

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

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: TWENTY-NINTH SESSION**

**SUPPLEMENT No. 26 (A/9626)**



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New York, 1974

#### **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. The Committee on Relations with the Host Country was established by General Assembly resolution 2819 (XXVI) of 15 December 1971. By resolution 3107 (XXVIII) of 12 December 1973, the General Assembly decided that the Committee should continue its work in 1974, in conformity with General Assembly resolution 2819 (XXVI), with the purpose of examining on a more regular basis all matters falling within its terms of reference and requested the Committee to submit to the General Assembly at its twenty-ninth session a report on the progress of its work and to make, if it deemed it necessary, appropriate recommendations.
2. The Committee's report is divided into seven sections. The recommendations of the Committee are contained in section VII. The report of the Chairman of the Working Group on the Committee's activities in 1974 is annexed to the present report.

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

3. Two changes occurred in the membership of the Committee in 1974, the first since the original establishment of the Committee in 1971. Argentina and Guyana relinquished their membership of the Committee (A/9436 and A/9437) and, by decision of the General Assembly adopted at its 2202nd plenary meeting, were replaced by Costa Rica and Honduras. The full membership of the Committee in 1974 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 United States of America.

4. The Committee's officers in 1974 were: Mr. Rossides (Cyprus), Chairman, Mr. Grozev (Bulgaria), Mr. Matheson (Canada) and Mr. Aké (Ivory Coast), Vice-Chairman, and Mrs. de Barish (Costa Rica), Rapporteur.

5. The Committee retained in 1974 the list of topics provisionally adopted in 1972. These topics are 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 1974. The Working Group was composed of the 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, served as Chairman of the Working Group from 28 May 1974.

7. During the period under review, the Committee held 18 meetings (A/AC.154/SR.24 to A/AC.154/SR.41). The Working Group held two meetings. Its chairman submitted a report to the Committee on the Working Group's activities in 1974 (see annex).

8. At the request of the Committee and the Working Group, the Secretariat prepared a number of reports or notes in 1974. Two notes were prepared by the Secretariat in connexion with the security of missions and the safety of their personnel (A/AC.154/20 and 23). The Secretariat also prepared a note entitled "Proposal for a contribution by the host country to replenish the reserves of the United Nations Pension Fund by the refund of assessed real estate and sales taxes in New York State" (A/AC.154/16), following a recommendation of the Fifth Committee of the General Assembly. Other reports prepared at the request of the Committee were a report by the Secretary-General entitled "Energy situation in relation to the needs of the United Nations Community" (A/AC.154/26), a note by the Secretariat entitled "Practice followed by Member States in exempting diplomatic missions from real estate taxes" (A/AC.154/WG.1/L.2), and a report of the Secretariat entitled "Insurance for the staff of missions to the United Nations in New York" (A/AC.154/WG.1/R.13). A note by the Chairman of the Committee entitled "Participation in the work of the Committee by representatives of states not members of the Committee" was issued on 31 January 1974 (A/AC.154/17).

## II. SECURITY OF MISSIONS AND SAFETY OF THEIR PERSONNEL

### A. General review of the problem

9. At the 25th meeting of the Committee, on 22 January 1974, the Committee decided to devote a portion of its meetings during the year to a general review of the problems arising from the security of missions and the safety of their personnel, in an effort to satisfy the concerns of the General Assembly expressed in resolution 3107 (XXVIII) of 12 December 1973. Some members of the Committee felt that it should not confine itself to the hearing of complaints from various missions and the replies of the host country, but that the Committee should embark upon a systematic appraisal of the problem. An important element in this appraisal would be an explanation by the host country of the measures being taken to implement the new federal law, the Act for the Protection of Foreign Officials and Official Guests of the United States, 1/ which had been signed into law on 24 October 1972. At the request of the Committee, the representative of the host country agreed to provide the Committee with a paper explaining the various aspects of the actions undertaken by the authorities of the host country and the intricacies of the domestic legal system. The Secretariat was also asked to prepare a paper setting out the various proposals made by Member States in discussions of this problem in the General Assembly and the Committee during the previous three years.

10. At the 26th meeting of the Committee on 21 February 1974, the view was expressed that the Note prepared by the Secretariat (A/AC.154/20) did not set out the specific means of solving the important problem of the security of missions and the safety of their personnel and did not adequately reflect the proposals made by Member States; it consisted, rather, of a list of the excuses presented by the host country to justify its action. According to that view one of the main obstacles to the effective implementation of the Federal Act seemed to be the conflict between the rights of citizens in the host country and the international obligations of the host country. The host country representative frequently argued that state and local law conflicted with federal law. Under the United States Constitution, however, treaties and federal laws were held to be the supreme law of the land and should therefore take precedence over the laws of the various States of the Union. According to that view, measures should be taken to ensure that New York State law complied with federal law and the international obligations assumed by the host country.

11. The representative of the host country replied that the authorities were doing all in their power to ensure the security of missions but that they were limited by the obligation to respect the rights of United States citizens to make known their views, namely, the freedoms of speech and assembly guaranteed under the American Constitution.

12. The view was also expressed that the Secretariat note clearly revealed the

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



contradictions which appeared in the position of the host country from one meeting to the next. The Federal Act had not improved anything in New York City since legal measures would still have to be adopted to fully implement that Act.

13. Replying to these criticisms, the representative of the host country noted some of the problems involved in obtaining convictions and reiterated that in order to protect the missions and their personnel the authorities of the host country must be able to count on the co-operation of members of the missions in such matters as lodging a complaint and giving evidence.

14. A second note (A/AC.154/23), prepared by the Secretariat, on the security of missions and the safety of their personnel was discussed by the Committee at its 28th meeting on 7 March 1974. Introducing the document, the Legal Counsel said that it contained an analysis of all the specific proposals made by Member States on this subject in the General Assembly and in the Committee, including the responses received in 1973 from Member States to a Secretariat questionnaire. The accumulated data had been grouped under six main heads: compliance with and effective implementation of international obligations; preventive measures; educational measures; police protection; proposals relating to the reporting procedures of the host country; and proposals to transfer the Headquarters of the United Nations.

15. Members of the Committee generally expressed the view that the Secretariat note was a useful framework within which the Committee could review the general situation. It showed that all Member States were giving their closest attention to the problem and that some extremely important and constructive proposals had been put forward by Member States.

16. The view was expressed that although the host country had taken some legislative measures to implement its international obligations it had neglected to adopt the corresponding administrative and judicial measures necessary to discharge its obligation to provide missions and their personnel with adequate protection. Among the measures which could be endorsed were those which lent themselves to a more active investigation of criminal activities and the imposition of stricter sentences. Judicial proceedings should be speeded up and missions fully informed of the progress of investigations. The views of the host country with regard to the various preventive and police protection measures proposed would also be welcomed.

17. Some other members of the Committee expressed similar views. The Chairman observed that the Secretariat note had been welcomed by many if not all delegations and that the Committee was inclined to consider it as a good basis for further consideration of the question in conjunction with the document to be prepared by the host country.

18. The representative of the host country observed that while it would be unrealistic to deny that security problems did arise from time to time it was equally unrealistic to suggest that there was a widespread problem of security of missions, the great majority of which had no complaints in this respect. While the United States Mission regarded with the utmost seriousness such incidents as did occur or were threatened, they must be viewed in the perspective of a situation that was basically satisfactory for most of the United Nations community. Diplomats would not contribute towards the enjoyment of their privileges and immunities by exaggerated claims that every minor disturbance or occasional picket interfered with

the functioning of a diplomatic mission or prevented such a mission from discharging its duties. The United States had no intention, in any case, of attempting to interfere with freedom of speech so long as it did not involve a violation of the law.

19. The view was expressed that it would be wrong to deal with the question of the security of missions as if it concerned only a few missions. It was a problem which could affect any mission and about which all were concerned, as could be seen from the interest displayed by Member States in the resolutions adopted at the twenty-sixth, twenty-seventh and twenty-eighth sessions of the General Assembly. It was also stated that demonstrations and picketing which were, as some of them had in fact been, in violation of the federal laws, could not be validly supported on the ground of freedom of speech. The view was also expressed that the best solution of the problems arising as a result of demonstrations and picketing would be to prohibit such activities altogether in front of missions and to permit them, if at all, only in the immediate vicinity of the Headquarters buildings.

20. Two documents submitted by the United States concerned the general aspects of the question of the security of missions and the safety of their personnel. One of these was a paper (A/AC.154/28) containing information on the United States law enforcement agencies responsible for the protection of missions to the United Nations. The other document (A/AC.154/36) was a memorandum containing a study prepared by the New York City Corporation Counsel and entitled "Aspects of the American legal system in the context of security of diplomats accredited to the United Nations".

21. The basic purpose of the latter memorandum (A/AC.154/36) was to explain briefly federal and New York State laws applicable to missions to the United Nations and their staff, the guaranteed freedoms of speech and assembly under the Constitution of the United States, the elements which make the abuse of these freedoms a crime and the legal requirements for charging and trying someone for the commission of these crimes.

22. The memorandum dealt with these topics under the following headings: (a) the guarantee of free speech, (b) crimes and complaints, (c) the police, the Federal Bureau of Investigation, the district attorney, and the United States attorney, and (d) the trial.

23. Referring to freedom of speech, the memorandum defined it as the freedom guaranteed by the First Amendment of the Constitution to communicate ideas despite the fact that they might not be in keeping with those of the community as a whole. After some general comments on the freedom of speech as guaranteed by the First Amendment, the memorandum pointed out that because it was a method of communicating ideas, picketing was protected by the First Amendment, explaining the modalities of regulation to which picketing was subject in the interests of the general safety or welfare of the community. Referring to the Act for the Protection of Foreign Officials and Official Guests of the United States, adopted in 1972, the memorandum stated that it prohibited picketing or other demonstrations within 100 feet of any mission, consulate, residence or office of a foreign official for the purpose of intimidating, coercing, threatening or harassing any foreign official or obstructing him in the performance of his duties. It then observed, in paragraph 21, that as a consequence of this "the mere presence of demonstrators within 100 feet of a protected building is not in violation of the Act". Thus, if picketing is orderly, does not prevent ingress and egress, is not abusive and does not aim at intimidation,

harassment, coercion or obstruction of official duties, it falls within the area of freedom of speech protected by the First Amendment. Under the heading crimes and complaints, the memorandum analysed the specific crimes against missions that could result from mass demonstrations. Referring next to offences committed by individuals against individual diplomats, the memorandum gave an account of the crimes of harassment and aggravated harassment. This was followed by a description of the steps which have to be taken under the New York Criminal Procedure Law in order to commence a criminal action, arrest a suspect, conduct a trial and reach the determination of his guilt or innocence. The memorandum stressed the need for a complaint or affidavit filed by the victim of a crime involving intentional or reckless injury to a person or his property. If, however, the crime involved any danger to the safety and well-being of the general public the police themselves may file the complaint. The memorandum stated, in paragraph 60, that in such situations the diplomats nevertheless had a role to play because the laws of the United States and of the State of New York confer on citizens not only basic rights but also basic responsibilities, there being many cases in which those obligations have to be borne by non-citizens just as basic rights of citizens are enjoyed by non-citizens.

24. Paragraphs 61 to 63 inclusive of the memorandum dealt with the question of counter-claims against a diplomat who has instituted judicial proceeding. The memorandum stressed that such counter-claims can arise only in civil suits. The diplomat/complainant or diplomat/witness is not a party to a criminal action, which is instituted by the people of the State of New York if a state crime is involved and by the people of the United States if a federal crime is involved, so that neither the diplomat/complainant nor the diplomat/witness can be subject to a counter-claim in a criminal action. However, under United States law where a diplomat agrees to give evidence as a witness in a criminal case he must also permit himself to be cross-examined by the opposing party in the litigation.

25. In its conclusion, the memorandum stressed, inter alia, that in many instances the co-operation of mission personnel in filing complaints or affidavits and in giving testimony is of vital importance if the perpetrators of crimes against diplomats and missions were to be apprehended (para. 95).

26. The various opinions expressed in connexion with the two papers are presented in the following paragraphs.

27. The view was expressed that the two documents presented by the United States Mission should be considered together with documents A/AC.154/19, 20 and 23, which contained the proposals and views of Member States on the item under consideration. The argument that the basic obstacle to enforcement of the laws to protect diplomats was the conflict between rules concerning United States citizens and the host country's obligations under international law concerning the protection of diplomats being regarded as unfounded, the need was restated to comply with the promise made by the host country to adjust the federal and municipal laws so as to make protection of the security of missions and mission personnel more effective. It was observed that the information provided in document A/AC.154/28 offered missions no practical assistance towards solving the problems facing them with respect to the subject under discussion. With regard to document A/AC.154/36, it was stated that the responsibilities of the host country were not clearly defined therein and that the document contained no specific effective measures to put an end to crimes against diplomatic missions. Attention having been drawn to the fact that according to that document any complaint must be made in writing and the complainant must be prepared to appear as a witness in court, it was observed that to impose the burden of prosecution upon the diplomat was not in accordance with

the Vienna Convention on Diplomatic Relations, which provides immunities from the administrative and criminal jurisdiction of the host country. With regard to paragraph 21 of the document, it was pointed out that the United States law of 1972 could not be understood to mean that if picketing was orderly it was not a punishable offence even within 100 feet of a protected building. In connexion with paragraph 95 of the document, it was observed that it was not what the Committee had expected nor what it had recommended to the host country. It was also emphasized that the document would not in itself contribute to a solution of the problem of the security of missions and their personnel or help towards formulating effective methods to ensure the protection of diplomatic missions.

28. With regard to document A/AC.154/28, it was also stated that no attempt was made to relate the contents of the document to the specific recommendations adopted by the Committee and the resolutions of the General Assembly. In connexion with document A/AC.154/36, it was observed that the study should have been on "the security of diplomats accredited to the United Nations in the context of the American legal system". It was added that the diplomatic community was not concerned with the constitutional rights of freedom of speech. What it objected to and what it considered to be the duty and the obligation of the host country to prevent was the commission of crimes against diplomats and missions in the name of freedom of speech. With regard to paragraph 60 of the document, it was pointed out that diplomats were indeed non-citizens but that they were non-citizens with a particular status recognized by international law and practice, special treatment of diplomatic agents being a consequence of that particular status, which ordinary non-citizens did not share. As to the participation of diplomats in the judicial system which was referred to in paragraphs 61 to 63 of the document, it was observed that the real problem stemmed from the process of cross-examination at the trial stage. Experience had seldom shown that diplomats were prone to embark upon judicial proceedings, which would place them in a situation where their very credibility could be impaired, a situation to be avoided at all costs. It was stated finally that the document did not adequately treat the two major problems of interest to the Committee which were, first, the relationship between international obligations, the rules of federal law of the United States and the rules of state law of New York State and, secondly, the actions adopted at the state level in New York State with a view to applying the legal consequences which derived from that interrelationship.

29. Disappointment was expressed that document A/AC.154/28 contained no information as to what measures had been taken to give practical effect to the statement in paragraph 1 of that document that the United States Government fully recognized its special duty to take the steps necessary to extend all required protection to diplomats under international law. Document A/AC.154/36 was found to be of such a nature as to give rise to serious objections since the entire memorandum was devoted to proving the premise that the main reason for crimes against diplomats was misunderstanding by them of the intricacies of the United States legal system rather than the ineffectiveness of the existing legislation or the absence of measures to prevent violations of the law. The security of diplomats was the primary concern, not the United States legal system, it being noteworthy that document A/AC.154/36 was silent with respect to the obligations of the host country under international law. It was added that a reading of the document showed that the host country should elaborate a series of practical administrative measures for the implementation of its special obligations with respect to the protection of diplomats accredited to the United Nations.

30. On the other hand, the merits of documents A/AC.154/28 and 36 were pointed out. The view was expressed that the authoritative explanation of the relevant legal system, set out in document A/AC.154/36, rendered a great service to the Committee as well as to the diplomatic community in New York. This system enabled the host country to comply with its obligations. It was observed that the host country was doing its best to meet its obligations in circumstances that were admittedly difficult. It was particularly encouraging that the facilities of the Executive Protective Service had been made available to certain missions in New York. The opinion was also expressed that while these documents did indeed represent a positive contribution to the work of the Committee, they did not however resolve the problems which arose in connexion with the court appearances of diplomatic agents in cases concerning the security of missions and their staff.

31. At the Committee's 34th meeting, on 1 August 1974, the Legal Counsel made preliminary comments on document A/AC.154/36. While recognizing that it was for the members of the Committee to examine the extent to which the host country's obligations under international law were effective in terms of its internal law at the Federal, State or local level, the Legal Counsel, having regard to the General Assembly's request that the Secretary-General participate actively in the work of the Committee, addressed himself mainly to two questions: (1) certain aspects of the relationship between freedom of speech under the First Amendment to the Constitution of the United States and the latter's obligations under international law with regard to diplomats accredited to the United Nations and (2) the observance by the United States of section 15 of the Headquarters Agreement between the United Nations and the United States with respect to the regulation of demonstrations outside diplomatic premises. Regarding the first question, the Legal Counsel, referring to the statement in paragraph 12 of document A/AC.154/36 that in some instances a diplomat may serve as "an accessible symbol of the ideas being protested", expressed doubt as to whether the actions contemplated therein properly related to the concept of freedom of speech and were not, rather, in the nature of petition. Asking himself whether the First Amendment right of petitioning is not limited to inter-actions with governmental authorities of the United States of America, he observed that if such were the case such actions would not be within the purview of the First Amendment. With regard to the second question, the Legal Counsel observed that despite section 15 of the Headquarters Agreement the rules applicable to demonstrations outside diplomatic missions located in New York were in certain respects less stringent than those applicable in the District of Columbia.

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

32. The 24th meeting of the Committee was held on 28 December 1973 at the request of the Soviet Mission. At that meeting the representative of the USSR stated that his delegation had requested the meeting because of the very serious situation that had arisen with regard to the security of the personnel of the Soviet Mission. He further stated that on 26 December a large group of demonstrators had organized a hostile gathering very near the Soviet Mission during which they had shouted threats and obscenities at Mission personnel, followed Mission members and their families on the streets and pounded on and physically impeded the passage of Mission automobiles. These and other acts of harassment described by the representative of the USSR in his statement had, he said, continued through 27 December. The representative of the USSR stated further that since the police had remained inactive during those provocative activities his delegation felt that



there existed a campaign of hooliganism that was condoned by the United States authorities. In his view, the host country had not so far taken any measures to enforce the special legislation enacted in 1972 to ensure the protection of all foreign personnel and official guests. In the course of the meeting, three other representatives expressed broad agreement with the views of the representative of the USSR.

33. In reply, the representative of the host country expressed her Government's regret at the harassment of the Soviet Mission, of which she took a serious view. She stated that the number of police posted at the Mission had been increased and that federal authorities were also on the scene, and that four individuals had been arrested on various charges. She observed, however, that the unwillingness of diplomats to appear in court had been a serious problem to the United States authorities which were trying to persuade the Soviet Mission to let someone appear in federal court in connexion with the incident; she added that in the 1972 Act it was important that if a charge was to be pressed, the Mission member involved in the incident should appear in court. She stated finally that her Government would do all it could to ensure the safety of members of the diplomatic community.

34. In connexion with the comments concerning the appearance of diplomats in court, the view was expressed that when there were many witnesses to criminal activities there was no need for diplomats to appear before a court.

35. The incidents to which reference has been made were the subject of notes verbales dated 26 and 27 December 1973, both addressed by the Permanent Mission of the Union of Soviet Socialist Republics to the Permanent Mission of the United States of America to the United Nations and circulated to the Committee on 31 December 1973 in document A/AC.154/10. A communication dated 28 December 1973 from the Permanent Mission of the Ukrainian Soviet Socialist Republic that referred to the same incidents in so far as they also affected that Mission was circulated to the Committee on 3 January 1974 in document A/AC.154/11.

36. A note dated 25 January 1974 from the Mission of the Union of Soviet Socialist Republics (A/AC.154/15) referred to an incident in which a group of armed persons had broken into the apartment occupied by a Counsellor of the Soviet Mission and his family, had assaulted the official's minor son and tried to rob the apartment. At the Committee's 25th meeting, on 22 January 1974, the representative of the host country, deploring the incident, observed that it appeared to involve a common criminal act rather than a politically motivated attack. At the Committee's 28th meeting, on 7 March 1974, the representative of the USSR observed that this incident had not been investigated in a sufficiently active way. At the same meeting, the representative of the host country stated that the case was being investigated. In a letter dated 1 February 1974 addressed to the Chairman of the Committee (A/AC.154/18), the Alternate Representative for Special Political Affairs of the host country described the concrete measures taken by the United States authorities to apprehend the perpetrators of the crime in question.

37. A note dated 14 January 1974 from the Mission of the Union of Soviet Socialist Republics (A/AC.154/14) referred to acts of vandalism committed in connexion with motor vehicles belonging to the Mission of the USSR and to its staff. At the Committee's 25th meeting, on 22 January 1974, the representative of the host country, referring to these acts, said that the police had been informed of only one of the incidents mentioned in the Soviet Union's note. The United States

delegation had asked a police official to contact officials of the Soviet Mission in order to investigate the other cases. She regretted what had happened and pointed out that the more promptly the police were informed of incidents of that nature the better the chances of the investigation being successful.

38. In a note addressed to the Chairman of the Committee dated 21 December 1973 (A/AC.154/12), the Permanent Mission of Egypt complained of an incident in which two members of the so-called Jewish Defense League had broken into the premises of the Mission. In the note the Mission observed that the incident had been reported to the American authorities as well as to the United States Mission, whose reaction to the matter had been prompt and responsive. At the Committee's 25th meeting, on 22 January 1974, the representative of the host country informed the Committee that a federal court preliminary hearing in connexion with the incident was scheduled to be held during the week. At the Committee's 26th meeting, on 21 February 1974, the representative of the host country pointed out that the delay in replying to the note by the Permanent Mission of Egypt concerning this incident was due to the fact that it had been extremely difficult to persuade the witnesses to co-operate with the authorities in order to enable the latter to gather all the information necessary to institute proceedings, and without witnesses there could be no case under a federal or state law. In a note dated 7 February 1974 (A/AC.154/19), the representative of the host country stated that in connexion with that incident two individuals had been arrested and charged with assault, and that the Federal Bureau of Investigation was conducting a general investigation in the matter.

39. In a letter dated 21 March 1974 addressed to the Chairman of the Committee (A/AC.154/27), the Permanent Representative of France to the United Nations referred to an incident in which members of the Jewish Defense League in New York had forcibly entered the premises of the French Mission to the United Nations. A letter dated 8 April 1974 from the Alternate Representative for Special Political Affairs of the United States (A/AC.154/30) gave an account of the action taken by the New York City Police Department on the day the incident took place. At the Committee's 30th meeting, on 31 May 1974, the representative of France expressed concern about the slowness with which the police had acted in connexion with this incident. At the same meeting, the representative of the host country pointed out that because the incident had occurred at the height of the afternoon rush hour it had taken the police van some time to reach the French Mission, and added that, with regard to the judicial process, the New York authorities were working with the French Mission and hoped to obtain the necessary evidence for a successful prosecution. At the meeting, another representative noted that, although the incident was being considered by the Committee two months after its occurrence, the host country was still trying to obtain evidence to have the case successfully prosecuted.

40. In a note dated 20 May 1974 (A/AC.154/32), the Permanent Mission of the USSR stated that during the night of Saturday, 18 May 1974 to Sunday, 19 May 1974, at about 10 p.m., a crowd of Zionist elements gathered at the entrance to the grounds of the summer residence of the Permanent Representative of the USSR to the United Nations and that for a prolonged period, while the police visibly did nothing, the crowd committed outrages at the entrance to the residence. At the Committee's 30th meeting, the representative of the USSR stated that those criminal acts indicated that the United States authorities were not taking effective measures to protect missions and their personnel. At the same meeting, the representative of the host country said that because the preliminary account from the police on those incidents differed somewhat from the Soviet account a further investigation had

been requested. She added that when more information was available a note would be sent to the Soviet Mission. The host country stated that in a note dated 2 July 1974 addressed by it to the Soviet Mission it had observed that the demonstration which took place outside the grounds of the summer residence of the Permanent Representative of the USSR was peaceful in nature and was closely supervised by the police of the township of Glen Cove.

41. In a note dated 20 May 1974, the Permanent Mission of the Union of Soviet Socialist Republics referred to an incident in which a motor car of the Mission had been set on fire (A/AC.154/33). At the Committee's 30th meeting, the representative of the USSR stated that this criminal act indicated that the United States authorities were not taking effective measures to protect missions and their personnel. At the same meeting, the representative of the host country stated that the United States reply to the note was contained in document A/AC.154/35. Expressing regret over the incident, she stated that the Police Department of the City of New York and the Federal Bureau of Investigation were conducting an intensive investigation with a view to arresting the perpetrators. She pointed out further that neither the Mayor of the City of New York nor the government of New York State condoned the violence. The Mayor had in fact issued a statement that he was appalled at the senseless fire-bombing of the Soviet official's car and other acts of violence directed against the international community in New York.

42. A note dated 27 June 1974 from the Permanent Mission of the USSR (A/AC.154/40) referred to two explosions that had occurred on 11 June 1974 at the site in Riverdale where a housing complex was being built for personnel of the Permanent Mission of the USSR. At the Committee's 31st meeting, on 11 July 1974, the representative of the USSR stated that in his delegation's view the only conclusion that could be drawn from the fact that none of those responsible for the attacks had been punished was that violence against the Soviet Missions and its personnel was a result of a passive attitude on the part of the United States authorities which did not conform to Soviet-United States relations. At the Committee's 32nd meeting, on 18 July 1974, another representative observed that such criminal acts were inconsistent with the present state of Soviet-United States relations. In her reply dated 12 July 1974 (A/AC.154/41), the Alternate Representative for Special Political Affairs of the host country stated that immediately after the incident a meeting had been held by the various security services to initiate steps to improve security coverage on the construction site. It had been decided that the construction company would increase its civilian guard force, that adequate lighting would be installed to illuminate the construction area and that the Police Department would increase its patrols of the area.

43. The view was expressed that more specific information on the results of investigations and, as appropriate, on convictions would be helpful to the Committee.

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

44. A note dated 21 December 1973 from the Permanent Mission of the Syrian Arab Republic (A/AC.154/9), stated that a robbery had been committed in the premises of that Mission on 20 December 1973.



45. A letter dated 8 February 1974 from the Permanent Representative of the United Republic of Cameroon (A/AC.154/L.57) stated that an act of violence had been committed by a New York City police officer against the Attaché of the Mission and his wife.

46. A letter dated 9 August 1974 (A/AC.154/51) from the Permanent Representative of the United Republic of Cameroon stated that various crimes had been committed by private parties against his person and his residence. In two notes addressed to the Permanent Representative of the United Republic of Cameroon (A/AC.154/54) it was stated that no threat to life was involved in those acts of criminal mischief nor were the issues of a racial or political nature.

47. A note dated 6 August 1974 from the Permanent Mission of the Ukrainian Soviet Socialist Republic (A/AC.154/47) referred to picketing near the building housing that Mission and acts of harassment of employees of the Mission, expressing its dissatisfaction at the action taken by the authorities of the host country to put an end to this situation. A letter dated 13 August 1974 from the Alternate Representative for Special Political Affairs of the United States of America addressed to the Chairman of the Committee (A/AC.154/49) gave an account of the information received by the United States Mission from the New York City Police Department in connexion with those incidents, which were characterized as being in the nature of a peaceful demonstration, the only unruly conduct being that of certain Mission officials. A note dated 19 August 1974 from the Permanent Mission of the Ukrainian Soviet Socialist Republic (A/AC.154/52) complained of the attempt by the United States Mission to justify the acts in question, describing as completely unfounded the attempt made by that Mission to shift the corresponding responsibility to the staff of the Soviet Missions.

### III. THE PARKING SITUATION AFFECTING THE DIPLOMATIC COMMUNITY

48. In the period under review, the problem of the parking situation affecting the diplomatic community was discussed by the Committee at a number of meetings. The discussions centred around complaints presented by a number of delegations (Senegal, A/AC.154/7 and 46; Zaire, A/AC.154/L.58; Morocco, A/AC.154/31; Soviet Union, A/AC.154/40) as well as working papers submitted by the USSR (Working Paper 4), Bulgaria (Working Paper 5), and documents presented by the United States (A/AC.154/39 and 49).

49. The complaints of Zaire, Morocco and the Soviet Union, which were supported by several members of the Committee, related to removals of reserved parking signs, the continuous issuance of summonses and the towing away of diplomatic vehicles in New York. Most delegations who intervened in the discussion were of the opinion that such acts were in complete disregard of the provisions of the Vienna Convention on Diplomatic Relations, which in article 22, paragraph 3, stated, inter alia, that "the means of transport of the mission shall be immune from requisition, attachment or execution" and thus represented a failure on the part of the host country to fulfil its international obligations. Some delegations also felt that the publicizing by the mass media of ticketing and towing away of DPL vehicles tended to discredit and publicly defame diplomatic personnel of the United Nations missions and thus did not help improve relations between the diplomatic community and the general public.

50. Several representatives asserted that the United States was in fact taking no action to comply with the recommendations agreed upon with the host country and approved by the Committee or to implement General Assembly resolution 3107 (XXVIII), which appealed to the United States authorities "to review the recently adopted measures with regard to the parking of diplomatic vehicles especially with a view to terminating without prejudice the practice of serving summonses to diplomats and towing away their vehicles, in order to meet more adequately the needs of the diplomatic community".

51. The hope was expressed that the host country would take urgent steps to remedy the situation.

52. The representative of the host country expressed understanding of the difficulties experienced by United Nations diplomats with regard to parking and stressed the desire of the United States Government to do everything possible to facilitate the work of the diplomatic community, stating however that, because of the seriousness of the parking and traffic situation in New York, there were limits to the special privileges which could be granted. As a practical matter, the host country believes that there will be some limitations on the extent of the inviolability attaching to motor vehicles owned by diplomats. Accordingly, the United States Mission has worked out with the New York Police Department an agreement whereby diplomatic cars will be towed away only when they present a danger to public safety.

53. The provision of parking spaces, in the view of the United States delegation,

is not an obligation of the host country, or a right of the diplomats. It is not so specified in any document. It is a courtesy and privilege extended by the host country, and is obviously dependent upon the local situation. For its part, the representative of the host country observed, the diplomatic community had an obligation to co-operate with the local authorities in their efforts to improve the traffic situation in New York, as well as to respect laws and regulations of the host country as provided under international law and set forth in the Conventions on the Privileges and Immunities of the United Nations and the Headquarters Agreement between the United Nations and the United States. The Federal Fresh Air Act of 1970, for instance, was an effort to cope with a problem to the solution of which the Host Country Committee could contribute. The Committee could also play a useful role in easing the difficulties of traffic and parking. Throughout the years the United States Mission had attempted to obtain the co-operation of the diplomatic community in avoiding serious traffic violations and those parking practices which show a disregard for the rights of others. The Mission had also intervened with New York City and New York State authorities of the particular problems, rights, privileges and obligations of the diplomatic community. The host country was glad to note that many missions and individual diplomats observed traffic and parking restrictions carefully. Too many others, however, did not do so, thereby aggravating the over-all problem of traffic congestion in New York City and bringing discredit upon the United Nations community.

54. The host country submitted a working paper entitled "Traffic and parking in New York City" (A/AC.154/39), which provided information and contained general views of the host country on the problem as well as suggestions to improve the traffic situation in New York City.

55. The representatives of the host country pointed out that those suggestions represented a compilation of suggestions made by representatives generally, both members (including the host country) and non-members of the Committee.

56. The working paper provided the Committee with the following information:

(1) The number of reserved DPL spaces seemed likely to be increased in only a few locations;

(2) At the request of the United States Mission, the New York Police and Traffic Departments had become more active in towing away non-DPL vehicles from reserved parking sites;

(3) All illegally parked vehicles were being regularly ticketed: of the nearly 500,000 tickets for parking violations issued per month in New York City, 8,000 were issued to DPL vehicles; of the 7,500 cars towed away each month, 10 to 15 on the average were DPL vehicles;

(4) The United States Government was of the opinion that a traffic ticket did not constitute legal process within the meaning of sections 252 and 253, title 22 of the United States Code and consequently could not infringe on diplomatic immunity;

(5) In the autumn of 1973, the Mission had requested the Traffic and Police Departments not to tow away DPL cars unless they were clearly endangering public welfare and safety, this proviso being justified by the fact that diplomatic immunity in question could not extend to the point where it posed an immediate danger to the health and safety of the community;

(6) In several instances, reserved parking spaces had had to be moved to areas adjacent to the mission to permit a better flow of traffic;

(7) In briefings given to the law enforcement agencies, the United States Mission had stressed, and would continue to stress, the need for courtesy and tact.

57. The paper contained the following suggestions for consideration:

(1) Rent by the United Nations of space in a variety of garages and parking lots for DPL vehicles;

(2) A reduction in the number of DPL vehicles would ease DPL parking problems;

(3) Assignment of country name-plates to each reserved area showing the country assigned to that space;

(4) Request to the diplomatic community not to park in any spaces except their own;

(5) Encouraging diplomats to park their cars in the United Nations garage rather than parking illegally;

(6) Having the United Nations publicize the names of all major violators of parking rules and regulations;

(7) Penalties or stern warnings for flagrant diplomatic violators of traffic and parking laws could contribute to the improvement of the situation;

(8) Issuance of temporary DPL identification cards during the General Assembly for rented limousines (one per mission);

(9) Submission of suggestions for better mutual understanding between the New York City community and the United Nations community.

58. Some members of the Committee expressed gratitude to the host country for the presentation of the working paper on traffic and parking in New York City as it gave an appropriate account of problems faced by the diplomatic community in that regard. However, it was felt that the main point was whether diplomats were able to carry out their duties in a proper manner in the present circumstances.

59. Several representatives stressed that the New York City authorities had failed to provide more diplomatic parking space and 259 DPL parking places were clearly insufficient. The number of spaces, which was cut down in 1972 and 1973 from 282 to 259, should be increased and alternative parking places for DPL vehicles should be provided. The representative of the host country pointed out that while 259 spaces were assigned to specific diplomatic missions, a further unassigned 50 spaces were also set aside for diplomatic parking.

60. Some members considered that the New York police discriminated against and singled out diplomats as targets for parking tickets. Tickets were in fact administrative measures and international law provided for diplomatic immunity in respect of administrative acts. State practice was in line with this view.

61. Certain representatives were of the opinion that the working paper submitted by the United States tried to place the entire blame for the unsatisfactory parking situation on the diplomatic community and that the authors of the text seemed to attribute to diplomats intentional violations of the law of the host country.
62. The view was expressed that parking facilities were not a right but a privilege and a courtesy. But it was also emphasized that they were still a necessary means for diplomats to carry out their functions.
63. Some members felt that the efforts to improve the quality of life in New York City were irrelevant to the parking problems of DPL vehicles.
64. Some representatives considered that under international law the towing away of DPL cars was inadmissible. Other representatives, however, considered that international law did permit it in certain circumstances.
65. The suggestions contained in paragraphs 20 to 23 of the working paper (para. 57 above) were considered unacceptable by several representatives. Instead of contributing to the improvement of the situation they further infringed diplomatic privileges and would aggravate the parking problems of diplomats. The term "violation" in paragraph 21 of the working paper, according to some delegates, was as objectionable as the proposals aimed at punishing diplomats. Objections were also raised against articles in the press discrediting diplomats, which encouraged vandalism against their vehicles.
66. Almost all members who spoke assured the representative of the host country that their criticisms did not mean to imply that the United States had done nothing to ease the situation. They merely felt that in many cases the measures had been clearly inadequate, and that they would like further concrete measures to be taken so that diplomats could perform their functions under normal conditions.
67. At the same time, there was general agreement that members of the diplomatic community should do their utmost to comply with the parking regulations of New York City.
68. As to the individual complaints brought by some delegations to the attention of the Committee, the representative of the host country expressed regret at the incidents and assured those concerned that their cases would be looked into and the Missions duly informed of the action taken.
69. The Committee agreed that the Permanent Missions to the United Nations and the host country should continue to work together in finding solutions to parking problems as they affected the normal functions of the diplomatic community.

#### IV. THE ENERGY SITUATION IN RELATION TO THE NEEDS OF THE DIPLOMATIC COMMUNITY

70. At its 27th and 29th meetings, on 28 February and 14 March 1974, the Committee discussed the particular problems confronting the diplomatic community in New York in the wake of the gasoline shortage. At its 27th meeting, statements on the gasoline shortage as it affected the functioning of the permanent missions in New York were made by the representatives of several members of the Committee as well as three non-members of the Committee. All the speakers in the debate concurred in the conclusion that the functioning of the missions had been impaired by the shortage and that some missions, particularly the smaller ones, had been seriously affected. The Committee decided to request the Secretariat to prepare a report dealing with both short-term and long-term solutions to the problem for early discussion.

71. The report entitled "Energy situation in relation to the needs of the United Nations community" (A/AC.154/26) was discussed by the Committee at its 29th meeting. The report addressed itself to the principal proposal emanating from the 27th meeting of the Committee, the feasibility of establishing under United Nations auspices a gasoline-dispensing facility to serve delegation and United Nations vehicles, as well as a number of other suggestions.

72. The report stated that the host country had informed the Secretariat that it would be willing to co-operate in seeking a gasoline allocation for the official needs of missions and the United Nations Secretariat but at the same time an investigation by the Secretariat had revealed that most of the proposed solutions presented difficulties of one kind or another: the New York City Fire Department had strongly recommended against any system of "temporary" gasoline dispensing from tanker trucks or storage drums on safety grounds; the representative of the host country advised that arrangements for exempting diplomatic vehicles from the existing regulations would entail lengthy legislative or administrative action without any guarantee of success; and that the installation on United Nations premises of a filling station of an approved type, with buried storage tanks, would require a minimum of 12 months.

73. Some representatives expressed regret that no sufficient special provision had been made for missions and their personnel in the context of the general rules concerning gasoline supplies that had been introduced in New York.

74. Following statements by a number of members of the Committee, it was agreed that the Secretariat and representatives of the host Government should hold consultations on applying the solution proposed in paragraph 5 of the Secretary-General's report, that is, arrangements for a facility in the vicinity of the Headquarters buildings to service official mission and United Nations vehicles. The consultations were held, but in view of the improvement of the energy situation no report on them has yet been made.

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

75. At the 24th meeting of the Committee, on 28 December 1973, one representative, supported by some other representatives, suggested that it might facilitate the work of the Committee if a circular was distributed to all missions accredited to the United Nations informing them of their right to appear before the Committee and participate in its proceedings. Action to that effect took the form of a note by the Chairman (A/AC.154/17).

76. Certain representatives expressed their dissatisfaction at the fact that some meetings had been postponed or called and cancelled on very short notice, which made it difficult for them to work in an orderly manner and keep other obligations. Hope was expressed that the Committee would meet more frequently and regularly in the future. The Secretariat was called upon to ensure that meetings of the Committee should be held as scheduled.

77. Other representatives were of the view that the Committee had confined itself mostly to hearing complaints from various missions and the corresponding replies from the host country. That procedure, according to them, was not entirely satisfactory. They felt that the Committee must undertake a serious and wide-ranging investigation into all the problems affecting the normal business of missions and their personnel in the City of New York. It should concentrate on finding the best means of carrying the mandate conferred on it by the General Assembly instead of becoming bogged down in discussion of unimportant details. Those representatives urged the Committee to consider the possibility of meeting regularly, as envisaged in resolution 2819 (XXVI), rather than only when complaints were received as had been the practice so far.

78. At the Committee's 34th meeting, on 1 August 1974, a proposal to that effect was submitted by the representative of the Soviet Union who considered that, in order to increase the effectiveness of its work, the Committee should hold an annual session of not less than 10 meetings, in addition to the meetings convened at the request of its members.

79. Some representatives, however, felt that quite apart from financial and administrative considerations it was not advisable for the Committee to hold an annual session as a matter of routine, it being preferable to deal with problems as they arose and to make greater use of the Working Group.

80. Certain representatives were in favour of referring the item of the security of missions and safety of their personnel to the Working Group for suggestions with regard to concrete measures to be taken, since the Working Group was in a better position than the full Committee to make such suggestions. Other representatives considered that the Working Group could do little in that direction, for that kind of work could be done in plenary meetings with better results. Certain representatives suggested that a number of meetings should be devoted specifically to the question of the security of missions and safety of their personnel, this being the most vital problem facing the Committee.

81. The opinion was expressed by a number of representatives that a study should be carried out on criminal activities against missions. It was suggested that the matter should be discussed with the host country.



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

82. In the course of discussions, frequent reference has been made by members of the Committee to the question of promoting a good relationship and mutual understanding between the diplomatic community and the local population in order to ensure conditions conducive to effective functioning of the United Nations and the missions accredited to it. This problem did not come under discussion as a separate item but rather was touched upon in relation to the questions of the security of missions and safety of their personnel, the energy situation and parking.

83. In their complaints submitted for consideration by the Committee, some representatives referred to acts of trespassing on mission premises and official residences, harassment and provocations, threats to life, wilful damage to property and acts of vandalism, parking in spaces reserved for DPL vehicles, ticketing and towing away of diplomatic cars, defamatory articles in the press, as well as the generally hostile attitude towards diplomats on the part of some United States citizens, and maintained that some of these incidents, apart from being violations of privileges and immunities enjoyed by diplomats accredited to the United Nations under the existing Conventions on Privileges and Immunities and the United Nations/United States Headquarters Agreement, seriously affected the normal functioning of the diplomatic missions in New York, were damaging to the United Nations image and tended to aggravate the relations between the diplomatic community and the general public.

84. Noting the difficulties that the host country faced in solving this problem, several representatives in the Committee called upon the United States delegation to take urgent steps to improve the situation by making use of all available means, including educational measures.

85. At the 35th meeting of the Committee, on 9 August 1974, the representative of the host country stated that the United States authorities were doing their best to bring about better mutual understanding between the local community and diplomats. They sincerely regretted and condemned the unlawful acts perpetrated against diplomats by some United States citizens in New York. But any such unfortunate incidents must be put in the perspective of a situation that is basically satisfactory for most of the United Nations community. In her view some of the reported incidents, however, were distorted or exaggerated and over-reactions to them were counter-productive. All this had an adverse effect on public relations. Diplomats had an obligation to respect the laws of the host country and should whenever possible be co-operative. Instead, she pointed out, the behaviour of some members of the diplomatic community who failed to pay bills, broke leases, damaged private property and parked illegally made it difficult for the United States Mission and the New York City Commission to ask for understanding, courtesy and co-operation from the local population. The authorities of the host country and the United States Mission were trying to work out these problems quietly and efficiently. Moreover, the United States Mission strove to be of help in cases of misunderstanding between an individual diplomat or his mission and a supplier of goods or services. As to educational measures in this field, the United States delegate informed the Committee that a series of seminars dealing with problems of concern to the United Nations diplomatic community would be held



within the framework of the activities of the Ralph Bunche Institute of the United Nations. The United States representative also stated that the Office of Public Information of the Secretariat, through its contacts with the media, could prove most effective in promoting friendly understanding between the parties in question.

86. It was suggested that the Committee consider requesting the Secretary-General to make available one Secretariat official who would be available to render assistance as a disinterested party in helping to resolve outstanding problems between individual missions and the host country should any of the missions or the host country so desire in a specific situation.

## VII. RECOMMENDATIONS

87. The Committee continued its work during 1974 and considered a number of particular cases presented by Member States and various general problems in the field of host country relations. The Committee continues to provide a useful forum for the examination of the many problems faced by the diplomatic corps, and for the settlement of those problems.

88. The Committee approved the following recommendations:

(1) The Committee has, at its various meetings, considered a series of notes from missions accredited to the United Nations concerning demonstrations, trespasses, vandalism and other criminal acts perpetrated against those missions, their personnel, and their property. The Committee strongly condemns acts of violence and other criminal actions against the premises of any mission and its personnel and their property as being fundamentally incompatible with the diplomatic status of such missions and their personnel under international law and as being contrary to that law as well as the law of the host country.

(2) The Committee notes that such acts can and in some cases do interfere with the normal functioning of the missions of States Members of the United Nations and even constitute a serious threat to the personal safety of mission staff. The Committee considers it essential that an all-out effort be made by the host country to take all necessary measures and to ensure their effective implementation to guarantee missions and their personnel the appropriate degree of safety and to establish normal conditions for the functioning of missions to the United Nations. The Committee also notes that, although few convictions of persons responsible for criminal acts have been obtained, a recent case has resulted in a conviction for violations of United States Public Law 92-539. The Committee recommends that the host country and, when necessary, the country against which the criminal activity was perpetrated act together in order to obtain further convictions when violations of the 1972 Federal Legislation have occurred.

(3) The Committee considers it essential that the authorities of the host country should fully and effectively implement United States Public Law 92-539. In particular, they should take all appropriate enforcement and preventive measures in relation to demonstrations and picketings, where there is reason to believe that they may be accompanied by violence or they may prevent the conduct of normal business of missions to the United Nations, and especially to ensure that all demonstrations and picketing be conducted in compliance with that Law and be carefully policed to prevent any acts of violence or harassment directed against missions accredited to the United Nations and their personnel.

(4) The Committee considers that it is essential, in order to ensure the effective protection of missions accredited to the United Nations and the safety of their personnel, to take all necessary measures to arrest, prosecute and punish persons guilty of criminal acts against missions and their personnel.

(5) 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.

(6) 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 conditions conducive to the effective functioning of the United Nations and the missions accredited to it. The Committee believes that a programme should be instituted to inform the inhabitants of the New York metropolitan area of the privileges and immunities accorded to the diplomatic personnel from the missions accredited to the United Nations and of the reasons for them. This could best be accomplished by a joint effort of the United Nations Secretariat, the United States Mission and the other missions accredited to the United Nations, as well as the New York City Commission for the United Nations in presenting to the public facts concerning the specific nature of the missions' work, the inadmissibility of interference with their normal activities and the special privileges and immunities which are set forth in the Headquarters Agreement and other international documents. In this connexion, the Committee notes with appreciation the decision by the host country authorities to endow a series of seminars to be held at the Ralph Bunche Institute of the United Nations, a part of the City University of New York. These seminars will deal with matters affecting host country relations such as the approach of the news media, and represent the type of initiative sought by the Committee. The Committee expresses its hope that these seminars as well as dissemination of information through mass media will contribute to the promotion of mutual understanding between the diplomatic community and the local population in order to ensure conditions conducive to the effective functioning of the United Nations and the missions accredited to it.

(7) 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.

(9) The Committee has again considered the growing difficulties that members of the United Nations missions encounter when parking their vehicles. The Committee, recalling that the General Assembly by resolution 3107 (XXVIII) appealed to the host country to review the recently adopted measures with regard to the parking of diplomatic vehicles, especially with a view to terminating without

prejudice the practice of serving summonses to diplomats, notes, however, that the practice of ticketing diplomatic vehicles still continues. It also notes that the host country announced that it intends to modify the procedures as practised to date. In this connexion, 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 asks the host country to consider increasing the number of spaces set aside for diplomatic parking on the streets of New York City; in this connexion, consideration should be given to the proximity of the missions to the United Nations and the relative size of missions involved. The Committee takes note of the working paper on "Traffic and parking in New York City", prepared by the host country in document A/AC.154/39. The Committee requests 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. In this connexion, the Committee reaffirms the diplomatic community's readiness to co-operate with the efforts of local authorities in solving parking problems, taking note of the comments of the host country on the particularly difficult parking situation in Manhattan. On the other hand, the Committee requests the host country to urge its local authorities, including the police, to exercise tact and understanding in dealing with this problem. The Committee also asks all missions of State Members of the United Nations to endeavour to obtain off-street parking for the diplomatic vehicles assigned to the missions.

(10) 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.

(11) The Committee decided that it would be inadvisable to mention the name of the mission on the parking signs designating diplomatic parking spaces assigned to that mission.

(12) As concerns vehicles used temporarily by the missions on official duty which are lacking diplomatic plates, the Committee noted with approval that the United Nations Secretariat, in co-operation with the host country, prepared a series of special permits. The gold decal affixed to a placard is issued to heads of States, foreign ministers, and other dignitaries of equivalent rank. The Committee asks the host country to give recognition to these identifications so that the occupants of those vehicles will be accorded the proper courtesies. The Committee also asks the Secretariat to control as strictly as possible the issuance of these special permits to avoid abuse in their use.

(13) The Committee believes that a greater effort should be made by the Secretariat to ensure adequate conference servicing for its programme of work. The working group established by the Committee should continue to work on the problems and issues assigned to it by the Committee. In order to facilitate the work of the Committee and to enhance its effectiveness the Committee should remit to the working group specific complaints or problems within its mandate. Without

prejudice to the meetings which may be requested by any Member of the United Nations, the Committee should plan to meet in August to hear the report of the working group and to prepare its own report to be submitted to the General Assembly.

(14) The Committee received the annual report of the New York City Commission for the United Nations and for the Consular Corps for the year 1973 (A/AC.154/29). The Committee wishes to express its appreciation for the work of the Commission in accommodating 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.

(15) The Committee recommends that it should continue the consideration of the problems covered by its terms of reference, pursuant to General Assembly resolutions 2819 (XXVI), 3033 (XXVII) and 3107 (XXVIII).

## ANNEX

### 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

At the Committee's 36th meeting, on 13 August 1974, the Chairman of the Working Group submitted the following report of the Working Group on the Group's activities in 1974.\*

1. At the end of 1973, Guyana withdrew from the Committee, thereby ceasing to be a member of the Working Group. This vacancy was filled by Costa Rica, which was elected a member of the Working Group at the 26th meeting of the Committee, on 21 February 1974. Otherwise the composition of the Working Group in 1974 has been the same as in the preceding two years.
2. At the Working Group's first meeting this year, on 28 May 1974, the representative of Costa Rica was elected Chairman, thereby replacing the representative of Spain, who did not wish to be considered for re-election.
3. The Working Group has thus far held two meetings this year. The first meeting was that referred to in the preceding paragraph. The second meeting was held on 21 June 1974. At those meetings the Working Group considered three substantive questions, namely, insurance for staff of missions to the United Nations in New York, the exemption of those missions from real estate taxes, and the parking situation affecting the diplomatic community.
4. With regard to the question of insurance for staff of the missions to the United Nations in New York, the Working Group examined the report of the Secretariat on the replies to the questionnaire circulated to missions in New York by the Secretariat on 16 July 1973. A total of 47 missions had replied to the questionnaire. Of these, 32 expressed interest in some kind of a group insurance plan for medical or hospital benefits, or for life or disability insurance. All of the 32 missions would be interested in medical and hospital insurance. Only 13 of them expressed interest in life or disability insurance. The estimated number of employees in respect of whom the missions expressed interest was, for medical and hospital insurance, 754, for life insurance, 238, and for disability insurance 206.
5. With regard to the question of insurance, the Working Group heard statements by the Chief of the Insurance Unit in the Office of Financial Services and by the Chief of the Section for Staff Activities and Housing in the Office of Personnel Services. On the basis of the information submitted by the Secretariat, the Working Group considered it to be an established fact that a substantial number of missions appear to have a need for group insurance policies for their staff. Attention was drawn to the desirability of including coverage for dental expenses, if group insurance policies were to be contracted for. The Working Group 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. The Secretariat is making inquiries pursuant to this request.

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\* Previously issued under the symbol A/AC.154/L.59.

6. For its consideration of the question of the exemption of diplomatic premises from real estate taxes, the Working Group had before it a note by the Secretariat, dated 16 April 1974, on the practice followed by Member States in exempting diplomatic missions from such taxes. This note, contained in document A/AC.154/WG.1/L.2, had been prepared pursuant to a request made by the Working Group in 1973 and was based on the replies received to a questionnaire sent out by the Legal Counsel on 19 June 1973. At the request of the Working Group, the Secretariat has sent reminders to the States that have not yet replied thereto. Of particular interest to the Working Group was the host country's reply, dated 10 June 1974 and contained in addendum 1 to the last-mentioned note. The representative of the host country on the Working Group stated that the United States gave effect to article 23 of the Vienna Convention on Diplomatic Relations as far as missions to the United Nations in New York are concerned, and observed that in the State of New York the matter was governed by section 418 of the New York State Property Tax Law. He stated further that on the basis of reciprocity some States had entered into bilateral agreements with the United States whereby the parties had granted each other exemptions from real estate taxes beyond what was required under the Vienna Convention. In response to a question raised in the Working Group, the representative of the host country expressed the willingness of his delegation to explore further whether any measures could be taken in respect of co-operative apartments owned by diplomatic personnel in New York.

7. Two representatives raised the question of parking, especially the problems of tickets issued to DPL vehicles. They also referred to negative statements by the press on this question. However, when it became apparent that the Committee itself would deal in depth with the matter, the Working Group decided to leave the question of parking in abeyance until such time as the Committee had completed consideration thereof.

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