. Urges the host country without delay to take all necessary measures and ensure their effective implementation for the purpose of guaranteeing adequate security for missions and their personnel and creating normal conditions for the functioning of missions to the United Nations;

"4. Notes with regret that persons who have committed terrorist and other criminal acts against missions and their personnel still remain unpunished and urges the host country to take all necessary measures to apprehend, prosecute and punish those guilty of criminal acts against missions and their personnel, as provided for in the federal Act for the Protection of Foreign Officials and Official Guests of the United States; 5/

"5. Urges the host country to take effective measures prohibiting the unlawful activities of organizations and groups which prepare, instigate, encourage or participate in terrorist or other acts of violence against missions and their personnel;

"6. Urges the host country, the United Nations Secretariat, the diplomatic community and the organizations concerned to seek in every way the improvement of relations and the promotion of mutual understanding between the diplomatic community and the local population in order to ensure conditions conducive to the effective functioning of the United Nations and the missions accredited to it;

"7. Decides to continue the work of the Committee on Relations with the Host Country, in conformity with General Assembly resolution 2819 (XXVI), with the purpose of examining all matters falling within its terms of reference, and requests the Secretary-General to give it all necessary assistance;

"8. Requests the Committee on Relations with the Host Country to submit to the General Assembly, at its thirty-second session, a report on the progress of its work and to make, if it deems it necessary, appropriate recommendations;

5/ United States Public Law 92-539 (see A/8871/Rev.1), pp. 3-7.

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

B. Draft resolution A/C.6/31/L.21

7. Draft resolution A/C.6/31/L.21, sponsored by Argentina, Belgium, Denmark, Germany, Federal Republic of, Honduras, Ireland, Italy, Liberia, the Netherlands, and the United Kingdom of Great Britain and Northern Ireland, later joined by Botswana, Grenada, the Niger, Uruguay and Zaire, read as follows:

"The General Assembly,

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

"Drawing attention to its resolutions 2747 (XXV) of 17 December 1970, 2819 (XXVI) of 15 December 1971, 3033 (XXVII) of 18 December 1972, 3107 (XXVIII) of 12 December 1973, 3320 (XXIX) of 14 December 1974 and 3498 (XXX) of 15 December 1975,

"Recalling the responsibilities of the Government of the host country with respect to the United Nations and the missions accredited to it, their personnel and their correspondence under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, the Convention on the Privileges and Immunities of the United Nations and general international law,

"Noting with deep concern a number of serious acts of violence and other criminal acts committed against several missions to the United Nations, their personnel and property, including demonstrations and picketing accompanied by violence, threats, malicious harassment, attacks and insults against personnel of those missions,

"Considering that the problems related to the privileges and immunities of the United Nations and to the status of the missions accredited to it are of mutual concern to Member States, including the host country, as well as to the Secretary-General,

"Recalling the duty of missions accredited to the United Nations and their personnel to respect the laws and regulations of the host country, without prejudice to their privileges and immunities under international law,

"Noting the difficulties which diplomats continue to have in parking their vehicles,

"Noting reports of difficulties concerning financial responsibilities relating to certain missions and certain personnel attached to the missions,

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"Noting the recommendations of the Committee on Relations with the Host Country contained in paragraph 65 of its report,

"1. Notes with satisfaction the assurances given by the competent authorities of the host country concerning the security of the missions accredited to the United Nations and the safety of their personnel;

"2. Recognizes the usefulness of the various measures taken by the host country to provide for the security of the missions and the safety of their personnel;

"3. Expresses its deep concern over the acts of violence and other criminal acts which have nevertheless been committed against several missions, their personnel and property;

"4. Expresses its deep sympathy to the missions and their personnel that have been the victims of such acts;

"5. Strongly condemns any acts of violence and other criminal acts against the premises of missions and their personnel as totally incompatible with the status of missions and their personnel under the norms of international law, especially those of the Vienna Convention on Diplomatic Relations of 1961;

"6. Urges the host country to take all necessary measures in order to prevent any acts violating the security of missions and the safety of their personnel and the inviolability of their property, and in order to ensure normal conditions for the existence and functioning of all missions;

"7. Welcomes the fact that the authorities of the host country have apprehended and prosecuted various individuals for having committed certain criminal acts against several missions, their personnel and property;

"8. Urges the host country to continue its efforts to apprehend, bring to justice and punish all those responsible for committing criminal acts against missions;

"9. Calls upon the missions to co-operate as fully as possible with the federal and local authorities of the host country in cases affecting the security of the missions and their personnel;

"10. Emphasizes that, without prejudice to their privileges and immunities under international law, it is the duty of all members of the diplomatic community enjoying such privileges and immunities to respect the laws and regulations of the host country;

"11. Requests the host country to consider increasing the number of spaces set aside for diplomatic parking on the streets of New York, to take measures to ensure that diplomatic parking spaces are not occupied by

unauthorized vehicles, and to consider terminating the practice of issuing summonses to diplomats with regard to the parking of their vehicles; and reiterates its request to all missions to endeavour to obtain off-street parking for diplomatic vehicles assigned to the missions;

"12. Suggests that the Secretariat of the United Nations and all others concerned work together to solve outstanding problems involving financial responsibilities of certain missions and individual persons attached to those missions;

"13. Expresses the hope that efforts will be continued and intensified with a view to implementing an information programme in order to acquaint the population of the City of New York and its boroughs with the privileges and immunities of the personnel of the missions accredited to the United Nations and with the importance of the international functions performed by them;

"14. Expresses its appreciation for the efforts of the host country, the New York City community and the New York City Commission for the United Nations and for the Consular Corps to accommodate the needs, interests and requirements of the diplomatic community and to provide hospitality and promote mutual understanding;

"15. Decides to continue the work of the Committee on Relations with the Host Country in 1977, in conformity with General Assembly resolution 2819 (XXVI), with the purpose of examining all matters falling within its terms of reference;

"16. Requests the Secretary-General to provide all necessary assistance to the Committee on Relations with the Host Country and to call its attention to issues of mutual concern relating to the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations;

"17. Requests the Committee on Relations with the Host Country to submit to the General Assembly, at its thirty-second session, a report on the progress of its work and to make, if it deems it necessary, appropriate recommendations;

"18. Decides to include in the provisional agenda of its thirty-second session the item entitled 'Report of the Committee on Relations with the Host Country'."

C. Draft resolution A/C.6/31/L.23

8. Draft resolution A/C.6/31/L.23, sponsored by Australia, Canada, Colombia, Costa Rica, the Dominican Republic and Spain, read as follows:

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"The General Assembly,

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

"Drawing attention to its resolutions 2747 (XXV) of 17 December 1970, 2819 (XXVI) of 15 December 1971, 3033 (XXVII) of 18 December 1972, 3107 (XXVIII) of 12 December 1973, 3320 (XXIX) of 14 December 1974 and 3498 (XXX) of 15 December 1975, in which it urged the Government of the host country to make certain that the measures taken to ensure the protection and security of permanent missions to the United Nations and their personnel were adequate to enable those missions to perform properly the functions entrusted to them by their Governments,

"Recalling the responsibilities of the Government of the host country with respect to the United Nations and the missions accredited to it, their personnel and their correspondence under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, the Convention on the Privileges and Immunities of the United Nations and general international law,

"Noting with deep concern the illegal acts of individuals or groups against the inviolability of various missions accredited to the United Nations involving the commission and the repetition of violent and other criminal acts, including in some cases the use of bombs or firearms, against their premises and the residences of their personnel and also the assaults, the uttering of threats and insults against such personnel, and picketing accompanied by violence,

"Expressing its deep sympathy with the missions and their personnel that have become the victims of such acts,

"Considering that the problems related to the privileges and immunities of the United Nations and to the status of the missions accredited to it are of mutual concern to Member States, including the host country, as well as to the Secretary-General,

"Recalling the duty of missions accredited to the United Nations and their personnel to respect the laws and regulations of the host country, without prejudice to their privileges and immunities under international law,

"Noting the recommendations of the Committee on Relations with the Host Country, contained in paragraph 65 of its report,

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

"1. Affirms that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for

their effective functioning, notes with satisfaction the assurances given by the highest authorities of the host country to ensure the security of missions and the safety of their personnel and recognizes the usefulness of the various measures taken to this end;

"2. Condemns terrorist and other criminal acts in relation to any mission, its personnel and property as being totally incompatible with the status of missions and their personnel under the norms of international law, especially those of the Vienna Convention on Diplomatic Relations;

"3. Urges the host country to take all necessary measures without delay in order to prevent any acts violating the security of missions and the safety of their personnel or the inviolability of their property, and in order to ensure normal conditions for the existence and functioning of all missions;

"4. Once again appeals to the host country to take all necessary measures to apprehend, bring to justice and punish all those responsible for committing criminal acts against missions accredited to the United Nations as provided for in the 1972 Federal Act for the Protection of Foreign Officials and Official Guests of the United States;

"5. Urges the host country to take effective measures to prohibit illegal activities of organizations that organize, instigate, encourage or engage in the perpetration of terrorist or other acts of violence against missions to the United Nations or their personnel;

"6. Calls on the missions of States Members of the United Nations, with a view to facilitating the course of justice, to co-operate as fully as possible with the Federal and local United States authorities in cases affecting the security of those missions and their personnel;

"7. Expresses the hope that efforts will be continued and intensified with a view to implementing an information programme in order to acquaint the population of the City of New York and its boroughs with the privileges and immunities of the personnel of the missions accredited to the United Nations and with the importance of the international functions performed by them;

"8. Emphasizes that, without prejudice to their privileges and immunities under international law, it is the duty of all members of the diplomatic community enjoying such privileges and immunities to respect the laws and regulations of the host country;

"9. Renews its appeal to the host country to consider terminating the practice, referred to in the report of the Committee on Relations with the Host Country, of issuing summonses to diplomats with regard to the parking of their vehicles, as under international law members of missions are immune from the criminal jurisdiction of the host country;

"10. Appeals to the host country, in order to eliminate the difficulties experienced by diplomats in parking their vehicles, to consider increasing the number of spaces set aside for diplomatic parking in New York and to take measures to ensure that DPL parking spaces are not occupied by unauthorized vehicles;

"11. Requests all missions to endeavour to obtain off-street parking for diplomatic vehicles assigned to missions;

"12. Notes with satisfaction that in response to recommendations of the Committee there have been no instances of diplomatic vehicles being towed and expresses the hope that the New York authorities will continue to avoid towing such vehicles;

"13. Suggests, in connection with difficulties concerning financial responsibilities relating to certain missions accredited to the United Nations and certain individual diplomats attached to those missions, that the Secretariat and all others concerned work together to solve these outstanding problems;

"14. Expresses its appreciation to the New York City Commission for the United Nations and the Consular Corps and those bodies which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York;

"15. Decides to continue the work of the Committee on Relations with the Host Country in 1977, in conformity with General Assembly resolution 2819 (XXVI), with the purpose of examining all matters falling within its terms of reference;

"16. Requests the Secretary-General to provide all necessary assistance to the Committee on Relations with the Host Country and to call its attention to issues of mutual concern relating to the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the Convention on the Privileges and Immunities of the United Nations;

"17. Requests the Committee on Relations with the Host Country to submit to the General Assembly, at its thirty-second session, a report on the progress of its work and to make, if it deems it necessary, appropriate recommendations;

"18. Decides to include in the provisional agenda of its thirty-second session the item entitled 'Report of the Committee on Relations with the Host Country'."

D. Draft resolution A/C.6/31/L.24

9. At the 70th meeting, on 10 December, the representative of Cyprus introduced draft resolution A/C.6/31/L.24. Subsequently the representatives of the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland and Costa Rica each stated that the draft resolutions sponsored by their delegations (A/C.6/31/L.20, A/C.6/31/L.21 and A/C.6/31/L.23, respectively) would not be pressed to a vote.

10. At the same meeting, the Committee adopted draft resolution A/C.6/31/L.24 by consensus (see para. 11 below).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 6/

1. Accepts the recommendations of the Committee on Relations with the Host Country contained in paragraph 65 of its report;

2. Decides to continue the work of the Committee on Relations with the Host Country, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971, with the purpose of examining all matters falling within its terms of reference and requests the Secretary-General to provide the Committee with all necessary assistance;

3. Decides to include in the provisional agenda of its thirty-second session the item entitled "Report of the Committee on Relations with the Host Country".

6/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 26 (A/31/26).