



**REPORT
OF THE
COMMITTEE ON RELATIONS
WITH THE
HOST COUNTRY**

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-SECOND SESSION

SUPPLEMENT No. 26 (A/32/26)

UNITED NATIONS



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New York, 1977

NOTE

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I. INTRODUCTION

1. By its resolution 2819 (XXVI) of 15 December 1971, the General Assembly established the Committee on Relations with the Host Country. At its thirty-first session, the General Assembly decided by resolution 31/101 of 15 December 1976 that the Committee should continue its work, in conformity with resolution 2819 (XXVI), with the purpose of examining all matters falling within its terms of reference, and decided to include in the provisional agenda of its thirty-second session the item entitled "Report of the Committee on Relations with the Host Country".

2. The Committee's report is divided into five sections. The Committee's recommendations are contained in section V.

II. MEMBERSHIP, TERMS OF REFERENCE AND ORGANIZATION OF WORK OF THE COMMITTEE

3. At the 107th plenary meeting of the General Assembly, on 22 December 1976, the President announced that he had appointed Senegal a member of the Committee to fill the vacancy caused by the withdrawal of the United Republic of Tanzania. The Committee's membership in 1977 was therefore as follows: Bulgaria, Canada, China, Costa Rica, Cyprus, France, Honduras, Iraq, Ivory Coast, Mali, Senegal, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

4. The Committee's officers in 1977 were: Mr. Rossides (Cyprus), Chairman, Mr. Aké (Ivory Coast), Vice-Chairman, and Mrs. de Barish (Costa Rica), Rapporteur.

5. The list of topics provisionally adopted by the Committee in 1972 was retained in 1977 and is as follows:

- (1) Question of the security of missions and the safety of their personnel;
- (2)
 - (a) Comparative study of privileges and immunities;
 - (b) Obligations of permanent missions to the United Nations and individuals protected by diplomatic immunity;
 - (c) Exemption from taxes levied by states other than New York;
 - (d) Possibility of establishing at United Nations Headquarters a commissary to assist diplomatic and Secretariat personnel;
 - (e) Housing for diplomatic personnel and for Secretariat staff;
 - (f) Transportation;
 - (g) Insurance;

- (h) The public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations;
 - (i) Education and health;
 - (j) Question of provision of an identity document for members of the families of diplomatic personnel, non-diplomatic staff of missions, and members of the United Nations Secretariat in New York;
 - (k) Acceleration of customs procedures;
 - (l) Entry visas issued by the host country;
- (3) Study of the Convention on the Privileges and Immunities of the United Nations;
 - (4) Consideration of, and advice to the host country on, issues arising in connexion with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;
 - (5) Consideration and adoption of the Committee's report to the General Assembly.

6. During the period under review, the Committee held three meetings (A/AC.154/SR.66-68). The Working Group established by the Committee in 1972 1/ did not meet during the period covered by this report.

III. SECURITY OF MISSIONS AND SAFETY OF THEIR PERSONNEL

A. Communications received by the Committee

1. Cases submitted to the Committee

7. During the period covered by this report, communications containing complaints about incidents affecting their security and the safety of their personnel were received from the Missions of Democratic Yemen, France, Tunisia, the Union of Soviet Socialist Republics and Yugoslavia:

(a) By a note dated 26 October 1976 to the Secretary-General (A/AC.154/148), the Mission of Tunisia complained about the fire-bombing of the Mission, as a result of which substantial damage had been caused, on the night of 23 to 24 October 1976, stating that the organization "Save Our Israeli Land" had claimed responsibility for the attack.

(b) By letters dated 29 December 1976 and 3 January 1977 to a member of the United States Mission (A/AC.154/150), the Permanent Representative of Democratic Yemen complained about the ransacking of the room occupied in a Manhattan hotel by

1/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 26 (A/10026), para. 6.

a member of that Member State's delegation to the thirty-first session of the General Assembly and the subsequent stealing therefrom of certain of his personal effects.

(c) By a letter dated 13 January 1977 (A/AC.154/151), the Permanent Representative of France to the United Nations described the break-in into the entrance hall of the Mission of about 20 young people. With regard to this incident, which had occurred on 11 January 1977, he complained about the police's refusal to use force to expel the demonstrators, who, after occupying the Mission's premises for 45 minutes, had left of their own volition.

(d) By letters dated 15 June and 11 July 1977 (A/AC.154/153 and 154), the Permanent Representative of Yugoslavia to the United Nations complained about two incidents against his Mission, the first of which involved an armed attack, and about the way the host country authorities had dealt with the assailants. A note verbale to the United States Mission, the text of which was attached to the letter of 15 June (A/AC.154/153), described the attack against the Yugoslav Mission, which had occurred on 14 June 1977 and been perpetrated by Jozo Brekalo, Marijan Buconjić and Vladimir Dizdar. Mr. Radomir Medić, a member of the staff of the Mission, had been critically wounded and the lives of other members of the Mission threatened. It was added that the incident was but the last of a series of attacks committed against the Yugoslav Mission in recent years. All the Yugoslav official protests had failed to change the unsatisfactory situation, which resulted in an escalation of actions threatening the lives of members of the Yugoslav Mission and impeded its normal work. The inadequacy of the measures to prevent such acts had an adverse effect on the relations between Yugoslavia and the United States. In a note verbale reproduced in the attachment to the letter of 11 July 1977 (A/AC.154/154), the Yugoslav Mission complained to the United States Mission about the granting of bail by the judicial authorities of the host country to the three perpetrators of the armed attack against the Yugoslav Mission. Such behaviour on the part of the host country authorities showed that the criminal activities against the Yugoslav Mission were not only tolerated but also encouraged by the host country and was in breach of the international obligations of the United States. By a note to the United States Mission dated 20 June 1977 (see A/AC.154/154), the Yugoslav Mission complained about threatening gestures made by three individuals, whom the police had thereupon apprehended, against a member of the Mission and two diplomatic couriers as they were leaving the Mission in the afternoon of 18 June 1977.

(e) By a note dated 8 July 1977 to the United States Mission (A/AC.154/156), the USSR Mission protested against an assault committed by unknown persons, in the evening of 7 July 1977, on Mr. V. N. Chernyshev, a Counsellor with the Mission, who had been seriously injured and would require lengthy treatment.

8. During the period covered by this report, replies from the United States Mission to the complaints set out in subparagraphs 7 (d) and (e) above were issued as documents of the Committee. The response of the United States Mission to the other complaints mentioned in paragraph 7 is summarized in section B below.

(a) By a letter dated 31 August 1977 (A/AC.154/158), the Acting Permanent Representative of the United States transmitted to the Chairman of the Committee the text of a note dated 12 August 1977 from the United States Mission addressed to the Permanent Mission of Yugoslavia. The note expressed the deep regret and

the repugnance of the United States Mission over the armed intrusion into the Mission of Yugoslavia which resulted in the wounding of Mr. Radomir Medić. It further stated the determination of the United States Government to protect Yugoslav personnel and property and to punish those responsible for such attacks. Concerning the note of the Mission of Yugoslavia dated 8 July, which reiterated that the perpetrators of the attack to the Mission on 14 June were set free on bail, the United States Mission could not understand such affirmation. In fact, those responsible for the attacks, with one exception, had been detained from the moment they were apprehended and continued to be detained. In respect of the granting of bail it was observed that the possibility of release on bail was provided in American law, but that such release on bail did not affect the trial or the eventual decision of the court. In the present case only one of the defendants had been set free on bail. Finally, the United States pointed out that terrorism was a world-wide problem and it appealed for greater co-operation in the efforts to control terrorism in all countries.

(b) By a letter dated 14 September 1977 (A/AC.154/159), the Acting Permanent Representative of the United States Mission transmitted to the Chairman of the Committee the text of a note dated 12 September 1977 from the United States Mission addressed to the Permanent Mission of the USSR. The note expressed the regrets of the United States Mission at the unfortunate incident to which Mr. Chernyshev, a Counsellor of the USSR Mission, had been subjected. The United States Mission also appealed for full co-operation by the USSR Mission in the investigation of the case as this was necessary in order to safeguard United Nations Missions fully.

2. Information from the United States regarding convictions and sentences

9. By a letter dated 22 December 1976 to the Acting Permanent Representative of the USSR to the United Nations (A/AC.154/149), the Special Adviser to the delegation of the United States at the thirty-first session of the General Assembly gave an account of the prosecution of five members of the Jewish Defense League who had pleaded guilty to charges that included the firing of shots into the Soviet residence at Riverdale. ^{2/} The letter described the sentences handed down by United States District Court for the Southern District of New York against the individuals in question (namely, Russel Kelner, Jeffrey Weingarten, Steven Paul Rombon, Steven Ehrlich and Thomas MacIntosh) and emphasized the usefulness in obtaining guilty pleas of the Soviet Government's willingness to provide, if necessary, witnesses at the trial, expressing the appreciation of the United States Government for this co-operative attitude.

B. Consideration of cases at the Committee's 66th and 67th meetings

10. The 66th and 67th meetings of the Committee, on 15 and 20 July 1977, were convened at the request of the Yugoslav Mission to consider the incidents described in its letters dated 15 June and 11 July 1977 (A/AC.154/153 and 154), the contents of which have been set out in subparagraph 7 (d) above. At these meetings the Committee also had before it the other documents referred to in paragraph 7 above.

^{2/} Incident considered by the Committee in 1976 (see Official Records of the General Assembly, Thirty-first Session, Supplement No. 26 (A/31/26), paras. 12-29.

11. The observer for Yugoslavia said that his country's Mission had for several years been subjected to various forms of pressure, ranging from threats against the head of the Mission and his associates to the armed attack and the wounding of a staff member that were the object of the complaint under consideration. This situation was clearly at variance with the applicable norms of international law, particularly, the relevant provisions of the Vienna Convention on Diplomatic Relations and the United Nations Headquarters Agreement, under which the receiving State was required to ensure the inviolability of missions and their personnel. He emphasized that as yet not a single person had been punished for committing the acts in question. It was particularly alarming that the terrorists arrested at the time of the most recent armed attack had been admitted to bail, since no bail had been granted to other terrorists belonging to the same organization, who had threatened to damage official property of the United States and slain a policeman. This attitude on the part of the host country could only be interpreted as laxity vis-à-vis the terrorists, who had repeatedly demonstrated their determination to continue committing unlawful acts against the Yugoslav Mission.

12. The representative of the USSR said that, despite the expressions of concern repeatedly voiced in the Committee and the General Assembly, the authorities of the host country had not yet fulfilled their promises to take all necessary measures to guarantee the security of missions. The criminal attack against the Yugoslav Mission and its tragic consequences were further evidence of the persistent character of terrorist acts against missions. It was clear from the circumstances that the host country had not, in response to Yugoslav protests, acted effectively to prevent such terrorist acts and bring their perpetrators to justice. The United States had thus failed to fulfil its clearly defined international obligations. Incidents such as the attack on the Yugoslav Mission were possible only because the tolerance on the part of the host country and the virtual impunity enjoyed by the perpetrators of such acts were tantamount to the encouragement of their unlawful behaviour. The granting of bail to the assailants of the Yugoslav Mission was a clear dereliction of duty on the part of the United States judicial authorities. The USSR representative referred to demonstrations that had taken place in March 1977 against the USSR Mission, impeding its normal operation, as well as to demonstrations against the Soviet residential complex in Riverdale, New York, that had occurred in the same month. In June the entrance to the USSR Mission had been blocked and an attempt made at forced entry. Although the circumstances showed that these acts had been planned in advance, no preventive action had been taken by the authorities. The most recent incident against the USSR Mission, namely, the assault on Mr. Chernyshev, was in the nature of a premeditated and provocative act. Thus, despite the assurances of the host country, missions continued to be the victims of unlawful acts.

13. The representative of Iraq strongly condemned the acts of terror against the Yugoslav Mission. The culprits should be severely punished and the organizations behind these actions eliminated. The number of similar incidents that had occurred in the past indicated that there would be a repetition of such acts in the future unless adequate preventive measures were taken by the host country. He expressed surprise at the granting of bail to the assailants of the Yugoslav Mission.

14. The representative of the United Kingdom stressed the gravity of the armed attack against the Yugoslav Mission and said that, although the statement by the observer from Yugoslavia had been balanced and fair, it was necessary to understand the difficulty of dealing with such incidents in a democratic society characterized

by freedom of speech and association. Although admittedly the preventive measures taken to ensure the security of missions had proved to be less than fully effective, he did not share the view that the host country authorities were tolerating terrorism in New York, and was confident that they would do their utmost to safeguard the security of missions.

15. The representative of France manifested his sympathy with the Yugoslav Mission. Recalling the circumstances of the above-mentioned incident against the French Mission (see subpara. 7 (c) above), he observed that since the Mission premises were inviolable under international law the New York City police should evacuate demonstrators occupying them, no matter how peaceful their behaviour, whether or not there was an official complaint.

16. Other representatives expressed their regret to the observer from Yugoslavia over the armed attack on the Yugoslav Mission. They also condemned the other acts of violence that had been brought to the attention of the Committee and emphasized the need for the host country authorities to make every effort to prevent unlawful acts against missions. One of these representatives observed that the United States was not the only country where terrorist acts such as the armed attack against the Yugoslav Mission had been perpetrated.

17. The representative of the host country expressed his regret to the observer from Yugoslavia over the attack against the Yugoslav Mission and particularly the serious injury sustained by one of its members. The wrongdoers, who had been apprehended and would be prosecuted to the full extent of the law, were to face trial in a New York State court and a federal court. The case was to be heard in the latter on 12 September 1977. In connexion with the granting of bail to these individuals, he observed that this was not a concession but a strict application of the law, which allowed for bail in any case where no deaths had occurred. The granting of bail does not have the effect of suspending the proceedings and has no influence whatsoever on the final sentence. Since the full amount of bail fixed for their release had not been met, the individuals in question were still in prison. With reference to the incident against the USSR Mission that had occurred in June and been mentioned by the USSR representative, he stated that the advance notice given to the media, which had enabled them to have representatives on the scene, did not mean that the authorities had been forewarned. The police had, at any rate, taken action to arrest the demonstrators. The representative of the host country expressed his regret to the USSR representative over the assault committed on Mr. Chernyshev. It was unfortunate, he noted, that it was not until five days after the incident that the police had been able to confer with the victim and gather the information needed for their investigation. For the police could take effective measures only if they were able to count on the co-operation of the missions concerned. With regard to the incident against the French Mission, he regretted the inconvenience caused by the prerequisite of an official complaint for the use of force by the police. Negotiations were under way between federal and state authorities to find a way of dispensing with this requirement. He added that, while incidents tended to last longer if no arrests were made, persuading demonstrators to leave voluntarily was in many cases a better way of dealing with them than removing them forcibly. Additional security measures had been taken to protect French government offices in New York. In conclusion, he noted that the United States had frequently demonstrated earnestness in dealing with international terrorism and said that the host country authorities would continue to make every effort to meet their responsibilities with respect to the protection of missions and their personnel.

18. The representative of the USSR, while expressing the view that the situation with respect to the security of missions had not improved in 1977, noted the assurances by the representative of the host country that all necessary steps would be taken to protect missions and their personnel.

19. The observer from the Ukrainian SSR said that, as shown by recent events, the security of missions was still an acute problem that was far from having been resolved satisfactorily. With regard to the attack on the Yugoslav Mission, the question as to whether the host country authorities had taken appropriate action to prevent such acts in the future could only be answered in the negative inasmuch as there had been a further attack on the Mission on 18 June 1977 (see A/AC.154/154). The situation with respect to the security of missions remained unchanged because the authorities had failed to take appropriate remedial action and bring wrongdoers to justice. The virtual immunity enjoyed by the latter encouraged their behaviour. This was exemplified by the granting of bail to the assailants of the Yugoslav Mission. The observer from the Ukrainian SSR stated that the host country's response to the Committee's call in 1976 for the banning of unlawful activities by terrorist organizations against missions had been unsatisfactory.

20. At its 67th meeting, on 20 July 1977, the Committee adopted without objection the following decision:

"The Committee on Relations with the Host Country,

"Noting with extreme concern the grave act of terrorism perpetrated against the Permanent Mission of Yugoslavia to the United Nations on 14 June 1977, in which a member of the staff of that Mission was severely wounded, the lives of others of its members were threatened and its premises were forcibly and unlawfully occupied and ransacked,

"Deeply concerned over the threat to kidnap the Permanent Representative of Yugoslavia to the United Nations and the repeated acts of harassment to which the personnel of the Mission of Yugoslavia and members of their families have been subjected,

"Also concerned that the Permanent Mission of Yugoslavia to the United Nations has been the victim of a number of criminal acts in recent times and that, although these acts have been brought to the attention of the competent authorities of the host country, those responsible have not yet been apprehended, prosecuted or punished,

"Noting likewise with deep concern the assault committed on 7 July 1977 on a member of the Mission of the Union of Soviet Socialist Republics to the United Nations, as well as the other unlawful acts committed, since the adoption of the Committee's last report to the General Assembly, against the Permanent Missions of France and Tunisia and against a member of the delegation of Democratic Yemen to the last regular session of the General Assembly,

"Expressing its deep sympathy with the Permanent Mission of Yugoslavia and its personnel over the terrorist acts that have been perpetrated against its members and premises, and with the Permanent Missions of the Union of Soviet Socialist Republics, France, Tunisia and Democratic Yemen over the acts of violence and harassment against them,

"Alarmed by the fact that, despite the resolutions adopted by the General Assembly and the recommendations and decisions of the Committee, terrorist and other acts of violence, harassment and attacks are continually being committed against a number of missions accredited to the United Nations,

"Recalling the obligations and commitments of the host country, in accordance with international law, to provide adequate conditions for the normal functioning of missions to the United Nations and its duty to ensure the security of missions and their personnel and protect their members,

"1. Strongly condemns, as impermissible and fundamentally incompatible with the status of missions and their personnel under international law, the terrorist and other criminal acts perpetrated against the Mission of Yugoslavia to the United Nations and its personnel as well as other unlawful and hostile acts against the Mission of the Union of Soviet Socialist Republics and the other aforementioned missions since the adoption of the Committee's last report to the General Assembly;

"2. Urges the host country to take all necessary measures to apprehend, prosecute and punish those responsible for those acts in order that those who plan or commit any such acts against diplomatic missions and their personnel should in no way go unpunished;

"3. Notes the statements of concern by the host country on the importance of the inviolability and security of missions and their personnel as well as the host country's assurances, that every effort will be made in this respect;

"4. Emphasizes the importance of speedily informing the authorities of the host country of any incidents and of co-operating with them;

"5. Urges again the host country to take all effective measures to prevent activities of individuals and organizations that organize, incite, encourage or engage in the perpetration of terrorist or other acts of violence against missions to the United Nations and their members;

"6. Calls upon the host country to take urgently all the necessary measures and ensure that they are effectively implemented in order to safeguard the security of missions and their personnel, thereby creating conditions necessary for the normal functioning of all missions."

21. Following the adoption of the decision, the representative of France expressed his Mission's willingness to co-operate fully with the authorities of the host country in connexion with any incidents affecting its security, adding, however, that his Mission did not consider that French diplomats were in any circumstances obliged to testify before United States courts.

22. The representative of the USSR said that the Committee's decision should induce the host country to take all necessary measures to ensure against the repetition of incidents endangering the security of missions. The USSR Mission would, to the extent permitted by the status of diplomatic missions, continue to co-operate with the United States authorities on security matters.

23. The representative of the host country thanked the members of the Committee for co-operating in the achievement of a consensus. He also expressed his gratitude to the observer from Yugoslavia for his understanding of the adverse circumstances which had prevailed in connexion with the attack against the Yugoslav Mission. He agreed with the representative of France with regard to the importance of incidents being rapidly reported to the authorities and the need for full co-operation with them.

IV. OTHER MATTERS

24. By a letter to the Chairman of the Committee dated 21 July 1977, the Deputy Representative of the United States of America to the United Nations transmitted a report from the New York City Commission for the United Nations and for the Consular Corps on the question of the indebtedness of missions to the United Nations and their members. From May 1974 to 1 June 1977 the diplomatic debts reported to the Commission had amounted to \$803,920.28, of which \$551,338.92 had been collected, leaving a balance of \$250,972.26 of outstanding debts. As requested in the letter, it was reproduced, together with its attachment, as a document of the Committee (A/AC.154/157).

25. As in the past, the host country submitted to the Committee the annual report for the preceding year of the New York City Commission for the United Nations and for the Consular Corps. The report for 1976 (A/AC.154/152), which summarized the efforts made in that year by the Commission to assist members of the diplomatic community in New York City, touched, inter alia, on certain aspects of the public relations of the United Nations community in the host city. The Commission had sought, in particular, to provide practical information on local living conditions, organize cultural and recreational events, render assistance with regard to housing and establish contacts between diplomats and residents of the New York area.

V. RECOMMENDATIONS

26. At its 68th meeting, on 12 October 1977, the Committee approved the following recommendations:

(1) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee noted with satisfaction the assurances given by the competent authorities of the host country and recognizes the usefulness of the various measures taken to this end.

The Committee considered with deep concern the serious acts of terrorism and other criminal acts which had nevertheless been 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.

(2) The Committee 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 of 1961. 3/

3/ United Nations, Treaty Series, vol. 500, No. 7310, p. 95.

(3) The Committee 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) The Committee once again urges 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) The Committee urges the host country to take effective measures to prohibit illegal activities of organizations and persons 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) The Committee, with a view to facilitating the course of justice, calls upon the missions of States Members of the United Nations 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) The Committee 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) The Committee 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) The Committee has been informed that there have been difficulties concerning unpaid bills for goods and services rendered by private persons and organizations to certain missions accredited to the United Nations and certain individual diplomats attached to those missions, and suggests that the Secretariat and others concerned work together to solve these outstanding difficulties.

(10) The Committee wishes to express 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.

(11) The Committee considers it necessary that its further meetings shall be organized both on the request of Member States and as necessary to fulfil its mandate relevant to resolutions of the General Assembly.

(12) The Committee recommends that it should continue to consider problems within its terms of reference, pursuant to General Assembly resolutions 2819 (XXVI), 3033 (XXVII), 3107 (XXVIII), 3320 (XXIX) and 3498 (XXX).

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