



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

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTIETH SESSION

SUPPLEMENT No. 26 (A/10026)

UNITED NATIONS



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New York, 1975

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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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 twenty-ninth session, the General Assembly decided by resolution 3320 (XXIX) of 14 December 1974 that the Committee on Relations with the Host Country should continue its work in 1975, in conformity with General Assembly resolution 2819 (XXVI), with the purpose of examining all matters falling within its terms of reference, and requested the Committee to submit to the General Assembly, at its thirtieth session, a report on the progress of its work and to make, if it deemed necessary, appropriate recommendations.

2. The Committee's report is divided into eight sections. The Committee's recommendations are contained in section VIII. The two reports of the Working Group on its activities in 1975 are annexed to the present report.

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

3. In 1975 there were no changes in the membership of the Committee, which was as follows: Bulgaria, Canada, China, Costa Rica, Cyprus, France, Honduras, Iraq, Ivory Coast, Mali, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and the United States of America.

4. The Committee's officers in 1975 were: Mr. Rossides (Cyprus), Chairman, Mr. Grozev (Bulgaria) and Mr. Aké (Ivory Coast), Vice-Chairmen, and Mrs. de Barish (Costa Rica), Rapporteur.

5. The list of topics provisionally adopted by the Committee in 1972 was retained in 1975 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. The Working Group established by the Committee in 1972 and charged with consideration of all the topics before the Committee, with the exception of the question of security of missions and the safety of their personnel, which is kept under permanent review by the Committee as a whole, continued its work in 1975. The Working Group was composed of Bulgaria, Costa Rica, Mali, Spain, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. The representative of Costa Rica, Mrs. de Barish, continued to serve as Chairman of the Working Group in 1975.

7. During the period under review the Committee held 15 meetings (A/AC.154/SR.42 to A/AC.154/SR.56). The Working Group held five meetings. Two reports of the Working Group on its activities in 1975 were submitted to the Committee (see annexes I and II).

8. Pursuant to earlier requests of the Working Group, the Secretariat issued three documents in 1975. Two documents (A/AC.154/WG.1/L.2/Add.4 and 5) reproduced additional replies from Governments to the questionnaire contained in the Legal Counsel's letter of 19 June 1973 with respect to the practice followed by States in exempting diplomatic missions from real estate taxes. At the request of the Working Group, the Secretariat also prepared a paper (A/AC.154/WG.1/R.16) concerning the feasibility of establishing suitable group medical, hospital and dental insurance plans to cover the staff of missions to the United Nations in New York who do not presently enjoy adequate coverage on reasonable terms through their employment status.

II. SECURITY OF MISSIONS AND SAFETY OF THEIR PERSONNEL

A. Introduction

9. The Committee considered incidents of violence and other unlawful acts against missions pursuant to complaints by the missions concerned. Additional instances of unlawful activities against missions were brought to the attention of the Committee. The acts in question had been directed against six missions, namely, those of the Byelorussian Soviet Socialist Republic, Egypt, Iraq, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Yugoslavia. The specific incidents included, in one case, the firing of shots against a mission building, bombings of mission buildings and other acts of violence and harassment against missions and their personnel. In connexion with the shooting incident and a fire bombing incident, the Committee took specific decisions by which it strongly condemned those unlawful acts and asked for action by the host country to intensify measures towards ensuring the security of missions in general.

10. In the period under review the Committee did not, as it had in the period covered by its last report, undertake a general review of the question of the security of missions and the safety of their personnel. Nor did it have before it, as it did in that period, any documents dealing with the general aspects of this question.

11. Nevertheless, statements by members of the Committee relating to the specific incidents included certain comments of a general nature.

12. Several members stated that, despite the number and increasing seriousness of the acts of violence against diplomats, the authorities of the host country failed to fulfil their obligation under international law to ensure the security of missions and the safety of diplomats and, in particular, that the Federal Act for the Protection of Foreign Officials and Official Guests of the United States 1/ was not adequately implemented. It was also stated that the question of the security of missions was one that could affect any mission and should therefore be treated with particular seriousness.

13. The representative of the host country in every case expressed regret over the incidents, adding that its authorities were doing the utmost to ensure the punishment of the guilty parties and to prevent similar occurrences in the future. He added that those unlawful activities against missions should be viewed in the context of an increasingly serious world-wide phenomenon of terrorism of which diplomats were among the most prominent victims and that, in this perspective, the performance of the New York City authorities with regard to the protection of missions accredited to the United Nations was quite respectable.

14. The representative of the host country stated that missions against which unlawful activities were directed did not always co-operate with the authorities in the manner requested by the host country in that they refused to allow their members to make voluntary appearances in court for the purpose of giving evidence.

1/ United States Public Law 92-539 (see A/8871/Rev.1).

He pointed out that under the American legal system such appearances were of very great utility and sometimes essential in order to obtain convictions. Several representatives stated their firm opposition to this line of reasoning. They emphasized that under international law the members of the staff of the missions to the United Nations enjoyed immunities from the penal, civil and administrative jurisdiction of the host country and were not obliged to give evidence and, therefore, the refusal to appear in court could not and should not be regarded as unwillingness to co-operate with the host country.

15. Certain representatives praised the measures taken to ensure the security of missions and to punish those who committed criminal acts against missions, while other representatives considered those measures to be inadequate.

B. Cases considered by the Committee
at the request of Member States

16. The 42nd meeting of the Committee was held on 29 January 1975 at the request of the Ukrainian Soviet Socialist Republic. The request was contained in a note verbale (A/AC.154/71) dated 21 January 1975, addressed to the Secretary-General. Speaking at that meeting, the observer for the Ukrainian SSR stated that his delegation had requested the meeting in connexion with a shooting incident which had occurred on the night of 18-19 January 1975 and was described in the above-mentioned note. On that night, shots had been fired into the building which houses the missions of the USSR, the Ukrainian SSR and the Byelorussian SSR to the United Nations and is the residence of some of their staff. The fact that the criminal act had taken place had been verified by the police and the Federal Bureau of Investigation (FBI), and a rifle and three empty shells had been found near the building. The Ukrainian representative characterized the shooting as a politically motivated act of terrorism which constituted a flagrant violation of the diplomatic immunity of the mission as recognized in international law. He went on to say that the permanent missions in question and their staff had been subjected to hostile and criminal acts by Zionist organizations and groups in New York in the form of a systematic campaign designed to disrupt the normal working conditions of the missions. In connexion with the shooting incident, he recalled that the so-called Jewish Defense League had openly threatened physical violence against Soviet citizens residing in New York and had assembled near the Soviet Mission, chanting anti-Soviet slogans on the nights of 18 and 19 January. He believed that there was some link between the threats against the staff of the Soviet Missions by that Zionist organization and the outrageous shooting into their building. The Ukrainian representative stated further that the hostile acts of provocation were encouraged by mass media. He contended that the competent authorities in New York City failed to implement the provision of the 1972 Act for the Protection of Foreign Officials and Official Guests of the United States and, under various pretexts, delayed action and tried to avoid taking effective measures against persons guilty of committing crimes against missions and their personnel. He expressed the hope that the Committee would prevail on the host country to ensure normal working conditions for missions and their staff. In the course of the meeting, some representatives of members of the Committee expressed broad agreement with the views of the observer for the Ukrainian SSR, while the observer for the Byelorussian SSR described the threats and harassment to which some members of the mission staff had been subjected on 19 January 1975. The view was expressed that the question of the security of missions was one which could affect any

government and any mission and thus must be treated with particular seriousness. It was also stated that the excuses put forward by the United States authorities amounted to virtual connivance at the hostile actions involved.

17. At the same meeting, the observer for Egypt drew the attention of the Committee to an attack against the Egyptian Mission on 26 January 1975. Bricks and stones had been thrown at the mission, breaking windows and damaging part of the building, and nearly injuring an employee. In addition, red paint had been spattered on the façade of the building. On the same day, under cover of darkness, an attempt had been made to force open the main entrance door of the mission. He recalled that the minimal protection of the mission premises previously made available had been withdrawn a week before and stated that in his view the incident was a result of that withdrawal, which amounted to non-fulfilment of the host country's obligation to ensure the protection of missions. He also recalled a previous occasion when two members of the so-called Jewish Defense League had broken into the Egyptian Mission premises carrying an Israeli flag and hostile leaflets. In connexion with that incident, his mission had, on 21 December 1973, addressed a note verbale to the Chairman of the Committee. He had reported the incident of 26 January to the Permanent Representative of the United States to the United Nations, whose reaction had been prompt and responsive. He had also informed the Secretary-General of the incident. The observer for Egypt called for an end to criminal acts against missions and their personnel so that foreign diplomats could perform their duties in New York in total safety and tranquillity.

18. The representative of the host country reiterated the concern already expressed by the Permanent Representative of the United States to the United Nations concerning the attack on the Egyptian Mission and informed the Committee that, at the request of the United States Mission, a fixed police post had been re-established outside the Egyptian Mission. Her delegation sincerely and whole-heartedly deplored the shooting incident at the Soviet Mission, which she believed should be viewed in the context of the global phenomenon of an increasingly large number of attacks directed against diplomats and diplomatic missions throughout the world, which was a cause for profound concern. The representative of the United States further observed that despite her country's efforts little success had attended endeavours to mount a global attack on terrorism. Referring specifically to the shooting incident under consideration, she said that it was clearly an act of criminal terrorism which had caused grave concern in the United States. The United States, she went on, recognized the obligation to safeguard human life as well as its legal commitments in this respect. The wanton act of terrorist shooting at the Ukrainian SSR Mission had been condemned by the United States Government, by the Mayor of New York and by the United States Mission. United States authorities, she said further, were conducting a thorough review of security procedures and had initiated steps to ensure that every legal means was taken to apprehend and punish the offenders as well as to prevent recurrences, adding that the Ukrainian SSR Mission's delay of eight hours in reporting the incident to the police was unfortunate since, whatever the reasons for the delay, immediate reporting would have assisted the police in their investigation. The United States representative took issue with those members who had implied that the United States authorities had taken no action regarding other similar accidents. She pointed out that in 1974 her delegation had submitted a list of the cases in which the offenders had been or were being prosecuted. Four individuals had been prosecuted under federal laws and over 20 under state laws. Her Government, she observed, pledged that all possible steps would be taken to

find those responsible for the shooting incident, to see that they were brought to justice and to do whatever was in its power to prevent recurrences.

19. The incidents to which reference has been made had also been the subject of notes verbales addressed by the Permanent Missions of the USSR and the Byelorussian SSR to the Permanent Mission of the United States (A/AC.154/70 and A/AC.154/73, respectively), as well as of a note dated 22 January 1975 from the Government of the Union of Soviet Socialist Republics to the Government of the United States of America (A/AC.154/76). The United States Mission had sent its replies to the notes from the Missions of the Ukrainian SSR and the USSR by a letter dated 27 January 1975 (A/AC.154/75).

20. The Committee concluded consideration of the incidents in question by adopting the following statement as a reflection of its views on the matter:

"The Committee, noting with extreme concern that regardless of the United Nations General Assembly resolutions and recommendations of the Committee on Relations with the Host Country, violent and other criminal acts against the Permanent Missions of the Byelorussian SSR, the Ukrainian SSR and the USSR, as well as of Egypt, including those of firing shots at these Missions, demonstrations and picketing accompanied by violence as well as attacks, threats and insults against the personnel of these Missions, are being committed continuously, expresses its deep sympathy with the Missions of the Byelorussian SSR, the Ukrainian SSR, the USSR and Egypt and their personnel that have been subjected to such acts, strongly condemns such acts of terror and other acts of violence against the Missions of the Byelorussian SSR, the Ukrainian SSR, the USSR and Egypt, and against any other Missions and their personnel, as being flagrantly incompatible with the status of these Missions and of their personnel under international law and with the international legal order and the social legal order in this city, and requests that the authorities of the host country should urgently take all effective measures to ensure the protection and security of the missions accredited to the United Nations of their personnel, thereby ensuring normal conditions for the performance of their functions."

21. The 43rd meeting of the Committee was convened on 5 May 1975 at the request of the Permanent Mission of Iraq to the United Nations, following a fire-bombing incident against the mission's premises on 10 April 1975. In a letter dated 11 April 1975 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/AC.154/79 and Corr.1), the Permanent Representative of Iraq stated that on the previous night a brick had been thrown at a window of the building housing the mission on East 79th Street. Then a fire bomb had been thrown inside the premises of the mission. The bomb had exploded and the room had been set on fire. The mission's chauffeur, who together with his family lived on the premises directly below the room where the incident had occurred, had used a fire-extinguisher to control the flames while outsiders had called the fire department. There was extensive damage to the room, the cable wires were burnt and the telephones were out of order. An emergency line had been used to alert the 19th Precinct Police Station and the Emergency Squad. The fire had been extinguished by the time the firemen and the police arrived at the scene. It was only the alertness and the quick action of the chauffeur that helped him and his family of four children escape serious injury. In his statement before the

Committee, the representative of Iraq observed that it was not the first time that his delegation had spoken on questions similar to the one under consideration and that it was not the first time that the Iraqi Mission, like others, had been the object of such attacks. He also referred to the bombing of the Iraqi Airlines Office in Los Angeles on 6 April 1975. In both cases, he added, the so-called Jewish Defense League had claimed responsibility for the attacks. He also mentioned a number of earlier incidents at the Iraqi Mission in which the so-called Jewish Defense League had been involved. In his view such cases, as well as those in which other missions to the United Nations had been the victims, would not be solved merely by increasing police protection for some time immediately following an incident. He expressed the conviction that what was required were measures to prosecute and punish the guilty parties effectively. In his opinion, the adoption in 1972 of the Act for the Protection of Foreign Officials and Official Guests of the United States by the United States Congress had not brought about any significant improvements in the situation and was not effective in dealing with organizations which threatened missions and engaged in terrorism and then admitted their responsibility for the deeds. In connexion with the incident described in the above-mentioned letter (A/AC.154/79), he indicated that the Iraqi Mission had received a letter dated 15 April 1975 from the Legal Counsel of the United Nations Secretariat informing it that the Government of the United States, through the United States Mission, had been asked to implement the provisions of paragraphs 3, 4 and 5 of General Assembly resolution 3320 (XXIX). He thought that the time had come for the Committee to adopt a resolution urging the authorities to do everything in their power to guarantee the security of missions and to ensure that those guilty of acts of aggression were prosecuted and punished. He also said that an official of the New York City Police had informed him that the Police Department lacked the necessary means to maintain a permanent guard at the Mission of Iraq and at the residence of the Permanent Representative of Iraq. In the course of the debate, two other representatives broadly shared the view of the Iraqi representative, while another representative stated his belief that the host country should be urged to intensify its efforts to improve the protection of diplomats. Two other representatives stated that the host country was showing goodwill in its efforts to ensure the protection of missions. At the same meeting, the representative of the USSR informed the Committee that on 2 March 1975, a group had assembled near the Soviet Mission carrying anti-Soviet placards, shouting insults and threats and even attacking mission staff. Bricks had been thrown at a car with diplomatic plates and at other Soviet Mission vehicles which had attempted to pass. One car had been attacked by a group of vandals at Lexington Avenue and had been seriously damaged, while another carrying a woman and a child had been stoned and had also suffered considerable damage. He described yet another incident which had taken place at the Soviet Mission on 30 March 1975. On that day, a group of individuals had organized a demonstration in front of the mission during which unruly elements had not only hurled insults at members of the Soviet Mission but, as he put it, aided and abetted by the police, who had been conspicuous by their absence, had thrown bottles of red paint. The Soviet representative felt that it was essential that specific measures should be adopted in connexion with the acts of terrorism perpetrated against missions accredited to the United Nations. In the view of some delegations the host country did not take the necessary measures to prevent criminal acts to ensure safety for missions and their personnel and did not adequately punish those responsible for criminal acts.

22. The representative of the host country expressed deep regret at what had happened at the Iraqi Mission and said that, in that particular case, the response of the local authorities had been rapid and effective. The firemen had arrived at once on the scene of the fire and had established that only minor damage had been caused. Orders had immediately been given for a permanent police guard to be maintained at the Mission and at the Ambassador's residence and the police were currently continuing their efforts to find those responsible, as had been earlier indicated in the note verbale dated 11 April 1975 from the Permanent Mission of the United States to the United Nations addressed to the Permanent Mission of Iraq to the United Nations (A/AC.154/80). He said it should also be noted that that incident was only one of a series of acts of international terrorism occurring throughout the world. Serious acts of international terrorism had taken place recently in Stockholm and Buenos Aires. Over the past several years the American Ambassadors in Khartoum and Nicosia had been killed by terrorists and the American Consular Agent in Córdoba, Argentina, had been murdered by assassins. Consequently, the United States knew full well the effects of international terrorism. The record would indicate that New York City's performance with regard to the protection of accredited diplomats in the city had been very respectable. Referring to the incident during which stones had been thrown at various vehicles of the Soviet Mission, he explained that the problem, in that case, was to identify those responsible, since at the time of the incident no police officers had been in the vicinity, and the persons concerned refused to submit to the jurisdiction of the court as was required to identify the culprits. As far as the incident involving rowdiness and the throwing of red paint outside the Soviet Mission was concerned, he vigorously rejected the charge of possible complicity between the police and the guilty parties. He reiterated that his delegation would continue to do everything in its power to safeguard, as far as possible, the safety of accredited diplomatic representatives in New York.

23. The representative of Iraq, in reply, informed the Committee that an insurance company had estimated the damages caused by the fire bomb to be between \$5,000 and \$7,000 and also stated that with regard to terrorism in other capitals it should be recognized that New York seemed to lead the field in that respect and further that, being the United Nations Headquarters city, it could not be compared with other cities in which bilateral diplomatic incidents occurred. It was stated by the representative of the USSR that the attempt to make the prosecution of persons responsible for criminal activities contingent upon identification of those persons by witnesses and the submission of testimony could not be recognized as legally justifiable.

24. The Committee adopted the following statement as a reflection of its views on the matter:

"The Committee, noting with deep concern the act of violence committed against the Iraqi Mission on the night of 10 April 1975, expresses its sympathy with the Mission of Iraq in this regard, once again strongly condemns such acts of terror committed against the Iraqi and other missions as being fundamentally incompatible with the status and functions of the missions and their personnel under international law and urges the host country to intensify measures towards ensuring the protection and security of missions accredited to the United Nations and their personnel, implementing fully the 1972 Act for the Protection of Foreign Officials and Official Guests of the United States and thereby ensuring normal conditions

for the performance of their functions. To that end the effective dealing with organized crime and the prosecution and punishment of those responsible for criminal acts against missions and their personnel would, by discouraging and deterring their repetition, contribute effectively to the protection and security of missions."

25. At the 44th meeting of the Committee, held on 8 July 1975, the representative of the Soviet Union referred to an incident on 24 June 1975 involving the car belonging to the Permanent Representative of the USSR, which on that date had been used by the head of a visiting Soviet delegation. He stated that as the car in question was parked at midday by the main entrance to Madison Square Garden someone had approached it, and, swearing and mouthing anti-Soviet slogans, had used a metal trash can to hit the car repeatedly, causing considerable damage. He stated that while this occurred a policeman stationed outside the Madison Square Garden building made no attempt to stop the criminal acts, despite appeals, and that the suspect later was arrested by a New York police squad. The Soviet representative was of the view that these and other criminal acts of vandalism by Zionist elements against his country's mission and its staff were clearly due to inadequate protective measures on the part of the United States authorities. In his opinion the incident of 24 June involving an offence not against a person but against a mission should be investigated under the law applicable to official guests which provided that in certain cases there was no need for additional testimony. He also regretted the lack of information on the shooting incident at the USSR Mission between 18 and 19 January 1975. The representative of Iraq expressed agreement with the view of the Soviet representative and his surprise that the so-called Jewish Defense League which claimed responsibility for such attacks, including the one against the Iraqi Mission in April 1975, had not been investigated and strongly criticized the fact that the activities of its leader had not been effectively checked. He was concerned that there would be no hope for progress in such cases if no action was taken simply because of lack of witnesses and failure to apprehend the perpetrators.

26. The representative of the host country, referring to the incident of 24 June 1975, expressed regret over it. He indicated the name of the suspect and suggested that the driver of the official Soviet car appear in court to give evidence, noting that without this appearance it would be difficult to obtain a conviction. As to the shooting incident, he informed the Committee that it was still under investigation. The representative of the host country pointed out that there had been numerous arrests and a number of convictions and gaol sentences meted out to perpetrators of incidents against diplomatic premises and personnel. Other representatives pointed out that, regrettably, by no means all the persons guilty of crimes against missions and their personnel had received the punishment they deserved.

27. The representative of the USSR stated that the incident of 24 June did not involve a criminal offence against a person but an offence against a mission, and as such it should be investigated by the federal authorities under the law applicable to official guests, which provided that in certain cases there was no need for additional testimony. The Soviet representative reiterated that his delegation considered the submission of a note by a mission accredited to the United Nations to constitute fully sufficient evidence.

28. Another representative said that he very much appreciated the work that was being done by the host country, which, however, had an obligation to defend the interests of the missions. He said that, for example, the United States Mission could have improved relations by presenting the Committee with a progress report on the case to which the representative of Iraq had referred.

29. The representative of the host country stated that it might be possible to solve more problems on a bilateral basis, adding that the Committee's time was too often taken up by incidents which had already been thoroughly considered on a bilateral basis, and on which, in many cases, action had already been taken. His mission was always very concerned to hear of incidents of the kind referred to earlier in the meeting, and always involved itself immediately on a bilateral basis with the mission concerned. He assured the prior speaker that the United States Mission submitted progress reports to the missions concerned and would continue to do so.

30. At the 45th meeting of the Committee, held on 15 July 1975, the Committee considered the bombing of the Yugoslav Mission on 23 June 1975. That incident, which had caused extensive damage to the premises of the mission, two of its automobiles as well as the neighbouring buildings, had been the subject of a protest by that mission to the Mission of the United States in its note verbale dated 23 June 1975 (A/AC.154/86).

31. The representative of the host country stated in reply that her mission had sent a note to the Mission of Yugoslavia expressing its concern and regret over the incident. She said that a policeman was posted at the Yugoslav Mission 24 hours a day and that both the police and the FBI were actively investigating the incident.

32. One representative stated that the action taken by the United States Mission in this case was commendable and hoped that such measures would be extended. However, two representatives viewed these measures to be inadequate and called for effective ones to prevent such incidents and to punish the perpetrators, thus permitting missions to function without interference.

C. Cases brought to the attention of the Committee
at the request of Member States

33. A note of 20 December 1974 from the Permanent Mission of the USSR to the United Nations (A/AC.154/67) stated that 10 of its vehicles bearing DPL plates and parked in authorized parking places outside the residences of Soviet diplomats had suffered considerable damage, some of them having been put out of service. The Mission of the USSR also noted that such criminal acts were of a systematic and organized character with the local press and television in fact inciting people to commit acts of vandalism against vehicles belonging to members of the diplomatic corps in New York.

34. A note dated 25 December 1974 from the Permanent Mission of the USSR referred to an incident at the Soviet Mission on 24 December 1974 when a group of about 60, evidently belonging to the so-called Jewish Defense League, chanted and shouted obscene words and slogans hostile to the Soviet Union. They insolently and cynically harassed mission staff members and members of their families walking

along the street, insulted them and threatened them with physical violence. During this incident, which lasted more than five hours, several cars belonging to the mission staff had been damaged and splashed with paint. This note was issued on 30 December 1974 as document A/AC.154/68.

35. A note dated 31 December 1974 from the Permanent Mission of the United States to the Permanent Mission of the USSR (A/AC.154/69) referred to the incidents at the Soviet Mission involving 10 of its automobiles, which it regretted, and suggested that information should be furnished on the date the incidents had taken place, their location and the names of the drivers in order to enable the appropriate authorities to conduct meaningful investigations.

III. THE PARKING SITUATION AFFECTING THE DIPLOMATIC COMMUNITY

36. Although not discussed by the Committee in the period under review, the problem of the parking situation affecting the diplomatic community was among the subjects brought to the attention of the Committee.

37. A note verbale dated 21 January 1975 (A/AC.154/72) from the Permanent Mission of the USSR recalled numerous and growing instances of wanton ticketing of DPL vehicles for alleged parking violations, which had been given unduly magnified and twisted publicity by the local mass media leading to undeserved discredit of the diplomatic corps.

38. A note verbale dated 31 January 1975 from the Permanent Mission of the United States of America addressed to the Permanent Mission of the USSR to the United Nations (A/AC.154/77) stated that ticketing of illegally parked DPL vehicles owned by the Soviet Mission and its staff was a legitimate act and did not represent a systematic campaign of deliberately ticketing automobiles belonging to the USSR Mission and its personnel.

IV. OBLIGATIONS OF PERMANENT MISSIONS TO THE UNITED NATIONS AND OF INDIVIDUALS PROTECTED BY DIPLOMATIC IMMUNITY

39. At the 44th, 45th, 46th and 47th meetings, held on 8 and 15 July and on 8 and 13 August 1975, the Committee considered the question of obligations of permanent missions to the United Nations and of individuals protected by diplomatic immunity. At these meetings, the Committee had before it the report of the Working Group 2/ on this subject, which contained a recommendation that the Committee establish a special sub-committee which would deal with the cases of indebtedness of missions and of their personnel brought to the attention of the sub-committee.

40. Opinions were divided regarding the propriety and the advisability of establishing the sub-committee.

41. A number of representatives opposed the establishment of the sub-committee. They observed that although the question of indebtedness was indeed a problem it was not a serious one within the context of all the problems with which the Committee had to deal. It was also stated that the creation of the sub-committee would be improper inasmuch as the consideration of disputes between private individuals and companies, on the one hand, and official representatives of Governments and State missions, on the other hand, would infringe the principle of the sovereignty of States as well as the United Nations Charter and exceeded the competence of the Committee as defined in the relevant General Assembly resolution. It was further pointed out that cases of indebtedness affected extremely complex and delicate questions and that, with regard to disputed claims, the proposed sub-committee would function as a court of law, which was contrary

2/ A/AC.154/83, reproduced as an annex to the present report.

to the Charter, while, with regard to undisputed claims, the work of the sub-committee would result in publicity harmful to the diplomatic community.

42. The representatives who supported the recommendation of the Working Group observed that the proposed sub-committee would not infringe the principle of State sovereignty or the Charter since its authority, far from being judicial, quasi-judicial, or in any other way compulsive, would be purely and exclusively moral. Nor did they agree with the view that the Committee was not empowered to consider individual cases of diplomatic indebtedness or to create a subordinate body to do so, reference being made in this regard to paragraph 7 of General Assembly resolution 2819 (XXVI) in conjunction with paragraph 3 of General Assembly resolution 2747 (XXV). They further insisted that although only a few missions and their representatives were involved, the matter of prolonged unsettled indebtedness was indeed a serious one since it hurt the reputation of the entire diplomatic community and harmed the image of the United Nations itself.

43. At the 45th meeting of the Committee, the representative of the United States, who supported the Working Group's recommendation, proposed that the suggested terms of reference of the sub-committee be amended. This proposal sought to revise paragraph 10 of the report of the Working Group to read as follows:

"The composition of the sub-committee should be determined by the Committee bearing in mind the need for representation on a regional basis (the host country plus five other members). It would be desirable for members of the sub-committee to appoint representatives which are of senior rank; this would ensure greater authority. Specific cases should be referred to such a sub-committee only after the exhaustion of all other remedies, in particular action by the United States Mission and the City Commission and use as appropriate of the good offices of the Secretary-General. When seized with a case, the sub-committee should proceed to examine the facts and assist in reconciling the debtor and the claimant. The sub-committee would meet in closed session whenever specific cases are considered."

In the view of the representative of the United States these changes would remove any implication that an attempt was being made to pass any legal or quasi-legal judgement and would facilitate the mediation of the Secretary-General wherever that was believed to be useful.

44. A number of representatives were of the view that it was not proper for the Committee to amend the report of the Working Group. Accordingly, the Committee took no decision on the proposal of the United States.

45. At the 46th meeting of the Committee, the representative of the United States introduced a draft decision (A/AC.154/89) which read as follows:

The Committee decides to entrust its Working Group with the task of dealing with specific cases of indebtedness of missions accredited to the United Nations and individual members of such missions in accordance with the following guidelines:

(1) Cases shall be considered by the Working Group only after the exhaustion of all other remedies, including, in particular, action by the

United States Mission and the City Commission and the use, as appropriate, of the good offices of the Secretary-General;

(2) When seized with a case, the Working Group shall proceed to examine the facts and assist in facilitating a solution;

(3) The Working Group shall meet in private meetings whenever specific cases are considered.

46. Most of the representatives who had previously opposed the establishment of a sub-committee or expressed reservations thereto also spoke in opposition to the draft decision. In particular, they stated that the Committee was not empowered to entrust the Working Group with the functions provided for in the draft decision and that the principle of State sovereignty stood in the way of such an extension of the Working Group's mandate. The draft decision was also criticized on the grounds that it did not make clear who would determine, prior to submission of a case to the Working Group, whether all other remedies had been exhausted and did not specify how the Working Group would go about examining the facts. Doubt was expressed as to whether the Working Group could do more than the United States Mission and the New York City Commission to settle cases of indebtedness and about the effectiveness of the functions that the draft decision sought to entrust to the Working Group. The publicity that would result from the exercise of those functions was considered to be a negative factor.

47. The representative of the United States said that publicity would be avoided since the Working Group would meet in private. The Working Group would deal with specific cases only as a last resort in cases where the New York City Commission, the United States Mission and the Secretary-General had failed to solve a problem. He added that the Committee should be a two-way street in the sense that it should be a forum for considering complaints by the host country as well as complaints against it.

48. Several representatives supported the draft decision, which in their opinion, embodied a constructive approach to a serious problem.

49. Following a statement by one representative to the effect that he understood the draft decision to mean that the specific cases of indebtedness it mentioned covered only debts for goods and services and not such matters as unpaid fines or taxes, the representative of the United States said that he concurred in this interpretation.

50. At the 47th meeting of the Committee, the representative of the USSR orally introduced a draft decision which read as follows:

"The Committee decides that the Working Group should continue to consider under the item 'Obligations of permanent missions to the United Nations and individuals protected by diplomatic immunity' the question of indebtedness of individual diplomats or missions for goods sold and specific services rendered with a view to assisting in facilitating a solution of this question."

51. The representative of the United States observed that the draft decision proposed by the USSR appeared to accomplish the same purpose as the draft

decision submitted by his delegation in document A/AC.154/89, and would be acceptable on the understanding that specific cases could be considered where necessary and that the phrase "goods sold and specific services rendered" in the proposal covered everything in the original United States proposal, with the exception of problems relating to the parking tickets and taxes levied by government authorities.

52. A discussion then took place with regard to the interpretation of the draft decision proposed by the USSR with respect to (a) the specific debts covered and (b) the question whether the Working Group would be empowered by that decision to consider specific cases of indebtedness.

53. With regard to the first point, it was agreed that the indebtedness to be considered was only that resulting from the provision of goods and the rendering of services, loans being regarded as an instance of the latter.

54. With regard to the second point, several representatives expressed the view that the draft decision meant that the Working Group was to consider the question of indebtedness in general terms only, while allowing that specific cases might be cited merely as a means of assisting the Working Group in its discussion of the general question of indebtedness. They pointed out that the Working Group had no right to discuss specific cases per se. On the other hand, the representative of the host country and some other representatives expressed the view that the draft decision meant that the Working Group could also consider specific cases for the purpose of seeking their solution.

55. One of those representatives said that in his opinion the report of the Working Group should deal only with the general problem of indebtedness without mentioning specific cases.

56. At the conclusion of the discussion, the Committee adopted without objection the draft decision proposed by the representative of the USSR.

V. COMMENTS AND SUGGESTIONS ON THE ORGANIZATION OF THE
COMMITTEE'S WORK

57. In the course of the Committee's consideration of complaints about unlawful acts committed against missions, the view was expressed that the Committee's meetings should be scheduled on a regular basis.

58. With regard to this view reservations were expressed on the grounds that under the present system the Committee could meet at any time it considered convenient and the scarcity of conference services was a factor in favour of the present system.

VI. PUBLIC RELATIONS OF THE UNITED NATIONS COMMUNITY IN THE HOST CITY

59. Although the question of the public relations of the United Nations community in the host city did not come under discussion as a separate item, it was nevertheless referred to incidentally in connexion with the security of missions and the safety of their personnel and the obligations of permanent missions to the United Nations and individuals protected by diplomatic immunity. Some aspects of the public relations of the United Nations community with the host city formed part of the annual report for 1974 of the New York City Commission for the United Nations and for the Consular Corps. This report had been annexed to the letter dated 10 March 1975 from the Alternate Representative of the United States of America for Special Political Affairs addressed to the Chairman of the Committee (A/AC.154/78).

60. In the Committee's consideration of complaints about unlawful acts against missions, the view was expressed that these acts seriously interfered with the normal work of the diplomatic missions and thus tended to undermine relations by creating friction and mistrust between the diplomatic community and the local population (see sect. II).

61. It was felt that improvement of relations between the diplomatic community and the local population was a two-way process that required efforts by both sides involved and that diplomats should not forget that, although they had rights, they also had duties towards the population of New York City (see sect. IV).

VII. REPORT OF THE WORKING GROUP 3/ ON THE QUESTIONS OF HEALTH INSURANCE
FOR STAFF OF MISSIONS ACCREDITED TO THE UNITED NATIONS AND THE
EXEMPTION OF DIPLOMATIC PREMISES FROM REAL ESTATE TAXES

62. At its 46th and 47th meetings on 8 and 13 August, the Committee was provided with information by the Chairman and by the representative of the United States in connexion with the report of the Working Group (A/AC.154/84) on the questions of health insurance for the staff of missions to the United Nations and the exemption of diplomatic premises from real estate taxes.

63. At the 46th meeting, the Chairman pointed out that, since the submission of that report in July 1975, some new information had been received that she wished to bring to the attention of the Committee. The Secretariat, at the request of the Working Group, had asked the Department of Insurance of the State of New York for a legal opinion as to whether a group of missions accredited to the United Nations might legally set up a trust fund to provide insurance for the staff of missions. On 24 July 1975, the Department of Insurance had expressed the opinion that such trust funds would be lawful, provided that the provisions of the New York State Insurance Law were complied with. The opinion would be issued subsequently as a document of the Working Group.

64. At the 47th meeting, the representative of the United States, replying to a question raised by the representative of Mali at the previous meeting, said that exemption of diplomatic premises in New York from real estate taxes would undoubtedly continue to apply where such premises were vacated temporarily, whereas it would cease to apply in cases where there was a significant lapse in the use of the premises, adding that in cases falling between those examples exemption would depend on the facts in each case.

65. At the 47th meeting, the Committee took note of the above-mentioned report of the Working Group (A/AC.154/84).

3/ A/AC.154/84, reproduced as an annex to the present report.

VIII. RECOMMENDATIONS

66. The Committee, at its 56th meeting on 12 September 1975, approved the following recommendations:

(1) The Committee at its meetings considered with profound concern acts of terrorism and violence against some missions and other criminal acts committed against missions accredited to the United Nations, their personnel and property, including acts of vandalism against motor vehicles, demonstrations and picketing accompanied by violence, threats and insults against personnel of those missions. The Committee firmly condemns acts of violence, other criminal acts and all acts whose purpose is the harassment of any mission, its personnel and property, as being totally incompatible with the legal status and functions of missions and their personnel under international law, and appeals to the host country to strengthen measures designed to ensure the safety and security of missions accredited to the United Nations and their personnel in order to prevent the repetition of such criminal acts.

(2) The Committee believes that in order to ensure the effective protection of missions and the safety of their personnel all appropriate preventive measures should be taken to discourage the commission of criminal acts against diplomatic missions, including, in particular, that the law enforcement mechanism should operate in such a way that it is made clear to persons who might contemplate committing criminal acts against diplomatic missions that if they do so they shall be punished.

(3) The Committee considers it essential that all appropriate measures be taken to arrest, criminally prosecute and punish persons guilty of committing such criminal acts and also urges that consideration be given to the legal measures that might be taken against organizations and individuals who publicly admit their responsibility for acts of violence committed against missions and their personnel. In this connexion, the Committee urges that the 1972 Federal Act for the Protection of Foreign Officials and Official Guests of the United States be fully implemented and applied with a view to preventing acts of violence against missions and ensuring normal conditions for the functioning of missions.

(4) The Committee, with a view to facilitating the course of justice, calls on 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.

(5) The Committee believes that the host country, the Secretariat and the other organizations concerned should vigorously seek the promotion of mutual understanding between the diplomatic community and the local population in order to ensure good relations among all concerned and conditions conducive to the effective functioning of the United Nations and missions accredited to it. In this connexion, 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 as well as with the grounds therefor and with the importance of

the international functions performed by them. The Committee has been informed that there have been complaints concerning financial responsibilities relating to certain individual diplomats and certain missions, and suggests that the Secretariat and all others concerned work together to solve these outstanding problems.

(6) The Committee recalls 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 receiving State.

(7) The Committee hopes that the host country will again review the measures adopted with regard to the parking of diplomatic vehicles in order to meet more adequately the needs of the diplomatic community. The Committee notes that, despite its recommendations and resolutions of the General Assembly, the New York City authorities still continue the practice of issuing summonses to diplomats with regard to the parking of their vehicles. The Committee was informed of certain modifications in the procedures for handling such summonses. However, since the practice still continues, the Committee reiterates the appeal to the authorities of the host country to review the measures with regard to the parking of diplomatic vehicles with a view to facilitating the desires and needs of the diplomatic community, and to consider terminating the practice of issuing summonses to diplomats. The Committee notes the difficulty diplomats are having in parking their vehicles. The Committee appeals to the host country to consider increasing the number of spaces set aside for diplomatic parking on the streets of New York; in this connexion, consideration should be given to the proximity of missions to the United Nations and the relative size of missions involved. The Committee also asks all missions of States Members of the United Nations to endeavour to obtain off-street parking for the diplomatic vehicles assigned to the missions. The Committee appeals to all members of the diplomatic community to respect the laws and parking regulations of the host country and to make a special effort to avoid parking improperly. The Committee also requests the host country to urge the local authorities, including the Traffic and Police Departments, to exercise great tact and understanding with regard to this very sensitive problem.

(8) The Committee points out that under international law members of missions are immune from the criminal jurisdiction of the host country, and their property, which includes automobiles, is inviolable. Consequently, they cannot be compelled to appear in police precincts or in courts, nor may their automobiles be towed away except in the infrequent cases where they are stolen, involved in a wreck, completely obstructing traffic or creating a serious public hazard. The host country has assured the Committee that it intends to adhere strictly to these qualifications.

(9) The Committee wishes to express its appreciation for the work of the New York City Commission for the United Nations and the Consular Corps for helping to accommodate the needs, interests and concerns of the United Nations diplomatic community and in providing hospitality, as well as in the promotion of mutual understanding between the diplomatic community and the people of the City of New York.

(10) 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) and 3320 (XXIX).

ANNEX I

Report of the Working Group on the question of the obligations of permanent missions to the United Nations and individuals protected by diplomatic immunity*

INTRODUCTION

1. At its meeting held on 22 May 1975, the Working Group decided, on the proposal of the representative of the United States of America, to inscribe on its agenda an item entitled "Indebtedness of missions to the United Nations in New York and of their personnel", which falls within its mandate under the item entitled "Obligations of permanent missions to the United Nations and individuals protected by diplomatic immunity".

I. ASSESSMENT OF THE PROBLEM

2. At its meetings held on 22 and 28 May and 10 June 1975, the Working Group undertook an assessment of the nature and extent of the problem of indebtedness of missions and of their personnel. For this purpose the Working Group listened to statements by the representative of the United States and had the benefit of hearing the City Commissioner, Mrs. Loeb, and other representatives of the New York City Commission for the United Nations and for the Consular Corps. a/

3. The New York City Commission has served the diplomatic community for the last 15 years, but only in May 1974 did the increasing seriousness of diplomatic indebtedness cause the institution of a co-ordinated approach to the problem. It was previously the practice that claims from local residents were dealt with by the United States Mission or by the City Commission depending on which authority first received the claim. The Secretariat on occasion, and when appropriate, but unfortunately without significant results, used its good offices to transmit claims or complaints received by it from local residents to the head of mission concerned, and in most such instances the Secretariat also contacted the United States Mission or the City Commission to co-ordinate with these authorities before taking any step of its own.

4. In May 1974, however, the City Commission assumed the initial responsibility for primary investigation and collection of all new claims. The Commission made the initial contact with the debtors and kept complete records of the status of all reported cases. The procedure usually followed by the Commission was to telephone the debtor in order to offer mediation and to indicate the Commission's interest in a settlement. If the staff of any mission had accumulated three or four outstanding bills, the Commission would write directly to the permanent representative concerned.

* Previously issued under the symbol A/AC.154/83.

a/ The Commissioner and other representatives of the City Commission were invited to the meeting of the Working Group held on 10 June 1975.

5. In the experience of the Commission, the procedures outlined above have not proved satisfactory in all cases. It may thus be mentioned that from 1 May 1974 to 6 June 1975, the Commission dealt with 190 cases representing more than \$383,000 in claims.

6. During the same period of about 13 months, the Commission was able to obtain payment in full or settlement in 63 of the 190 cases. The amount recovered amounted to \$127,294.

7. Although most diplomats are responsive to their obligations, there is a small group of missions which are responsible for a disproportionately large number of the outstanding debts.

8. It was the opinion of the majority of the Working Group that the indebtedness of the missions to the United Nations in New York or of their staff was a serious problem which required consideration by the Working Group and by the Committee. It was acknowledged that it was a problem that affected the image and ability to conduct local business of all missions to the United Nations in New York, and the majority of the members of the Working Group therefore have considered what measures should be taken to ensure rapid payment or settlement of the outstanding amounts in all cases where the claim is properly established. To this end the Working Group examined the existing procedures for dealing with such claims, in particular the respective roles and functions of the City Commission, the United States Mission and the Secretariat. The Working Group recalled recommendations 7 and 8 adopted by the Committee in 1974 b/ which read:

"(7) The Committee suggests that the United Nations Secretariat should assist as may be necessary in resolving the outstanding issues between individual missions and the host country such as long-standing indebtedness incurred by individual diplomats or missions and complaints of discourtesy not satisfactorily cleared up.

"(8) The Committee recalls that it is the duty of all members of the diplomatic community to respect the laws of the host country. The Committee has been informed that there have been complaints that certain individual diplomats and certain missions have been slow to meet their financial responsibilities. It calls on all missions and diplomats to settle their financial obligations promptly."

II. RECOMMENDATIONS

9. Following its assessment, the majority of the Working Group agreed to recommend to the Committee that new and effective procedures be established to deal with the problem of diplomatic indebtedness. It wishes in particular to suggest that the Committee on Relations with the Host Country establish a special sub-committee of the Committee, which would deal with the cases brought to their attention.

b/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 26 (A/9626), p. 22.

10. The composition of the sub-committee should be determined by the Committee bearing in mind the need for representation on a regional basis (the host country plus five other members). It would be desirable for members of the sub-committee to appoint representatives which are of senior rank; this would ensure greater authority. Specific cases should be referred to such a sub-committee only after the exhaustion of all other remedies, in particular action by the United States Mission and the City Commission. In this way the bona fide character of the case would have been established before it reaches the sub-committee. When seized with a case, the sub-committee should proceed to examine the facts, satisfy itself that the claim is valid and assist in reconciling the debtor and the claimant. Unless and until proceedings in the sub-committee fail to result in a solution to a particular case, no publicity should be given to the work of the sub-committee, which would meet in closed session whenever specific cases are considered.

ANNEX II

Report on the other matters considered by the Working Group*

INTRODUCTION

1. The Working Group, established in 1972, continued in 1975 with the same composition as in the previous year. The members were representatives of Bulgaria, Costa Rica, Mali, Spain, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. The representative of Costa Rica, Mrs. de Barish, continued to serve as Chairman in 1975.

2. During 1975 the Working Group continued its consideration of the topics delegated to it by the Committee on Relations with the Host Country. The following topics were studied in detail:

(a) Insurance for the staff of missions to the United Nations in New York;

(b) Exemption of diplomatic premises from real estate taxation;

(c) Obligations of permanent missions to the United Nations and of individuals protected by diplomatic immunity.

The present report covers the Working Group's consideration of the topics under (a) and (b), while the topic under (c) is dealt with in a separate report, contained in annex I above.

3. The Working Group held five meetings during May, June and July 1975.

I. INSURANCE FOR THE STAFF OF MISSIONS TO THE UNITED NATIONS IN NEW YORK

4. With regard to the question of insurance, it is recalled that the Working Group in 1974 c/ requested the Secretariat "to further analyse the feasibility of group insurance for staff of missions to the United Nations in New York in the areas of medical, hospital and dental expenses and to report back to the Working Group on the concrete conditions and arrangements under which insurance companies might be prepared to contract for such group insurance policies".

* Previously issued under the symbol A/AC.154/84.

c/ See para. 5 of the report by the Chairman of the Working Group of the Committee on Relations with the Host Country on the Working Group's activities in 1974 (A/AC.194/L.59).

5. At its meetings held on 22 and 28 May 1975, the Working Group examined the report of the Secretariat submitted pursuant to the request referred to above. The report summarized the results of the inquiries and research carried out by the Secretariat pursuant to the Working Group's request.

6. Concerning the legal framework for group health insurance for the staff of two or more missions in New York, the most suitable formula appeared to be the one provided by paragraph (d) of section 221, subsection 2, of New York State Insurance Law. Under this paragraph, a policy may be issued to the trustees of a fund established by "two or more employers in the same industry", which trustees are deemed to be the policy-holder, to insure employees of the employers concerned. Such a policy is subject to the following requirements:

- (i) The persons eligible for insurance shall be all of the employees of the employers or all of any class or classes of those employees determined by conditions pertaining to their employment;
- (ii) The premium is to be paid by the trustees from either contributions made wholly by the employers or from contributions made jointly by the employers and the insured persons;
- (iii) If contributions are joint, it is mandatory that at the date of issue at least 100 employees be covered, and the policy may come into force only if at least 75 per cent of the eligible persons are insured;
- (iv) If contributions are provided exclusively by the employers, it is mandatory that at the date of issue at least 25 employees be covered, and the policy may come into force only if all eligible persons are insured;
- (v) The amounts of insurance under the policy are to be based upon some plan precluding individual selection either by the insured persons or by the policy-holders or employees.

In order to further clarify the applicability of New York State Insurance Law section 221, 2, (d), the Working Group requested the Secretariat to obtain the legal opinion or advice of the Department of Insurance of the State of New York. Pursuant to this request the Secretariat wrote to the Department of Insurance on 2 June 1975.

7. The Secretariat had consulted four insurance brokers and three carriers. Replies were received from all of these firms and also from one carrier that had not been consulted. Quotations, however, were received from only two brokers, one of which submitted a quotation from a carrier not consulted directly.

8. One of the quotations conformed to the specifications stated by the Secretariat. This broker offered hospital benefits for 365 days and major medical coverage, including complete dental coverage of \$250,000 maximum. The monthly premium would average \$75 per insured person. If, however, the dental coverage were omitted, hospital benefits limited to 120 days and major medical coverage reduced to \$125,000 maximum, the average premium would be only \$61.50 per insured person. The exact amount of the premium would in both cases be determined as a function of the number of the dependants of the insured.

9. The other quotation did not follow the specifications stated by the Secretariat, but referred to a programme that included insurance for life, accidental death and dismemberment. The rates quoted on this basis did not appear to be competitive.

10. The firm that did not submit quotations confined their replies to requests for more information (for instance on personal income), reference to possible legal complications or suggestions of alternative compositions of the basic group or groups for health insurance purposes. In connexion with the latter point it appears to be a widespread practice for missions in New York to conclude health insurance policies on an individual mission basis. To further reduce insurance premiums by increasing the number of persons covered, interested missions could informally consult together on the feasibility and financial advantages to be derived from collective insurance of their staffs. Alternatively, Governments might consider the advisability of contracting policies that insure, in addition to the staff of their mission in New York, the personnel of their diplomatic mission in Washington, D.C., and, possibly the members of their diplomatic and consular corps stationed elsewhere.

11. The Working Group took note of the Secretariat's report. It was proposed that the Secretariat also should examine the feasibility of including staff of missions within the arrangements presently in effect for group health insurance of the Secretariat's staff. This proposal was adopted, and the Working Group requested the Secretariat to report to it on the matter.

II. EXEMPTION OF DIPLOMATIC PREMISES FROM REAL ESTATE TAXATION

12. Since the last report by the Working Group (A/AC.154/L.59), issued on 7 August 1974, 18 additional replies were received to the questionnaire contained in the Legal Counsel's letter of 19 June 1973. The substance of the replies was reproduced in documents A/AC.154/WG.1/L.2/Add.4 and 5. A total of 70 Governments have now replied.

13. In connexion with this topic, the Working Group considered especially the question whether further measures could be taken by the host country to enable diplomats owning co-operative apartments in New York to enjoy exemption from real estate taxation.

14. In a statement to the Working Group the representative of the host country explained that the exemption granted by article 23 of the Vienna Convention on Diplomatic Relations was applicable only to taxes borne directly by the sending State or the head of the mission. Section 2 of article 23 expressly provided that the exemption did not apply to taxes "payable under the law of the receiving State by persons contracting with the sending State or the head of the mission". Exemption was granted by section 418 of the New York State Real Property Tax Law to the full extent required by the Vienna Convention.

15. Concerning in particular co-operative apartments, it was further explained that legal title to the building, and to the land on which the building is erected, is vested in a corporation or trust. Each tenant/owner holds a block of shares in the corporation or a certificate of beneficial interest in the trust, together with a proprietary lease for a particular apartment unit in the building. The

various agreements are concluded simultaneously between the tenant/owner and the corporation or trust but legal title to the real property remains undivided with the corporation or trust. Real property tax is levied on the natural or juridical person in whom ownership of the property vests, i.e., the corporation or trust, and a proportionate share of the tax therefore generally is payable by each tenant/owner under the terms of the proprietary lease.

16. In accordance with section 2 of article 23 of the Vienna Convention, the exemption provided by section 1 of that article does not apply in this situation, a consequence which is also reflected in the provision in section 418 of the New York State Real Property Tax Law that exemption is granted only for real property "... the legal title of which stands in the name of such foreign government or the principal resident representative or resident representative with the rank of ambassador or minister plenipotentiary of such foreign government to the United Nations or other such world-wide international organization, used exclusively for the purposes of maintaining offices or quarters, for such representatives, or offices for the staff of such representatives ...".

17. The Working Group took note of the statement by the representative of the host country and concluded its consideration of this matter.

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