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*President: Mr. Adam MALIK (Indonesia).*

**AGENDA ITEM 90**

**Review of the role of the International Court of Justice**

**REPORT OF THE SIXTH COMMITTEE (A/8568)**

1. Mr. KLAFFKOWSKI (Poland), Rapporteur of the Sixth Committee (*interpretation from French*): I have the honour to present to the General Assembly the report of the Sixth Committee on agenda item 90 [A/8568].

2. As a result of its debate the Sixth Committee approved a draft resolution, contained in paragraph 72 of its report, which it recommends for adoption by the General Assembly.

3. Under operative paragraphs 1 and 6 of the draft resolution, the General Assembly would invite

“... Member States and States Parties to the Statute of the International Court of Justice which have not yet been able to do so to transmit to the Secretary-General by 1 July 1972 their comments on the questionnaire prepared in accordance with General Assembly resolution 2723 (XXV)”;

and would decide

“... to include in the provisional agenda of its twenty-seventh session an item entitled ‘Review of the role of the International Court of Justice’.”

4. I hope that the draft resolution will receive the support of the General Assembly.

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.*

5. The PRESIDENT: I call on the representative of the United States of America, who wishes to explain his vote before the vote.

6. Mr. BENNETT (United States of America): My delegation would have strongly preferred to see this item move along further this year. We are, nevertheless, pleased that the Sixth Committee held an extensive discussion of the role of the Court and heard a number of positive suggestions for making greater use of it. We hope that other delegations found the discussion of this item as informative and useful as we did. It is certainly to be hoped that some of the States which were not in a position to respond to the Secretary-General's questionnaire last year will avail themselves of the opportunity to do so in the coming months. We also look forward to hearing from the Court as to the progress it is making on its own examination of the rules.

7. As all here have agreed, the Court is the principal judicial organ of the United Nations. It is up to all of us—individually and collectively—to help it to fulfil the role envisaged for it in the Charter.

8. We believe the Assembly's consideration of the matter has been well, if somewhat hesitantly, launched. We know the problems are complex, and a desire to make haste slowly is understandable. We recognize the strength of the old adage that “perfection is the enemy of the good”.

9. My delegation will, therefore, be pleased to vote for the draft resolution proposed by the Sixth Committee in order to establish the unanimous nature of the Assembly's desire to have the item discussed next year. We look forward to a useful and productive debate on this vital item next year.

10. The PRESIDENT: The General Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 72 of its report [A/8568]. The administrative and financial implications of that draft resolution appear in a report by the Fifth Committee in document A/8569.

11. If there is no objection I shall take it that it is the wish of the General Assembly to adopt the draft resolution recommended by the Sixth Committee.

*The draft resolution was adopted (resolution 2818 (XXVI)).*

**AGENDA ITEMS 86 AND 99**

**Status of the work of the Informal Joint Committee  
on Host Country Relations: report of the Secretary-General**

**Security of missions accredited to the United Nations  
and safety of their personnel**

**REPORT OF THE SIXTH COMMITTEE (A/8585)**

12. Mr. KLAFFKOWSKI (Poland), Rapporteur of the Sixth Committee (*interpretation from French*): The General

Assembly referred to the Sixth Committee agenda items 86 and 99. These two items, which deal with related matters, were therefore examined jointly by the Sixth Committee, in accordance with its decision. Thirteen meetings between 18 November and 7 December 1971, were devoted to these items.

13. I am happy to be able to inform the General Assembly that following its consideration the Committee was able to adopt without objection a draft resolution which it is submitting for the approval of the Assembly. The draft resolution appears in paragraph 21 of its report on these two items [A/8585] that I have the honour to submit now to the Assembly. I should like to express the hope that this draft resolution will meet with broad support in the General Assembly.

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.*

14. The PRESIDENT: I shall now call on those representatives who have asked to be allowed to explain their votes before the vote.

15. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*translation from Russian*): Today, the General Assembly is concluding consideration of the item on the security of missions accredited to the United Nations and the safety of their personnel, and also the item relating to the status of the work of the Informal Joint Committee on Host Country Relations.

16. What are the results of this consideration? First of all, we have to note that the attempts artificially to narrow the framework of the discussion to the problem's purely juridical and technical aspects by referring it to the Sixth Committee, the Legal Committee, have not proved successful. The consideration of the matter in that Committee went well beyond the boundaries of such a discussion and brought to light the social and political causes of the abnormal situation which has arisen with regard to ensuring the safety of foreign missions accredited to the United Nations in New York. I do not think it could have been otherwise.

17. The serious concern of literally all delegations has been aroused by the increasingly organized and systematic criminal activities directed against the personnel of missions—the ceaseless threats and acts of vandalism. Discussion of the matter showed that the situation has reached the point where firm and effective action must be taken to ensure the safety of the missions and their personnel, for in the recent period there has been a notable increase in the activities of various extremist Zionist organizations and groups, particularly against the missions of the socialist and Arab States. Matters have reached a point where firearms, bombs and, as you know, physical violence have been used. The document submitted to the Sixth Committee by the Permanent Mission of the USSR—that is, document A/C.6/409—contains nine pages listing hostile acts committed against our mission, and the list refers only to a few of the acts, and only to the past year.

18. During the discussion of this important matter, all delegations have stressed that effective guarantee of the

security of the missions of foreign States and their personnel is not a matter of goodwill, but an international obligation which the Government of the United States assumed under the United Nations Charter and special agreements. We cannot accept the steps taken so far by the United States authorities as being adequate or the numerous expressions of regret over the incidents as being a satisfactory substitute for the action which is still expected of the United States authorities.

19. In the Sixth Committee attention was drawn to the fact that a particularly vicious criminal campaign against the USSR Mission is being waged by the militant Zionist organization which calls itself the Jewish Defense League. The chief of this gang has unhindered access to the pages of the press; he may often be seen on television, and his hostile inflammatory speeches may be heard on the radio. In an interview, published in *The New York Times* on 21 November, he went so far as to threaten openly to commit terrorist acts against leaders of the Soviet Union. Of course, the Soviet delegation does not think that these delirious inflammatory outbursts are an expression of the official views of the ruling circles in the United States. But the very fact that they are given space in a newspaper with such influence and such aspirations to respectability as *The New York Times* gives clear cause for concern. We are concerned all the more by the fact that, although the Soviet delegation in the Sixth Committee made an official protest, on behalf of the USSR Mission, to the United States Mission and drew the latter's attention to the inadmissibility of giving potential terrorists the opportunity to make threats of this kind from the pages of the press, the United States delegation, when it spoke in the Sixth Committee, chose to remain silent on the Soviet delegation's submission.

20. In the course of the discussion on the security of missions and their personnel there quite emerged a picture of the total impunity enjoyed by the criminal elements and of connivance on the part of the official United States authorities. A great many delegations stressed the irrefutable fact that, in spite of the recent enormous escalation of acts of hooliganism against mission personnel, not one of the criminals has so far been properly punished. Instead of isolating socially dangerous criminals from society, the authorities of the host country are acting to isolate the missions which have been subjected to systematic attack. As a result, the staff of the missions and their families are forced to live as though in besieged fortresses.

21. I repeat once again that the Soviet delegation cannot fail to see, in the impunity enjoyed by these criminal elements, a conscious policy pursued by certain circles that exert so strong an influence on the host Government that it apparently feels it may act in a manner directly contrary to its international undertakings.

22. The speech made by the distinguished representative of the United States in the Sixth Committee<sup>1</sup> illustrates the point. It was essentially an attempt to prove that all the criminal acts that have been committed against missions to the United Nations are either the result of objective causes or are a feature of a "free society". We were told that the

<sup>1</sup> See *Official Records of the General Assembly, Twenty-sixth Session, Sixth Committee*, 1292nd meeting, paras. 29-41.

criminal acts against missions are not unique to New York, that all big cities face the same problem, due to increasing crime and violence throughout the world, and that demonstrations and picketing are inevitable in a free and open society.

23. We view that kind of argument as an attempt to shirk responsibility. It plays into the hands of those who have publicly proclaimed their chief aims to be to undermine international co-operation, to exacerbate relations—particularly between the United States and the Soviet Union—and to sow terror. As for juggling with the word “freedom”, we are convinced that France, which gave the American people the majestic monument to freedom at the entrance to New York harbour, meant something different by “freedom” and did not at all associate it with criminal acts of vandalism and terror.

24. We are deeply convinced that what lies behind these—to put it mildly—naïve arguments is an attempt to persuade the representatives of foreign States to resign themselves to the abnormal and intolerable situation in which many missions to the United Nations and their staffs find themselves.

25. The Soviet delegation wishes to state quite frankly that this kind of argument by the United States delegation can only further undermine faith in its assurances that the official authorities will take all measures necessary to guarantee the security of missions of foreign States and the safety of their personnel. The ugly fact of the recent systematic, hostile and criminal campaign against missions cannot be altered by a mere series of routine assurances for the future.

26. The full purport of this campaign, which is inimical to the development of friendly relations and co-operation between States, was revealed during the discussion in the Sixth Committee. That is reflected in the draft resolution which was adopted without objection by that Committee and is now before the Assembly for approval.

27. We must make it quite clear that the lack of conditions for the normal work of foreign missions is doing great harm to the United Nations and impairing the realization of its purposes and principles. Such a situation benefits only those forces in the United States which consider that the only thing the allegedly feeble and moribund United Nations deserves is “a decent burial”, to quote an article on page 33 of the issue of *The New York Times* of 13 November 1971.

28. Actually, the interests of the United States no less than the interests of other countries require a strengthening of the United Nations. But that is impossible unless the security of foreign missions is ensured.

29. The Soviet delegation trusts that the grave concern of the world community of States at the criminal acts against diplomatic missions to the United Nations and their personnel will be considered most seriously by the Government and official authorities of the United States, and that the necessary effective steps will be taken towards a marked improvement in the situation relating to the security of missions and the safety of their personnel.

30. The Soviet delegation supports the draft resolution on this subject and expresses the hope that the official body which the draft resolution would have the Assembly establish to deal with relations with the host country will contribute to the solution of questions which are of interest to all States.

31. Mr. ENGO (Cameroon): My delegation wishes first to congratulate the Rapporteur of the Sixth Committee for his brilliant introduction of the report. His activities in the Sixth Committee greatly enhanced its work.

32. We have asked to speak to explain our vote and to place in the records of the General Assembly our views on what we consider to be an important question. We have already seized the opportunity offered by the forum of the Sixth Committee to express our views on the broad principles involved. We have joined in deploring the growing tendency to undermine the dignity and worth of the representatives of sovereign States accredited to the United Nations in New York. We have called for a determined effort on the part of the host country and the press both in this country and internationally to educate the American public on the United Nations and the nature of the representation of States in this Organization. We believe that the people of this nation, a freedom-loving people that went through a period of colonialism just as many of our young countries have, is inquisitive and sensitive. It would readily absorb the truths of the situation if they were made clear to it.

33. There is more here than a moral duty to give the United Nations and those engaged in this historic effort for peace their true and respectable place in history. The people must know that we are not an involuntary imposition on this country and understand the full extent of the material benefits that accrue to this country by our very presence here. They have a right to know but, more important, that knowledge could create a new and happier atmosphere favourable to the temporary residents among them. We spoke in great detail in the Sixth Committee and we shall refrain from further elaboration here. We can only say at this stage that we shall watch with considerable interest the effect given by our hosts to the assurances that they have given us so far.

34. We wish to explain our vote on the second aspect of this subject-matter, that is, the aspect that touches upon the status of the work of the Informal Joint Committee. We believe that that Committee proved to be very useful as a means of direct contact with the authorities of the host country, especially those of the municipality of New York. We had the great privilege of working in that Committee and we speak in this regard from experience. As we said in the Sixth Committee, we sincerely hope that the new Committee will not fail to create the necessary forum for the informal activities in which that Joint Committee engaged.

35. It is our understanding in voting for the draft resolution that a sub-committee will in fact be created and that it will be possible to continue the useful work, in fact more effectively, under the new Committee.

36. Mr. BENNETT (United States of America): United States support of the draft resolution before us, which was

worked out with such an effort to find a reasonable compromise in the Sixth Committee, is clear evidence of the serious and constructive attitude which the United States Government has taken and intends to take on the problems involved here, which are sensitive problems for all of us. Our extreme concern about illegal acts directed against United Nations missions and their personnel is restated in the fourth preambular paragraph of the draft resolution. Our unreserved condemnation of such acts is restated in operative paragraph 1 of the draft resolution. As is noted in the fifth preambular paragraph the victims of such acts deserve our deep sympathy and that of all gathered here.

37. We fully accept our responsibilities and our support of the sixth preambular paragraph of the draft resolution is further evidence of this. We were able to support operative paragraph 2, which urges the United States to take all requisite measures, in view of our intention to do so regardless of this call, because we take our responsibilities seriously. Indeed we are gratified to note that in operative paragraph 4 the Assembly "Notes with appreciation" that it is our intention to do so.

38. Although we have doubts, and we have expressed them, about the usefulness of setting up a new Committee and would have preferred to work to strengthen the efforts of the Informal Joint Committee on Host Country Relations, we respect the desire of a large number of delegations to establish a new Committee and we are ready to co-operate with that Committee if we can be convinced that there is good chance that it will be effective. We fully and firmly believe that through the process of consultations and compromise the structure of the Committee, as it was agreed on, with the goodwill of its members, should provide a forum for useful consultations.

39. Operative paragraph 12 requests the Committee to report to the twenty-seventh session of the General Assembly on the progress of its work. The consultative status of the Committee is emphasized by the fact that recommendations are only an optional element of its report. The Committee is tripartite in that it will bring together representatives of the three main interests concerned, namely, the Member States, the host country and the Secretary-General. These interests are recognized in the eighth preambular paragraph.

40. Operative paragraph 5 makes provision for representation on the Committee of the host country and of 14 other Member States.

41. Operative paragraph 6 makes provision for the representation of the Secretary-General. We view the request in that paragraph as of particular importance because of the Secretary-General's special role under the Headquarters Agreement, because of his responsibility to protect the interests of Member States and because of his separate responsibility to protect the interests of the Secretariat.

42. My delegation had earnestly hoped that, after the long, detailed and dedicated efforts that were made to reach a compromise, some of our concern over the motivations which showed themselves in the debate with respect to this new Committee would have been assuaged,

and we had hoped that we could come here this morning and witness an entirely non-contentious approval of a draft resolution which we have all worked very hard to achieve. I am sorry to say that that was not the case. When the Soviet representative speaks of the silence of the United States in the Sixth Committee on certain criticisms which his delegation made, I assume that he knows that we have answered those criticisms by means of notes to his delegation. We intend to handle the case that way. He has spoken with contempt of certain aspects of a free society. I would not really expect the Soviet representative to sympathize with the workings of a free society because I suspect that he has had very little experience with one. In the exaggerations and distortions, which continue to be repeated—we heard them at great length in the Committee and I am sorry that we have heard them again this morning, regrettably repeated in this Assembly—we shall have no part. If the desire is that this new Committee should merely provide a forum for these kinds of exaggeration and distortion, as opposed to a means of working out and finding solutions to the problems and legitimate concern that all of us feel here, then I know of no rule of this Organization that requires any country, whether it be the host country or any other, to accept membership in such a Committee. We have noted that these kinds of exaggeration and distortion as to the situation here in New York City—and I am speaking here not of the legitimate concern expressed by many delegations, a concern which my delegation fully shares, but of distortion and exaggeration—have come from certain delegations whose own countries offer diplomats something less than a feeling of security and, as in the case of the country represented by the first speaker this morning, have such a harsh and long record of oppression of their own political dissidents or their ethnic minorities or their religious minorities that it is perhaps not surprising that some of those co-religionists or ethnic minorities who happen to live in this country at times exceed the bounds of what is appropriate.

43. I must utterly reject the very unworthy charge made by the Soviet representative that the United States Government connives in the efforts of such a fanatic group as the Jewish Defense League or in other activities which are inappropriate and make it difficult for missions to carry out their work. When he speaks of deliberately conducted policies of harassment, he knows that that is simply not true.

44. As we move on beyond the approval of this draft resolution, my Government intends to avoid confrontation, to walk away from it. We shall have no part of it. We shall co-operate and we intend to offer full co-operation to every mission here to enable it to have the kind of living and working conditions which are obviously called for in any civilized society. I pledge to the Members of this body our fullest co-operation and our fullest commitment.

45. The PRESIDENT: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 21 of its report [A/8585].

46. Since the Sixth Committee unanimously adopted that draft resolution, may I take it that the General Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 2819 (XXVI)).*

47. The PRESIDENT: Under operative paragraph 5 of the draft resolution just adopted, the General Assembly

“Decides to establish a Committee on Relations with the Host Country, composed of the host country and 14 Member States to be chosen by the President of the General Assembly in consultation with regional groups and taking into consideration equitable geographic representation thereon”.

I shall announce in due course the composition of that Committee.

48. I call on the representative of Cuba, who wishes to explain his vote after the voting.

49. Mr. ALARCON (Cuba) (*interpretation from Spanish*): My delegation would like briefly to explain our votes on this draft resolution in the Sixth Committee and just now in this plenary meeting.

50. During the consideration in the Sixth Committee of the item on the security of missions our delegation set forth

its views in detail. There we mentioned a number of factors, incidents and events which lead us to believe quite firmly that it will be impossible to solve the problems that the Assembly has been considering under this item so long as the Headquarters of the Organization remain on North American soil. Many of the points raised during the debate lead us to the inescapable conclusion of the responsibility of the authorities of the host country in many of the incidents mentioned when this item was discussed. That is why my delegation has unswervingly held to the view it is necessary to place the Headquarters of the Organization in a country whose Government is ready to live up to international commitments and practice. Therefore, my delegation's vote in favour of this draft resolution cannot be interpreted by any means as a departure from that position of principle.

51. I should also like to reserve my delegation's position on operative paragraph 5, concerning the composition of the Committee on Relations with the Host Country.

*The meeting rose at 11.40 a.m.*

