

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

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-SECOND SESSION

SUPPLEMENT NO. 26 (A/42/26)



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New York, 1988

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.

[20 November 1988]

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I. INTRODUCTION

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. At **its forty-first** session, the General Assembly requested, by its resolution **41/82** of **3** December 1986, that the Committee should "continue its work, in conformity with General Assembly resolution 2819 (XXVI)", and decided to include in the provisional agenda of its forty-second session the item entitled "Report of the Committee on Relations with the Host Country". The Committee's recommendations and **conclusions** are contained in **section** IV of the present report.

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

2. In 1987 the Committee was composed of the following Member States:

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

3. Throughout 1987, Mr. Constantine Moushoutas (Cyprus) continued to serve as Chairman, the representatives of Bulgaria, Canada and Côte d'Ivoire as Vice-Chairmen and, as Rapporteur, Mrs. E. Castro de Barish (Costa Rica).

4. The list of topics adopted by the Committee in May 1982 was retained in 1987 and was as follows:

- 1. Question of the security of missions and the safety of their personnel.**
- 2. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:**
 - (a) Entry visas issued by the host country;**
 - (b) Acceleration of immigration and customs procedures;**
 - (c) Exemption from taxes;**
 - (d) Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff.**
- 3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.**
- 4. Housing for diplomatic personnel and for Secretariat staff.**
- 5. Question of privileges and immunities:**
 - (a) Comparative study of privileges and immunities;**
 - (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.**
- 6. Host country activities: activities to assist members of the United Nations community.**

7. Transportation: use of motor vehicles, parking and related matters.
8. Insurance, education and health.
9. 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.
10. Consideration and adoption of the Committee's report to the General Assembly.

5. During the period under review, the Committee held six meetings: the 123rd meeting on 6 March 1987; the 124th meeting on 30 April 1987; the 125th meeting on 15 July 1987; the 126th meeting on 14 October 1987; the 127th meeting on 18 November 1987 and the 128th meeting on 20 November 1987.

6. The Bureau of the Committee consists of the Chairman, the three Vice-Chairmen, the Rapporteur and a representative of the host country, who attends Bureau meetings ex officio. The Bureau is charged with the consideration of all the topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which is kept under permanent review by the Committee as a whole. During the period under review, the Bureau held one meeting, on 26 March 1987.

III. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

7. At its 123rd meeting, on 6 March 1987, the Committee resumed consideration of the question of the security of missions and the safety of their personnel. The representative of the Soviet Union drew the Committee's attention to the unfavourable and hostile atmosphere that continued to exist regarding the Permanent Mission of the Soviet Union to the United Nations and its personnel as well as towards the Soviet officials in the United Nations Secretariat and members of their families. He noted that in February alone there had been a number of demonstrations in front of the Soviet Mission during which participants threatened and insulted the staff of the Mission. On 8 and 16 February 1987, the Mission had received two telephone calls about explosive devices purportedly being installed in the Mission's building. In addition, more than 2,000 telephone calls had been received from "hooligans" and 70 threatening letters had been sent to the Mission. The representative of the Soviet Union expressed his deep concern in connection with this regrettable state of affairs.

8. The representative of the United States replied that, while it was true that there had been a number of demonstrations near the Soviet Mission, the majority of them had been without incident. He referred to the United States constitutional guarantees of freedom of assembly, speech and expression. Provided demonstrations created no real interference with Mission safety and security, they were permitted. He assured the Committee of the serious commitment of the United States to the protection of missions and cited positive and decisive actions taken by federal and city protective agencies when such activities violated the law. He noted many instances of successful arrests and prosecution of individuals charged by United States law enforcement officials with criminal activities against Soviet diplomatic establishments.

9. At the 124th meeting, on 30 April 1987, the representative of the Soviet Union drew the Committee's attention to the recommendations adopted by the General Assembly calling for the adoption by the host country of effective measures to ensure the safety and normal functioning of the missions and their personnel. He stated that the situation in that regard was far from satisfactory. With reference to some specific facts and figures, cited at a previous meeting, illustrating the scale and persistence of hostile acts against the Soviet Mission, he said that the situation had not changed for the better. The Soviet Mission and its staff as well as Soviet employees in the Secretariat and their families were constantly subjected to a hostile environment. There had also been unlawful attempts to exert pressure on individual Soviet citizens. He stated that the attention of the representative of the Secretary-General had been drawn to the inadmissibility of such a situation. Expressing his deep concern in that regard, the representative of the Soviet Union requested the authorities of the host country to take all necessary measures to ensure a normal situation around the Soviet Mission and the security of Soviet citizens.

10. The representative of the United States responded that the host country had been scrupulous in ensuring the free and unimpeded conduct of diplomatic activity. With reference to allegations of "harassment", he noted that the United States had to balance the legitimate rights of demonstration and protest with investigations

into alleged abuses, which were complicated by vague allegations and unsubstantiated reports. He stressed that the New York City police detail assigned to the Soviet Mission was the largest assigned to any diplomatic mission in the city of New York. The United States was doing its best, and he regretted any inadvertent mistakes that had been made in those efforts. He noted, however, that the freedom of citizens to demonstrate and to express their political views had to be safeguarded while maintaining security and ensuring an atmosphere conducive to the conduct of diplomatic business.

11. The representative of the Soviet Union reiterated that the Soviet side had given, at the previous meeting, concrete examples of hostile acts against the Soviet Missions and their staff. The statement that the accusations were "vague" was not true. He said that it was not his intention to start a polemical debate but to insist on a legitimate right; the demands of the Soviet Mission were based on General Assembly resolutions and the Headquarters Agreement between the United Nations and the United States.

12. The representative of Bulgaria noted that the United States Mission had given certain assistance in security matters when so requested by other missions. However, in a recent case, in which the Bulgarian Mission sought assistance in an incident late at night, there had not even been a duty officer at the host country Mission to receive the complaint. The 17th Police Precinct had also been of no help. Fortunately, nothing more had transpired, but the situation could have got out of control. As yet, no acknowledgement had been received to the two notes sent to the United States Mission regarding the incident. The representative expressed the hope that in future there would be prompt and adequate assistance.

13. The representative of the United States regretted the incident at the Mission of Bulgaria. He reminded the Committee that a round-the-clock number, 415-4444, was available for missions to dial in case of emergencies. The 17th Police Precinct was not the appropriate contact in such situations; the correct thing to do was to dial 911. He also said that the United States Mission was looking into the Bulgarian complaint.

14. The representative of the United Kingdom said that his Mission had been visited for years, on a daily basis, by those disagreeing with his Government's policies. This was accepted with equanimity, but such demonstrations sometimes were overly enthusiastic. He pointed out that the relevant experience of his Mission had been good when it had had to call upon the host country Mission for assistance, sometimes at odd hours.

15. At the 125th meeting, on 15 July 1987, the representative of the Soviet Union said that hostile actions were continuing against the Missions of the Soviet Union, Byelorussia and the Ukraine, and an atmosphere of hostility continued against Soviet staff in the Secretariat, including numerous cases of harassment against them. It seemed that there was a genuine attempt to make their stay in New York unbearable. He cited a recent example of a Soviet Union staff member who during a short stay in New York had been subjected to harassment by the host country authorities. Arriving at his hotel room, he was told he could not go in since members of the United States Security Service were inside. He had to wait for two hours, and when they came out he could obtain no sensible answers to his questions. The representative of the Soviet Union had registered an official protest in that regard. He stressed that in the interests of the whole diplomatic

community such harassment should be discontinued. The host country should ensure Soviet staff members the proper security and normal living and working conditions.

16. In relation to the specific incident raised by the Soviet representative, the representative of the United States said that his Government would look into any allegations of improper conduct but that he himself had not heard about the incident prior to the meeting. He trusted that the individual concerned, said to be a Secretariat employee, would convey his report to the Secretary-General, who would then inform the United States authorities so that the matter could be investigated. He then informed the Committee that law enforcement authorities had made significant progress with regard to crimes against diplomats. The most significant had been the arrests of members of the Jewish Defense League by the Joint Terrorist Task Force of the Federal Bureau of Investigation and the New York Police Department for their fire-bombings of Soviet facilities in New York. Those arrests might well lead to other perpetrators.

17. The representative of the Soviet Union expressed his appreciation to the authorities of the host country in connection with the arrest of the members of terrorist groups who had taken criminal actions against Soviet officials and their families. While criminal acts numbered in the dozens, he hoped that the host country would take all necessary measures to prevent such attacks. He also pointed out that actions to harass Soviet staff at the United Nations Secretariat continued to grow. The most recent case illustrated the nature of the campaign. He requested that such cases of the violation of human rights and dignity should cease.

18. The representative of Bulgaria stated that a number of unresolved issues remained, among them the harassment of a Bulgarian citizen. When asked by the representative of the host country to be more specific about the incident in question so that it might be investigated, the representative of Bulgaria responded that he was not able to provide any more information on the incident than that provided in the note of the Bulgarian Mission to the host country. In that connection he categorically rejected the contentions of the host country related to the incident and considered the latter a gross provocation against the Bulgarian citizen and in contravention of the Vienna Convention on Diplomatic Relations of 1961.

19. The representative of the United States said that the United States Mission had been informed of the detention of the wife of a Bulgarian diplomat by security officers at a store in New Jersey. She had allegedly attempted to shop-lift a blouse, and after making known her identity, she had been released in accordance with the terms of diplomatic immunity.

20. At the 126th meeting, on 14 October 1987, in response to the assertion on 15 July of mistreatment of a Soviet official of the United Nations, Mr. B. Nazarov, who had been locked out of his hotel room for two hours, the representative of the United States reported to the Committee the facts of the incident. The investigation had determined that Mr. Nazarov did not have cash for the payment of his hotel room. His room was double-locked on 13 July 1987 by the security department of the hotel to assure payment of his obligations. His obligations having been met, the room was opened and made available to Mr. Nazarov. No local, state or federal law enforcement agency or any other agency of the United States Government had in any way been involved in the incident in the hotel, nor had anyone other than the security officers of the hotel been involved in the locking of the room. The representative of the host country stressed that he would spare

no effort to make sure that the accurate details of such events would be brought to light and made available to all members of the Committee. False accusations of illegal actions by law enforcement officials were baseless and irresponsible. The United States commitment to host country obligations did not include being a party to false accusations the sole basis of which served to provide anti-American disinformation.

21. Disagreeing with the foregoing account, the representative of the Soviet Union said that the alleged non-payment of obligations at the hotel did not correspond to the events that had taken place. It was recalled that the incident had already been reported to the Committee in detail at a previous meeting. He further drew the Committee's attention to the campaign of continuing hostile actions and propaganda directed against the Soviet Mission and its personnel. In the third quarter of the current year alone, 19 provocative demonstrations had taken place in front of the Soviet Mission, during which the participants went so far as to threaten and insult the Soviet Mission and its personnel. There had been more than 3,500 abusive telephone calls. The problem of ensuring the proper functioning of the Mission and protecting Soviet citizens in New York persisted.

22. The representative of the United States responded that the right of free speech and assembly was guaranteed by the United States Constitution. He pointed out that the Soviet Mission enjoyed the largest security detail of any mission in the city of New York on an around-the-clock basis. He regretted the harassing telephone calls and stated that specific instances raised with the United States Mission would be investigated.

23. The representative of the Soviet Union commended the efforts made by the police to protect the Mission. However, those concerned had not yet taken all the necessary measures to prevent hostile and inadmissible activities against the Soviet Mission and its personnel, activities that included threats of physical violence.

24. At the 127th meeting, on 18 November 1987, the observer of Singapore referred to the unfortunate incidents that befell the Senior Minister and the Minister of Foreign Affairs of Singapore during their visit to New York in September 1987 to attend the forty-second session of the General Assembly. While his Government deemed the consideration of those incidents to be closed, he wondered what could be done to ensure that heads of delegation would have unhindered access to the United Nations at all times during the sessions of the General Assembly, and what arrangements should be made to accord heads of delegation or foreign ministers equal access to the facilities of a hotel where the United States Security Service happened to be protecting other dignitaries. He also wondered whether the security officials could be requested to recognize the grounds passes issued by the Organization to heads of delegation so that the appropriate courtesies could be extended to them.

25. The representative of the United States expressed his concern over the incidents in question, which involved discourteous treatment of the Senior Minister and his wife and the Minister of Foreign Affairs of Singapore. He said that situations of that nature frequently occurred when tight security was provided for visiting heads of State or other senior government officials. The host country was taking steps to ensure better co-ordination in the future in order to prevent the kinds of problems that had occurred. Better communication between the United States Mission and delegations regarding the closure of streets was of the highest

importance. The host country authorities also intended to explore the problem of equal access to hotel facilities and to look into the problem of the recognition of United Nations grounds passed by United States security officials and the New York City Police Department. He intended to continue the discussion with the Bureau of the Committee during the period before the forty-third session of the General Assembly.

B. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

26. At its 123rd meeting, the Committee resumed consideration of a demand by the host country for a reduction in the staff of the Permanent Missions of the USSR, the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic to the United Nations.

27. The representative of the Soviet Union reminded the Committee that the illegal demands and arbitrary acts against the staff of the Soviet and other missions had been discussed by the General Assembly at its forty-first session, which had adopted by consensus resolution 41/82 on 3 December 1986. Paragraph 4 of that resolution, the Assembly urged "the host country and the Member States that raised the issues in response to the request and to action by the host country to reduce the size of their missions to follow the path of consultations with a view to reaching solutions to this matter", in accordance with the Headquarters Agreement. He also stressed that the Soviet Mission had declared to the Mission of the host country its willingness to carry out consultations with the American side with the participation of the Secretary-General or his representative. He said that his Mission was still awaiting a response to that proposal from the United States delegation.

28. The representative of the Ukrainian SSR, speaking as an observer, said that the demand and any action by the United States to reduce the number of personnel in the missions concerned, including that of the Ukraine, were illegal. He stated that his country was ready to implement the provisions of the relevant General Assembly resolution calling for consultations on the matter.

29. The representative of the United States reaffirmed the United States Government's position on consultations and indicated to the Committee that further response concerning the matter would be given in due course.

30. At the 124th meeting of the Committee, with reference to the proposal put forward at the previous meeting, the representative of the Soviet Union said that one would naturally have expected that the American side would respond positively and pave the way for consultations. That would have indicated the willingness to comply with the Headquarters Agreement and to respect the relevant resolution of the General Assembly. He informed the Committee that since the last meeting the Soviet side had again taken steps, but, to no avail, to urge the American side to follow the General Assembly's recommendation. He reiterated the readiness of the Soviet side to hold business-like informal consultations in order to reach a mutually acceptable settlement. He noted that the lack of consultations and the existence of outstanding issues undermined the Headquarters Agreement and disrupted the normal functioning of the missions. A resolution of the matter could be

reached only through equitable consultations with the participation of the Secretary-General or his representative.

31. The representative of the United States stated that his country took its responsibilities as host country very seriously at the highest levels. His Government wished to make the reductions in staff at the Soviet Missions in a cooperative manner with a minimum of disruption. He had been in touch with the Soviet Mission on several occasions and was prepared to discuss the implementation of the reductions. However, his Government would not negotiate concerning the level of reductions called for, as the Soviet Missions to the United Nations were large and their size was not warranted for the conduct of official United Nations business. The United States had had no choice but to call for reduction of the Soviet Missions to a more reasonable size. The United States conceded that its position was consistent with its obligations under the Headquarters Agreement and under international law. The United States was determined to protect its national security, and its decision on the matter had been taken after careful consideration.

32. The representative of the Soviet Union expressed regret that the United States had not responded to General Assembly resolution 41/82. He noted that contacts which had taken place between the Soviet and United States Missions could not be considered consultations. During those contacts, the United States had continued to insist on its unlawful and arbitrary demands. He rejected an interpretation that such demands were based on the Headquarters Agreement and called for consultations.

33. The representative of Bulgaria said that no host country could be empowered as the arbiter to place a limit on or to decide the numerical size of the staff of a mission. He restated the position of his Government that the situation should be resolved through consultations.

34. The representative of Canada said that the Committee should play its role as that of creating supportive conditions and an environment leading to dialogue. The definitions of "legal" and "reasonable" could be agreed upon through dialogue. He noted that missions could not be allowed to expand to thousands of personnel and also expressed the hope that consultations would take place as necessary in the future, leading to further progress towards a resolution of the problem.

35. The representative of Mali said he could understand the concerns of the Soviet representative, both regarding the placement of personnel and the call for reductions in staff. There had been contacts between the United States and Soviet Missions, and that was good. Clearly, contacts should lead to negotiations and positive results, and the Committee should work in that direction. Provisions of international treaties must be respected, so there needed to be an exercise of political will if the concerns of all sides were to be met. His Government proposed that the two parties should conduct negotiations to achieve through dialogue an amicable and definitive solution to the problem of staff levels.

36. The representative of Costa Rica, referring to paragraph 72 of the report of the Committee to the General Assembly at its forty-first session, indicated that the position of her delegation reflected in that paragraph was, inter alia, that "although there were no provisions regarding a limitation of the size of permanent missions in the 1947 Headquarters Agreement, it was necessary for the Secretary-General, the State accrediting a mission and the host country to decide jointly on an appropriate number of representatives".

37. At the 125th meeting, the representative of the Soviet Union informed the Committee that, despite the appeal of the General Assembly contained in its resolution 41/82 for consultations among the parties concerned, no dialogue had taken place with regard to the issue of the reduction of staff of the Permanent Missions of the Soviet Union, Byelorussia and the Ukraine. Under the Charter, the host country should respect the establishment of the legal status of missions and should promote normal conditions for their work. Arbitrary actions against a number of missions had been undertaken by the host country and such actions should unconditionally cease, since they harmed all the missions to the United Nations and hindered the effectiveness of the activities of the Organization. He said that the Soviet Mission had on a number of occasions indicated its willingness to engage in such consultations, and the Secretary-General and the Government of the United States were aware of that. So far, the American side had not responded. In continuing to insist on its arbitrary demand for the reduction of personnel, it completely ignored the official needs of those missions. The General Assembly resolution had been adopted by *consensus*, with the agreement of the United States. What was needed was to try to find a mutually acceptable solution.

38. The representative of the United States responded that by any reasonable standard there were limits on the size of missions to the United Nations. When the size of any single mission exceeded that of the two next largest missions combined, that was excessive. The action taken by his Government did not threaten any other missions and had been phased so as to keep disruption of the work of the missions concerned to a minimum. He assured the Committee of continued United States readiness to discuss implementation.

39. The representative of Bulgaria stated that his Government shared the views of the Soviet representative and could not agree with the arbitrary action taken by the host country concerning the reduction of mission personnel. It was high time that consultations were undertaken on the matter.

40. The representative of the Soviet Union noted with regret that there had been no evidence of intention to repeal the illegal and unilateral measures taken by the host country. A definition of what number was excessive was not solely up to the host country. In that connection, he referred to the stipulation by the International Law Commission that the principle of the freedom of the sending State to staff its mission in accordance with its needs must be respected. Any conflicts or abuse of that right must be settled through consultations. He hoped the host country would show willingness to engage in business-like discussions to resolve the matter.

41. In reply, the representative of the United States said that he appreciated the further elucidation by the Soviet Union, but it could not change the position of the United States with regard to the reduction of personnel of the missions in question.

42. At the 126th meeting of the Committee, the representative of the Soviet Union recalled that the functions of the Committee, as defined in General Assembly resolution 2819 (XXVI), provided for the responsibilities of the Government of the host country with respect to the United Nations and missions accredited to it and their personnel under the Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations and general international law. He also referred to resolution 41/82, which gave particular attention to the need to settle the question regarding the illegal action taken by the United States in arbitrarily

reducing the size of a number of permanent missions. The General Assembly urged the host country and those States which had been the targets of such action to conduct consultations. The adoption of that recommendation was the logical reaction of the international community, which was deeply concerned about the illegal actions of the United States authorities with regard to the sire of the USSR, the Ukrainian SSR and the Byelorussian SSR Missions to the United Nations, actions taken unilaterally in violation of the provisions set out in the Charter Of the United Nations and in the Headquarters Agreement. The Soviet side had repeatedly informed the American side, both at meetings of the Committee and elsewhere, of its readiness to hold consultations, and proposed that such consultation8 should begin with a view to finding a mutually acceptable solution to that artificially created matter. The Soviet Union had demonstrated its complete willingness to implement the relevant recommend&ion contained in resolution 41/82. Unfortunately, the host country took a diametrically opposite attitude towards the matter. Its representatives stubbornly spurned consultations. The representative of the Soviet Union hoped that the host country would eventually come to the negotiating table in order to work out a mutually acceptable solution to the problem.

43. In reply, the representative of the United States said that his Mission was regularly engaged in discussions with the Soviet Mission on the subject of the phase reduction of staff. These discussions were successful and the Soviet Union had, in fact, implemented the required reductions precisely on schedule. He thanked the Soviet representatives for their co-operative attitude, which had made implementation so timely and successful.

44. The representative of the Soviet Union responded that the contact8 with the United States Mission to the United Nation3 in no way constituted consultations. He reiterated his hope that consultations would take place as provided for by the Headquarters Agreement and the relevant recommendation of the General Assembly.

45. The representative of Bulgaria restated the position of his Government that reduction of staff in the missions concerned constituted an arbitrary and unlawful act on the part of the host country. He then drew the attention of the Committee to the discriminatory measure8 with respect to the staff members of the Bulgarian Mission adopted by the host country two years before. Bulgaria continued to maintain its position that the measures curbing movement of Bulgarian representatives were illegal and discriminatory. While the host country had exempted the Permanent Representative and the Chargé d'affaires from the enforcement of those measures, they still applied to the rest of the personnel of the Mission. He hoped that the host country would revoke the measures.

46. At the 126th meeting of the Committee, the observer for the Palestine Liberation Organization (PLO) drew the attention of the Committee to the amendment to the State Department authorisation bill in the Senate of the United State8 Congress. This amendment aimed at rendering it unlawful for PLO to establish and maintain office premises or other facilities in New York. In that connection, he referred to the letter sent to the Senate on 29 January 1987 by Mr. George Shultz, Secretary of State of the United States, in which it was noted that

"The PLO Observer Mission in New York was established as a consequence Of General Assembly resolution 3237 (XXIX) of November 22, 1974, which invited the PLO to participate as an observer in the sessions and work at the General Assembly. The PLO Observer Mission represents the PLO in the U.N.; it is in

no sense accredited to the U.S. The U.S. has made clear that PLO Observer Mission personnel are present in the United States solely in their capacity as invitees of the United Nations within the meaning of the Headquarters Agreement."

It was recognized in the letter that the United States was "under an obligation to permit PLO Observer Mission personnel to enter and remain in the United States to carry out their official functions at U.N. Headquarters". The observer for PLO welcomed any move that would prevent the entry into force of the amendment and asked for clarification of the situation.

47. The representative of Senegal informed the Committee of the discussions on the matter in the Committee on the Exercise of the Inalienable Rights of the Palestinian People and with the Secretary-General of the Organization. He also asked the representative of the host country to convey to the "Executive Branch" the concerns expressed in order to resolve the problem as soon as possible and in conformity with the Charter of the United Nations and the Headquarters Agreement.

48. The representative of the United States sympathized with the concerns expressed by previous speakers and noted that it was premature to speculate as to what would emerge from the conference. He stated that in the opinion of the Executive Branch, closing of the PLO Mission would not be consistent with the host country's obligations under the Headquarters Agreement. That position had been stressed at various levels of the Government to the legislative branch. He hoped that good sense would prevail and an acceptable compromise on a variety of issues would be reached. The issue would be monitored closely and the Committee would be informed in due course.

49. The Legal Counsel stated that the Organization shared the legal opinion expressed in the letter of Secretary of State Shultz of 29 January 1987. The core point of the letter was that the United States was "under an obligation to permit PLO Observer Mission personnel to enter and remain in the United States to carry out their official functions at U.N. Headquarters".

50. The representative of the Soviet Union shared the serious concern expressed by the observer for PLO and the representative of Senegal. The amendment in question would violate the obligations of the United States under the Charter of the United Nations and the Headquarters Agreement. He also shared the hope expressed by the representative of the host country that the amendment would not become law.

51. The representative of France also shared the concern expressed in the Committee with regard to the situation concerning the PLO Observer Mission to the United Nations. There seemed to be unanimity in the Committee on the subject. He expressed the wish that the issue would be resolved satisfactorily.

52. The representative of Bulgaria also expressed his support for the serious concern voiced by the observer of PLO. He shared the hope of the representative of the host country that the particular amendment would not become law.

53. He further drew the Committee's attention to reports in the United States Press that the United States legislative branch was considering additional restrictive measures with respect to the staff of a number of countries.

54. In summing up, the Chairman stated that generally the members of the Committee were of the opinion that the position taken by the United States Executive Branch through none other than the Secretary of State was the one that governed the issue under consideration.

1. Entry visas issued by the host country

Acceleration of immigration and customs procedure⁸

55. At the 123rd meeting of the Committee, the representative of the United States informed the Committee of a revised procedure with regard to holder⁸ of A and G visas. Under the new system, missions would notify the airline concerned of the expected arrival of new staff members to the country. Airline personnel would assist such staff with arrangements upon their arrival to make their transition as quick and easy as possible. Additional changes would be announced in the future which would further facilitate and speed up the process of arrival in the country.

56. At the 125th meeting, the observer of PLO said that the United States required two weeks' notice for visas to be granted to invitee of the United Nations, a status that PLO had had since 1974. Such procedure interfered with the work of PLO. Either the time period requested should be reduced to a minimum or a multiple-entry visa should be granted by the host country. He asked that treatment of PLO observers at the airport should be improved.

57. The representative of the United States responded that the question of single-entry visas for PLO observers was mandated by the relevant statute and United States security considerations and the policy was not likely to change. A period of 10 to 15 working days for the issuance of a visa was not excessive, but in cases of medical or other emergencies the action could be expedited. He assured the Committee that he would look into any case in which a visa had allegedly been denied to anyone invited by the United Nations.

58. The representative of Iraq supported the position of PLO regarding entry visas and treatment by customs personnel at the airports of the United States. While expressing his appreciation for the action taken by the United States Mission in relation to the recent entry of his family into the country, he pointed out that in general customs officials seemed unaware of the relevant directives of the host country Mission.

59. The representative of the United States regretted that customs officials at the airports had "the last word" concerning this matter of entry into the restricted customs area but gave his assurance that the United States Mission would do everything it could to facilitate the procedures in question.

60. At the 126th meeting of the Committee, the observer of Libya complained about delays in granting visas for several representatives of his country. The observer of Afghanistan also reported that the Deputy Minister for Foreign Affairs of Afghanistan could not obtain in due time a visa to join the delegation of his country to the forty-second session of the General Assembly.

61. The representative of the United States, while not aware of the circumstances of those cases, indicated to the Committee that the necessary steps would be taken to assure the prompt issuance of visas.

62. The representative of the Soviet Union stressed that issues concerning visas raised by the observers of Afghanistan and Libya were not only of a technical character. All visas should be issued in a reasonably short period of time in order not to create difficulties for delegations to the sessions of the United Nations. In that connection the authorities of the host country had to act in a manner prescribed by the Headquarters Agreement. He hoped that there would be no more delay in the prompt issuance of visas as regards those two countries as well as with respect to all other Member states.

2. Exemption from taxes

63. At the 123rd meeting, the representative of the United States informed the Committee of the arrangement with the Con Edison Company that United Nations missions and entitled persons would be contacted regarding reinstatement of sales tax deduction privileges.

64. At the 124th meeting, the Chairman of the Committee informed the Committee of the new procedure set up by the host country regarding the deduction of taxes. He noted in particular an orderly way of processing applications from both missions and residences.

65. The representative of France recalled that he had mentioned several times the question of exemption from sales tax on Con Edison utility bills. He had recently received his first electric bill without the addition of a sales tax. That satisfactory solution was a reflection of the positive spirit in which the United States Mission had attempted to resolve problems.

66. The representative of the United States confirmed that Con Edison had reinstated the sales tax deduction privileges to all missions and entitled personnel. He provided a telephone number to call at his Mission (415-4144) for sales tax deduction.

67. At the 125th meeting, the representative of the Soviet Union indicated that the United States Customs Service had introduced a harbour maintenance fee into the Federal Register, in volume 52, number 6, of 30 March 1967. Under the provisions of that law, the Customs Service was authorized to assess a fee of 0.04 per cent on the value of commercial cargo in United States ports without providing for an exemption to United Nations missions and their staff. If applied to missions and their staff, such a law would not be consistent with the relevant international agreements.

68. The representative of the United States said that he was unaware of any new regulations. He pointed out that the law in question would be a matter of concern to all members of the Committee and he promised to explore it.

69. The representative of Iraq informed the Committee that occasionally some shopkeepers did not honour the blue card exempting diplomats from taxes. More than 95 per cent of shops simply noted down the number on the card, but some shops insisted that forms should be completed.

70. The representative of the United States responded that tax exemption problems were the exception rather than the rule. The forms that diplomats were advised to carry were designed to protect shopkeepers from incurring tax liability to the

State. If a shopkeeper was unfamiliar with the exemption or unwilling to honour it, it might be advisable to shop elsewhere.

3. Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff

71. At the 124th meeting, the Chairman of the Committee recalled that the Committee had endeavoured to promote the establishment of a commissary at Headquarters to assist diplomatic personnel and staff. The first problem was that of space. He suggested that the Committee should once more give the matter of the establishment of a commissary serious consideration. He stressed that other duty stations had such facilities and New York should have one also.

72. At the 126th meeting, the Chairman reminded the Committee that establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff would enhance the prestige of the Organisation.

C. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto

73. At the 124th meeting of the Committee, the representative of the United States, with reference to the subject of indebtedness, informed the Committee that he had been besieged by creditors regarding non-payment of rent and medical obligations. A number of the best hospitals of New York had made it clear that they could not treat representatives of the permanent missions to the United Nations without payment in advance or evidence of insurance coverage. He urged that it should be made known throughout the diplomatic community that legitimate obligations should be discharged promptly.

74. The Chairman of the Committee said that the problems of non-payment of debt marred the name of the entire diplomatic community. The situation was especially deplorable when funds were available but not forthcoming. On that question, the diplomatic community must face the host country with "clean hands".

75. At the 126th meeting, the representative of the United States referred to the chronic non-payment of lawful financial obligations by some missions for services received. Various missions owed more than \$2 million to United States property owners, hospitals, doctors, hotels, banks, service stations, contractors and other suppliers of essential goods and services. He asked for co-operation in order to resolve all such problems in order not to have to devote time and attention to the question of indebtedness in the future. It was not the United States Mission's intention to act as bill collectors for the community.

D. Housing for diplomatic personnel and for Secretariat staff

76. At the 125th meeting of the Committee, the representative of Costa Rica drew the attention of the Committee to the fact that newly arrived diplomats, in seeking housing in New York, occasionally had to give up their diplomatic immunity. That

had legal implications. She wondered what could be done so that they would not have to give up their legitimate rights.

77. The representative of the United States responded that in dealing with rental agents, diplomats should not waive their immunity but should instead use alternatives such as commercial credit guaranties.

E. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicise the functions and status of permanent missions to the United Nations

78. At the 125th meeting, the representative of Spain said that it was important for New York City to take a favourable view of the work of the United Nations, and he pointed out that the mass media tended to highlight negative and marginal matters and to ignore the many positive influences on cultural and economic life and the human enrichment that resulted from the presence of the United Nations and a large diplomatic community in New York. The representative of Spain therefore stressed the importance of giving maximum effect, with a new effort by the Committee, to recommendation 9 contained in paragraph 67 of the Committee's report to the General Assembly at its forty-first session, endorsed by the Assembly in resolution 41/82.

79. The representative of Costa Rica supported the opinion expressed by the representative of Spain. It was important for the positive side of relations between the diplomatic community and the host country to be duly portrayed.

80. The representative of the United States said that unfortunately the United States press had a proclivity to report the bad news, since that sold more newspapers. That was a fact of life in New York.

F. Other matters

81. At the 126th meeting, the representative of Cyprus drew the attention of the Committee to difficulties created by the United States Security Service regarding access to the Headquarters building during President Reagan's visit to the United Nations. He asked the authorities of the host country to examine the problem and to consider alternatives for the routes that were to be blocked during presidential visits.

82. In reply, the representative of the United States regretted inconveniences suffered by delegations and expressed the hope that the situation would improve next year.

IV. RECOMMENDATIONS AND CONCLUSIONS

83. At its 128th meeting, on 20 November 1967, the Committee approved the following recommendations and conclusions:

(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 the assurances given by the competent authorities of the host country and notes the constant need for effective preventive actions.

(2) The Committee urges the host country to take all necessary measures in order to continue to prevent any criminal acts, including harassment and activities violating the security of missions and safety of their personnel, or inviolability of their property, 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 or conspiring to commit 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. To this end the Committee reminds representatives of Member States, observers and United Nations Secretariat employees of the necessity of reporting to the United States Mission to the United Nations, in a timely manner, such criminal acts directed at them for the host country to be able to respond.

(4) The Committee continued to consider the issues raised by Certain Member States of the United Nations in response to the request and action by the host country to reduce the size of their missions. The Committee renews its requests to the parties concerned, in accordance with the suggestion contained in the statement by the Legal Counsel (A/AC.154/264), to follow such consultations with a view to reaching solutions to this matter in accordance with the Headquarters Agreement.

(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 Member States, including those relevant to their participation in the work of the United Nations.

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

(7) The Committee notes with concern 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 work together to solve these outstanding difficulties.

(8) The Committee appeals to the host country to review the measure8 relating to diplomatic vehicles with a view to facilitating t-he needs of the diplomatic community and to consult with the Committee on matters relating to transportation.

(9) The Committee stresses the importance of a positive perception of the work of the United Nations. The Committee expresses concern about a negative public presentation of the Organization and therefore urges that efforts be continued to build up public awareness, through all available means, of the importance played by the United Nations and the missions accredited to it for the strengthening of international peace and security.

(10) The Committee wishes to express its appreciation to the Host Country Section of the United States Mission to the United Nations, the New York City Commission for the United Nations and the Consular Corps and those bodies, particularly the New York City Police Department, which contribute to its effort6 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 welcomes the participation of the Members of the United Nations in its work and feels that it is of great importance that wayr and means of strenghtening its work should be considered.

ANNEX

List of documents

(30 September 1987-16 October 1987)

- A/42/664-S/19216 Letter dated 12 October 1987 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General
- A/AC.154/268 Note verbale dated 30 September 1987 from the Permanent Mission of Singapore to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

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