

REPORT
OF THE
COMMITTEE ON RELATIONS
WITH THE
HOST COUNTRY

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FOURTH SESSION

SUPPLEMENT No. 26 (A/34/26)



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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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I. INTRODUCTION

1. By its resolution 2819 (XXVI) of 15 December 1971, the General Assembly established the Committee on Relations with the Host Country. At its thirty-third session, the General Assembly decided, by resolution 33/95 of 16 December 1978, that the Committee should continue its work, in conformity with resolution 2819 (XXVI), with the purpose of examining on a more regular basis all matters falling within its terms of reference, and decided to include in the provisional agenda of its fourth session the item entitled "Report of the Committee on Relations with the Host Country".

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

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

3. The Committee's membership in 1979 was as follows:

Bulgaria	Ivory Coast
Canada	Mali
China	Senegal
Costa Rica	Spain
Cyprus	Union of Soviet Socialist Republics
France	United Kingdom of Great Britain and Northern Ireland
Honduras	United States of America
Iraq	

4. Mr. Z. Rossides (Cyprus) continued to serve as Chairman until the Committee's first meeting of the year, which was the 76th meeting, on 5 July 1979. At that meeting the Committee elected Mr. A. V. Mavrommatis (Cyprus) Chairman. 1/ Mrs. E. Castrc de Barish (Costa Rica) served as Rapporteur throughout 1979.

5. The list of topics provisionally adopted by the Committee in 1978 was retained in 1979 and is as follows:

- (1) Question of 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;

1/ In the absence of Mr. Mavrommatis, Mr. J. J. Stephanides (Cyprus) acted as temporary Chairman at the Committee's 76th to 79th meetings, inclusive.

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

6. During the period under review, the Committee held six meetings (A/AC.154/SR.76-81). The Working Group established by the Committee in 1972 2/ did not meet during the period covered by this report.

III. LETTER DATED 2 JULY 1979 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE LEGAL COUNSEL CONCERNING THE GASOLINE SHORTAGE PROBLEM AFFECTING THE DIPLOMATIC COMMUNITY ATTACHED TO THE UNITED NATIONS

7. By a letter dated 2 July 1979 addressed to the Legal Counsel (A/AC.154/180) the Permanent Representative of Iraq to the United Nations requested the convening of an urgent meeting of the Committee to discuss the gasoline shortage problem affecting the diplomatic community attached to the United Nations.

8. At the Committee's 76th meeting, on 5 July 1979, the representative of the host country, speaking prior to the adoption of the agenda, said that the

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

letter from the Permanent Representative of Iraq referred to a gasoline shortage problem affecting the diplomatic community attached to the United Nations, when, in reality, the problem was one of gasoline supply. Moreover, the problem was not one which affected diplomatic personnel exclusively; its effects were being felt in the local community and reflected conditions prevailing throughout the country. In 1974, when similar supply problems had arisen, the corresponding item then discussed by the Committee had referred to the energy situation in relation to the needs of the United Nations community, a phrasing which in his delegation's view described the situation more accurately and put it in its proper perspective. Subject to these reservations he did not, however, have any objections to the item being formulated as it was in the letter under consideration.

9. The representative of Iraq said that the gasoline shortage was affecting the functioning of the United Nations and had aroused great concern among the members of the diplomatic community; it disrupted the normal work of the missions, whose staff had to wait long hours to obtain gasoline, and there was often a possibility that the diplomatic bag could not be taken to or collected from the airport. It was the responsibility of the host country to provide the diplomatic community with fuel so that its normal activities were not impeded, and for that purpose it should assign certain service stations to provide gasoline to missions, supply fuel to the pump in the Headquarters premises, or adopt some other procedure to meet the needs of the diplomatic community.

10. Members of the Committee, as well as an observer from a Member State not represented on the Committee, agreed that the gasoline situation posed a problem for missions. It was suggested that the gasoline pump located in the United Nations garage be utilized to meet the needs of mission members and that special service stations be set aside for the diplomatic community.

11. The representative of the host country informed the Committee that, on 28 June 1979, the head of the New York City Commission for the United Nations and for the Consular Corps had sent all missions a note stating that, on presentation of a special permit reserved for persons providing essential services, diplomats could be exempted from the "odd-even date" rule for the purchase of gasoline which had been made generally applicable to private individuals, depending upon the final figure on their automobile licence plates. The host country authorities had also considered other possibilities, such as that of using the gasoline pumps in the areas near the United Nations to service diplomats. This would, however, necessitate a considerably higher allocation of fuel. He observed that it was quite likely that the combined effect of the restrictions that had been imposed would shortly remedy the situation. It should also be noted, he added, that the gasoline shortage affected everybody, not only in their work but also in their private lives, involving as it did a need for adaptation. He stressed the advantage that the diplomatic community in New York could derive from the city's efficient public transportation system. It should be borne in mind, he pointed out, that diplomats serving in countries other than the United States sometimes had to face inconveniences such as water and energy shortages. His delegation wished to participate constructively and actively in the search for practical means of remedying the difficulties that had arisen regard being had to the fact that most recent developments pointed already to a considerable easing of the supply problem.

12. A representative of the Secretary-General informed the Committee that the tank located underneath the pump in the United Nations had a capacity of 4,000 gallons but, in accordance with directives of the New York City Fire Department, never contained more than 3,000 gallons. These installations, which were located at the entrance of 48th Street, could not be displaced, and the pump was 50 per cent slower than commercial pumps used at normal gas stations. To supply gasoline to vehicles of missions about 1,500 gallons a week would be needed, this figure being based on an estimated 150 automobiles, i.e., one per mission, each of which would require 10 gallons a week. Since the pump supplied about 400 gallons a week to United Nations vehicles, approximately 2,000 gallons a week would be required and the tank would have to be filled twice a week. A pump operator, a cashier and a security guard would be needed. It might also be necessary to change the existing installations. Moreover, the inconvenience of long waiting lines for the purchase of gasoline could not be avoided.

13. At the 78th meeting of the Committee, on 11 July 1979, the representative of Iraq said that, in view of the inaccurate and unhelpful press reports, he wished to make it clear that he had raised the question of the gasoline shortage for practical, not political reasons, and he had done so on the advice of the missions of many Member States not represented on the Committee. He was pleased to note, he added, that the situation in respect of the supply of gasoline was improving.

14. The representative of the host country welcomed the timely remark made by the representative of Iraq about the improvement of the situation. He added that, although the situation had also been very difficult in Washington, D.C., the diplomatic community there had found it possible to carry on its business in a normal and effective manner even though it had neither requested nor received any special privilege with respect to the conditions in which it obtained gasoline for its automobiles.

15. The representative of a Member of the Committee and an observer from a Member State not represented on the Committee said that, given the difference in the configuration of the two cities, the size of the corresponding diplomatic communities and other factors, a comparison between the diplomatic community in Washington, D.C., with its counterpart in New York, with respect to their reaction to the problems that had arisen regarding the purchase of gasoline, was hardly meaningful.

16. At its 79th meeting, on 26 July 1979, the Committee adopted without objection the following decision: 3/

"The Committee on Relations with the Host Country,

"Mindful of recent changes in the international energy supply situation,

"Recognizing that the gasoline supply and availability situation is one affecting the entire New York area, as well as many other parts of the host country and other nations, necessitating adjustments in transportation and energy consumption patterns,

3/ Immediately prior to the adoption of the decision, the Chairman stated that the meaning of its first preambular paragraph was to be understood in the light of the relevant statements made at the meeting (see A/AC.154/SR.79, paras. 3 and 7).

"Taking note of the attention given by the host country and the New York authorities to the situation and the measures taken by them in order to bring about an improvement in the situation,

"Expressing appreciation to the New York City Commission for its efforts on behalf of the permanent missions and members of the diplomatic corps,

"Recalling that permanent missions, in case of future disruption in the availability of gasoline, should be able to carry out in the host country those communication and related functions which are essential in the representation of their States,

"Acknowledging the careful consideration given by the Secretariat to measures which could be envisaged from its side to alleviate the situation, as well as the complexities of the problem,

"1. Requests the host country and the Secretariat to continue their consideration of measures for ensuring the essential functions of the missions in case of a future disruption in the gasoline supply situation;

"2. Further requests the Secretariat to study the situation in other United Nations cities in order to determine what measures have been employed and whether such measures may be usefully employed in the Headquarters district;

"3. Expresses the hope that without prejudice to the effective functioning of missions, and in the case of future disruptions in the gasoline supply situation in the host country, members of the diplomatic corps will endeavour to conserve energy through adjustments in their consumption and transportation patterns."

17. Following the Committee's request, the Secretariat addressed a telegram to the administrations of the regional commissions at Addis Ababa, Ethiopia; Santiago, Chile; Bangkok, Thailand; and Beirut, Lebanon; as well as to those of the United Nations Environment Programme (UNEP) at Nairobi, Kenya, the United Nations Office at Geneva, Switzerland and the United Nations Industrial Development Organization (UNIDO) at Vienna, Austria. The telegram reiterated the Committee's decision and requested the information in respect of the duty station in question regarding whether gasoline shortages had been experienced, and in the affirmative whether special privileges or facilities had been granted to diplomatic personnel. Replies were received from all the administrations requested to give information and were summarized in a report by the Secretariat (A/AC.154/182).

18. The majority of the duty stations concerned, namely Bangkok, Beirut, Nairobi, Geneva and Vienna experienced either no shortage or only slight shortages which did not call for special measures to be taken with respect to the diplomatic community.

19. In Addis Ababa certain shortages of gasoline are being experienced currently. In particular, high-octane gasoline is not available and on one or two days a week also regular gasoline is unavailable. Since 1975 one gasoline station has been allocated to service exclusively members of the diplomatic corps, and another station to service the Commission, other United Nations agencies and the

Organization of African Unity. In addition, all vehicles receive a daily ration of gasoline. These measures have alleviated the difficulties previously experienced.

20. During the 1972-1973 period of general gasoline rationing in Chile diplomats and ECLA officials were given access to a gasoline station close to ECLA's premises, and gasoline was distributed on a first-come first-served basis.

IV. SECURITY OF MISSIONS AND SAFETY OF THEIR PERSONNEL

21. By a letter dated 29 December 1978 addressed to the Secretary-General (A/AC.154/178) the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations complained about the explosion of a bomb in the doorway of the building occupied by the Mission, which had caused material damage. It was observed that this was far from being the first time that the Cuban Mission had been the object of such an attack, particular reference being made to a similar act perpetrated on 9 September 1978. ^{4/} The host country authorities had not, it was maintained, taken adequate measures to bring the perpetrators of this and similar attacks against the Cuban Mission to justice.

22. By a letter dated 25 January 1979 addressed to the Secretary-General (A/AC.154/179) the Permanent Representative of the United States of America to the United Nations expressed deep regret over the incident that was the subject of the Cuban complaint. The Permanent Mission of Cuba could be assured that the United States Government was, through the Federal Bureau of Investigation and the competent police authorities, actively pursuing their investigation of the terrorist acts committed against the Cuban Mission. The United States Government firmly rejected the accusation that its authorities were acting irresponsibly. It was pointed out, finally, that numerous persons responsible for terrorist attacks against the Cuban Government in the United States had been imprisoned.

23. By a letter dated 22 October 1979 addressed to the Secretary-General (A/AC.154/183) the Permanent Representative of the USSR requested the circulation as official documents of the Committee of five notes verbales concerning the security of the USSR Mission and the safety of its personnel. The notes verbales had been sent by the USSR Mission to the United States Mission in the period from January to August 1979.

24. By a note verbale dated 17 January 1979, the USSR Mission referred to a demonstration which took place on 26 November 1978 near the premises of the USSR Mission. The USSR note stated that the measures taken by the police during the demonstration were inadequate, and that the active members of the group which had arranged the demonstration had collaborated with Hitlerite Fascists in criminal activities against the Ukrainian people during the Second World War, and had participated as members of the Hitlerite forces in battles against the Soviet Army and its allies. The existence and activities of such anti-Soviet organizations in the United States were incompatible with the Soviet-United States Agreement of 1933. The USSR Mission insisted that the United States authorities take all necessary and effective measures to terminate the activities of

^{4/} Official Records of the General Assembly, Thirty-third Session, Supplement No. 26 (A/33/26), para. 56.

anti-Soviet organizations and to prevent hostile and provocative acts such as the demonstration which took place on 26 November 1978.

25. In a note verbale dated 28 March 1979, the USSR Mission complained that on 18 March 1979 a hostile and provocative mob of Zionist elements had demonstrated in front of the building where the USSR Mission is housed. In particular, the note verbale objected to the fact that a number of the demonstrators had advanced to the entrance to the Mission and blocked it thereby impeding the normal functioning of the Mission for some time. This was a violation of the prohibition against picketing and other demonstrations within 100 feet of any mission premises, which is contained in the Federal Act on the Protection of Foreign Officials and Official Guests of the United States. It also was contrary to a 1972 ruling by the Supreme Court of New York. In a further note verbale dated 31 May 1979, the USSR Mission referred to a note verbale dated 14 May 1979 from the United States Mission concerning the same incident and took issue with the statements in the latter note to the effect that the host country had discharged the international obligations incumbent upon it in this case. The USSR Mission emphasized that under the applicable international agreements, such as the Vienna Convention on Diplomatic Relations, the host country is under a "special duty" to take all appropriate steps to avoid any disturbance of the peace of the mission and to prevent any attack on the person and dignity of members of the mission.

26. In its note verbale dated 26 April 1979, the USSR Mission stated that on 24 April 1979 unknown persons had damaged a vehicle belonging to the Mission and with diplomatic licence plate. While the vehicle had been parked in the area of Fulton Street, its windscreen was smashed and the door damaged. Goods valued at \$US 223 were stolen from the car. In protesting this incident, the USSR Mission claimed compensation from the United States for the material damage.

27. By a note verbale dated 15 May 1979, the USSR Mission stated that on 11 May 1979, in the afternoon, an unknown person had flung a beer bottle against the door to the building of the Mission and then fled. Although the incident took place in the view of the policemen on duty at the Mission, they took no action to prevent it or to apprehend the perpetrator. The USSR Mission expressed its expectation that the United States authorities would prevent a repetition of similar occurrences and take all necessary and effective measures to ensure the inviolability and security of the Mission.

28. At the Committee's 81st meeting, on 12 November 1979, the representative of the host country stated that the United States Mission had responded to most of the complaints by the USSR Mission published in document A/AC.154/183. Concerning the demonstration held on 26 November 1978 under the sponsorship of the Third World Congress of Free Ukrainians, ample police had been on hand and no Soviet property or personnel had been harmed. More than 250 men had been assigned as a precaution for the protection of the USSR Mission. On 18 March 1979 a group of about 300 persons representing the Student Struggle for Soviet Jewry had engaged in a peaceful demonstration following a religious service at the Synagogue opposite the USSR Mission. In accordance with a court order, of which the USSR Mission had been notified, three of the demonstrators had been permitted to advance under police escort to the outer gate of the USSR Mission where they remained not longer than five minutes. The personnel of the Mission had not been prevented from entering or leaving the building. With respect to the incident on 11 May 1979, it appeared from police records that a bottle had been dropped or thrown from a passing car. The bottle broke but caused no damage. The car was not identified.

V. CONSULTATIONS HELD PURSUANT TO PARAGRAPH 7 OF
GENERAL ASSEMBLY RESOLUTION 33/95

29. By paragraph 7 of its resolution 33/95 of 16 December 1978, the General Assembly requested

"the Secretary-General to enter into consultations with the host country concerning procedures for consultations between the host country and the Member States or the Secretary-General, pursuant to section 13 (b) of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and to report to the Committee on Relations with the Host Country in 1979".

30. Accordingly, the United Nations Secretariat consulted the Government of the host country, through its Permanent Mission to the United Nations, in the course of July 1979. The results of the consultations thus held were the subject of a report by the Secretary-General (A/AC.154/181) submitted to the Committee pursuant to the request contained in paragraph 7 of General Assembly resolution 33/95. The contents of the Secretary-General's report may be summarized as follows:

31. In the course of the consultations, the Permanent Mission of the United States reiterated what had been stated by the representative of the host country at the Committee's 69th and 71st meetings, on 9 and 13 February 1978, on the subject of consultations pursuant to section 13 (b) (1) of the Headquarters Agreement, as summarized in the relevant passages of the Committee's report to the General Assembly at its thirty-third session. 5/ The right to compel the departure of a member of a mission accredited to the United Nations for abuse of the privileges of residence was derived by the United States from its sovereignty and was preserved by section 13 (b) (1) of the Headquarters Agreement. Nevertheless, in order to ensure the responsible exercise of this right, that provision laid down that a request for the departure of a diplomat could be made only upon the authorization of the Secretary of State after consultation with the Member State concerned. The United States had, in the rare cases where it had felt compelled to request the departure of a member of a diplomatic mission accredited to the United Nations, complied with this obligation and would continue to do so in the future. Moreover, it had been and would continue to be the consistent practice of the United States also to notify the Secretary-General of the United Nations of any such request on the part of the United States and to keep him informed of developments subsequent thereto. The United States Mission further observed that a process of consultation for the purposes of section 13 (b) (1) of the Headquarters Agreement implied a meaningful exchange of views in the sense that full opportunity should be afforded to each participant to express his considered opinion on the subject of the consultations and make recommendations thereon. It pointed out, however, that, as had been stated by the Legal Counsel of the United Nations at the 71st meeting of the Committee, 6/ the expression "after consultation with" did not mean "with the concurrence of". The United States Mission had expressed the hope that future requests by the United States Government for the departure of members of missions accredited to the United Nations, which had averaged less than one per year since the creation

5/ Ibid., paras. 10 and 31.

6/ Ibid., para. 29.

of the United Nations, would, if not rendered altogether unnecessary by an exemplary behaviour on the part of all mission members, become even more infrequent. The Secretariat officials participating in the consultations took note of the views thus expressed by the United States Mission.

32. The Committee considered the Secretary-General's report at its 80th meeting, on 7 November 1979. The representative of the USSR stated that, while the report of the Secretary-General set forth and clarified the views of the United States, it failed to indicate the response of the Secretariat to those views. He therefore expressed doubt whether the request for consultations contained in General Assembly resolution 33/95 had been fully respected. With respect to the unprecedented request by the host Government for the departure of a permanent representative of a Member State of the United Nations, he maintained the view expressed by the representatives of his delegation during the Committee's consideration of the matter in 1978.

33. Also at the Committee's 80th meeting, the Legal Counsel made a number of supplementary observations in connexion with the report. He recalled that the Agreement between the United Nations and the United States regarding the Headquarters of the United Nations provides in its section 13 (b) that, in the case of abuse of the privileges of residence granted under section 11 of the Headquarters Agreement to the persons mentioned in that section by any such person in activities in the United States outside his or her official capacity, such person shall be subject to the application of the laws and regulations of the United States regarding the residence of aliens. However, no proceeding to require any such person to leave the United States may be instituted without the prior approval of the Secretary of State of the United States after consultation with the Member State concerned, in the case of a representative of a Member State (or a member of his family), or with the Secretary-General of the United Nations, or the principal executive officer of a specialized agency, as appropriate, in the case of any other person referred to in section 11. If, after the required consultation, the parties could not agree on an amicable solution, then the matter could be referred to the appropriate United States authorities. With respect to the conduct of the consultations the Legal Counsel noted the position taken by the United States representative during the consultations held pursuant to General Assembly resolution 33/95 to the effect that "a process of consultations for the purpose of section 13 (b) (1) of the Headquarters Agreement implied a meaningful exchange of views in the sense that full opportunity should be afforded to each participant to express his considered opinion on the subject of the consultations and make recommendations thereon" (A/AC.154/181, para. 3). He further noted that the United States representative, in this connexion, concurred that the expression "after consultation with" did not mean "with the concurrence of". With respect to the meaning of the term "consultation" in the sense of section 13 (b) (1) of the Headquarters Agreement, the Legal Counsel did not find that there was any discrepancy between the view of the United States and that of the Secretariat. The Legal Counsel recalled that in the case of a representative of a Member State the Headquarters Agreement does not require the host Government to undertake prior consultations with the Secretary-General. In practice, however, whenever a host Government wished to take measures against a member of a mission of a sending State, the host Government informed the international organization concerned of the measures contemplated and the reasons for such action.

VI. OTHER MATTERS

34. At the 76th meeting of the Committee, on 5 July 1979, the representative of Mali complained about a missing diplomatic bag belonging to his country's Mission to the United Nations. The Mission had been informed of the arrival of the bag in New York by the TWA airline company on 29 June. Nevertheless, two attempts made by officials of the Mission at the airport to obtain the bag had been unsuccessful. The United States Mission, to whose attention the matter had been brought by the Mission of Mali, had not been helpful.
35. At the 77th meeting, on 9 July 1979, the representative of the host country informed the Committee of the steps taken by the United States Mission to locate the missing bag. TWA facilities at John F. Kennedy airport had been completely searched twice and the airline had directed its facilities around the world to undertake a search for the missing bag. On 6 July the United States Mission had obtained from the Mission of Mali the number of the bill of lading, which was necessary to facilitate the search. While responsibility for recovering the bag rested with the airline, the United States Mission would continue to provide every possible assistance in the search.
36. At the 79th meeting, on 26 July 1979, the representative of the host country said that the mission bag had been found and delivered to the Mission of Mali on 12 July. It appeared that the air carrier involved had mistaken the bag for regular mail and transferred it to the post office. His delegation expressed its deep regret to the Mission of Mali for the inconvenience the matter had caused.
37. At the 77th meeting, on 9 July 1979, the representative of Iraq said that the Permanent Observer of the Palestine Liberation Organization (PLO) had addressed a letter to the Secretary-General that morning concerning the difficulties faced by PLO, which was occupying premises scheduled to be demolished in mid-August, in finding new office accommodation. He suggested that the Permanent Observer of the PLO should be given the opportunity to make a statement on the matter in the Committee.
38. The representative of the host country said that his delegation and his mission were entirely unaware of the matter raised by the representative of Iraq. His delegation could not give its view on the matter until it had had time to consider it.
39. On the suggestion of the Legal Counsel, the Committee decided that he should take up the matter, as representative of the Secretary-General, with the representative of the host country and the New York City Commission for the United Nations and the Consular Corps. The Legal Counsel subsequently brought the matter to the attention of the Deputy Commissioner and Legal Counsel of the New York City Commission, who held consultations with the Real Estate Board of the City of New York and the Permanent Observer for the PLO.
40. By a note verbale dated 25 January 1979 (A/AC.154/183, annex II) addressed to the United States Mission, the USSR Mission stated that on 17 January 1979 Mr. Y. E. Fokine, Deputy Permanent Representative of the USSR to the United Nations, and Mr. Y. Y. Belobrov, Second Secretary of the USSR Mission, had been detained by police near Franklin, Georgia. They had been travelling in an automobile marked with a diplomatic licence plate, and the reason given for their detention was that they had violated traffic regulations. In spite of the DPL licence plate and the

presentation of the diplomatic identification card issued by the State Department, Mr. Y. E. Fokine was required by the police officer to proceed to the police station. At the police station Mr. Fokine was held for three hours, during which time he was treated in an insulting manner unacceptable with regard to a diplomat. The representative of the State Department, to whom Mr. Fokine had spoken on the telephone, did not take steps to put an immediate stop to the illegal actions of the local authorities but rather persisted in recommending to Mr. Fokine the waiver of the privileges and immunities to which he as a diplomat was entitled under international law. The USSR Mission registered a strong protest over this incident and insisted that the United States should immediately take effective measures to prevent such intolerable situations. At the Committee's 81st meeting, on 12 November 1979, the representative of the host country said that in a letter sent on 26 February 1979 to the USSR Mission, the United States Mission had explained that Ambassador Fokine and Mr. Belobrov had not been placed under arrest but were detained for driving at 85 miles per hour in a 55 mile per hour zone. As soon as the Department of State had become aware of the situation, a request was made for dismissal of charges because of diplomatic immunity, and the diplomats were allowed to proceed.

41. In a note verbale dated 24 August 1979 (A/AC.154/183, annex VII) the USSR Mission again called to the attention of the United States Mission the inconvenient and very limited parking arrangements for automobiles belonging to the Mission and its personnel. No measures had been taken to improve this situation or to prevent unauthorized vehicles from using the reserved spaces. The ensuing difficulties had an adverse effect on the Mission's work. Although the USSR Mission sympathized with New York City authorities which were faced with heavy traffic in the City, it objected to the prejudice shown towards the Mission by local authorities during the campaign against parking violations. At the Committee's 81st meeting, on 12 November 1979, the representative of the host country replied that the local authorities were trying hard to keep open at all times the eight parking spaces reserved for Soviet diplomats. If there were a campaign in the press against illegal parking by diplomats, it probably was caused by the high number of traffic violations charged to the USSR Mission.

VI. RECOMMENDATIONS

42. At its 81st meeting, on 12 November 1979, the Committee approved the following recommendations:

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

(2) The Committee urges the host country to take all necessary measures without delay in order to continue to prevent any acts violating the security of missions and the safety of their personnel or the inviolability of their property, and in order to ensure normal conditions for the existence and functioning of all missions.

(3) The Committee urges the host country to continue to take measures to apprehend, bring to justice and punish all those responsible for committing criminal acts against missions accredited to the United Nations as provided for in the 1972 Federal Act for the Protection of Foreign Officials and Official Guests of the United States.

(4) The Committee, with a view to facilitating the course of justice, calls upon the missions of States Members of the United Nations to co-operate as fully as possible with the Federal and local United States authorities in cases affecting the security of those missions and their personnel.

(5) The Committee calls upon the host country to avoid actions not consistent with meeting effectively obligations undertaken by it in accordance with international law, in relation to the privileges and immunities of States Members of the United Nations.

(6) Appeals to 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 serving summonses to diplomats.

(7) Welcomes the diplomatic community's readiness to co-operate fully with the local authorities in solving traffic problems and notes, in this regard, the desirability of missions making reasonable efforts to utilize off-street parking facilities.

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

(9) The Committee has been informed that there have been difficulties concerning unpaid bills for goods and services rendered by private persons and organizations to certain missions accredited to the United Nations and certain individual diplomats attached to those missions, and suggests that the Secretariat and others concerned work together to solve these outstanding difficulties.

(10) The Committee wishes to express its appreciation to the New York City Commission for the United Nations and the Consular Corps and those bodies which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York.

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

(12) The Committee recommends that it should consider problems within its terms of reference, pursuant to General Assembly resolutions 2819 (XXVI), 3033 (XXVII), 3107 (XXVIII), 3320 (XXIX), 3498 (XXX) and 33/95.

كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم . استعلم عنها من المكتبة التي تتعامل معها أو اكتب الى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

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