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Official Records*



SIXTH COMMITTEE
62nd meeting
held on
Friday, 11 December 1987
at 10 a.m.
New York

SUMMARY RECORD OF THE 62nd MEETING

Chairman: **Mr. AZZAROUR (Libyan Arab Jamahiriya)**

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 136: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY
(continued) (A/C.6/42/L.20/Rev.2, L.23)

Draft resolution A/C.6/42/L.23

1. Draft resolution A/C.6/42/L.23 was adopted without a vote.

Draft resolution A/C.6/42/L.20/Rev.2

2. Mr. ZENENGA (Zimbabwe), introducing draft resolution A/C.6/42/L.20/Rev.2 on behalf of the sponsors, joined by the German Democratic Republic and Uganda, drew attention to the sixth preambular paragraph, regarding the Secretary-General's position on the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations. In the Secretary-General's view, there was a treaty obligation on the host country to permit PLO Observer Mission personnel to enter and remain in the United States to carry out their official functions at United Nations Headquarters. The draft resolution therefore reiterated that the Permanent Observer Mission was covered by the provisions of the Headquarters Agreement; requested the host country to abide by its treaty obligations under that Agreement; requested the Secretary-General to take effective measures to ensure full respect for the Agreement and to report, without delay, to the General Assembly on any further development in the matter; and decided to keep the matter under active review. Inasmuch as further developments might take place, the Assembly should indeed remain seized of the matter.

3. Mr. NISSIM-ISSACHAROFF (Israel), speaking in explanation of vote, said that Israel would vote against draft resolution A/C.6/42/L.20/Rev.2. He did not wish to touch on the substance of the text. His delegation wished to reiterate, however, that the PLO was a terrorist organization ...

4. Mr. TERZI (Observer, Palestine Liberation Organization), said that the PLO had been invited to participate as an observer in the sessions and work of the General Assembly. His delegation therefore protested and demanded ...

5. Mr. ROSENSTOCK (United States of America), speaking on a point of order, said that the right to participate as an observer did not include the right to raise a point of order, and interrupt a delegation speaking in explanation of vote.

6. The CHAIRMAN asked the representative of Israel to continue.

7. Mr. NISSIM-ISSACHAROFF (Israel) said that his delegation wished to reiterate that the PLO was a terrorist organization, which by the terms of its covenant and its continued actions of terror remained committed to the destruction of the State of Israel, a State Member of the United Nations. The PLO had no place either in the Organization or outside of it.

8. A recorded vote was taken on draft resolution A/C.6/42/L.20/Rev.2.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Singapore, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: None.

9. Draft resolution A/C.6/42/L.20/Rev.2 was adopted by 100 votes to 1.

10. Mr. AL-KAWARI (Qatar), Mr. KHAN (Saudi Arabia), Mr. MIKULKA (Czechoslovakia), Mr. THIAM (Guinea), Mr. ALI (Democratic Yemen), Mr. BORG OLIVIER (Malta), Mr. SENE (Senegal), Mr. EL GAOUTHE (Mauritania), Mr. RODRIGUEZ-MEDINA (Colombia), Mr. KANDIE (Kenya), Mr. RAKIATOU (Niger) and Mr. MAKTARI (Yemen) said that, had they been present, they would have voted in favour of the draft resolution.

11. Ms. RECHNAGEL (Denmark), speaking on behalf of the 12 States members of the European Community, said that the Twelve had taken note of the position expressed by the United States Secretary of State, as quoted in paragraph 49 of the report of the Committee on Relations with the Host Country (A/42/26), 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 United Nations Headquarters. The Twelve fully shared that view, which was also upheld by the Legal Counsel. They had supported the draft resolution in the hope that it might contribute to a satisfactory solution.

12. Mr. ROSENSTOCK (United States of America) said that his delegation had not participated in the vote, because it was unnecessary and inappropriate since it addressed a matter still under consideration within the United States Government. The United States position on the substance of the draft resolution had already been referred to by the representative of Denmark and was well known.

13. Mr. KIRSCH (Canada) said that Canada had voted in favour of the draft resolution because it believed that an important point of principle was at stake. The combined effect of the Headquarters Agreement, Article 105 of the Charter, General Assembly resolution 3237 (XXIX) and State practice imposed a legal obligation on the host Government to allow the PLO to maintain offices in New York. His delegation was concerned that the measures being contemplated by the legislative branch of the host Government would set a dangerous precedent for the status of observer missions, which had come to be accepted as a useful means of enhancing the effectiveness of the United Nations.

14. Canada did not regard the PLO as the sole legitimate representative of the Palestinian people. Nevertheless, the PLO did represent a significant element of Palestinian opinion. In the search for a peaceful solution to the Arab-Israeli conflict, no channel of communication and dialogue should be neglected. Palestinians must play a full part in negotiations to determine their future, and contacts which were made possible through the Observer Mission were important for that purpose.

15. Mr. BYKOV (Union of Soviet Socialist Republics) said, in connection with draft resolution A/C.6/42/L.20/Rev.2, adopted almost unanimously, that the proposal in the Congress of the host country regarding the closure of the Permanent Observer Mission of the PLO to the United Nations in New York was illegal and incompatible with the foundations of international relations. It was a gross violation of the provisions of the United Nations Charter and the Headquarters Agreement, and blatantly disregarded the cardinal, centuries-old principle of international law - pacta sunt servanda.

16. In the Committee on Relations with the Host Country, understandable concern had been unanimously expressed about the attempt to close the PLO Mission, and the Legal Counsel and others had drawn attention to the illegality and potentially dangerous consequences of that attempt. The presence in New York of the PLO Mission did not depend on the discretion or favour of anyone at all in the host country; the Mission had been established on the basis of a United Nations resolution inviting the PLO to participate in the sessions and work of the General Assembly and in all international conferences held under the auspices of the United Nations. The PLO Permanent Observer Mission was accredited not to the United States Government, but to the United Nations. Permanent missions accredited to the United Nations had become a universally recognized component of the machinery designed to assist the world Organization in maintaining international peace and security. As had been convincingly demonstrated in practice, whenever a mission became the direct target of illegal action, harm was inevitably done to other missions and to the United Nations as a whole. The illegal actions aimed against the PLO Mission were part of a campaign unleashed by certain forces with a view to hindering the normal work of the United Nations and creating an additional obstacle in the way of a Middle East settlement.

17. His delegation expressed its deep solidarity with the PLO, the sole legitimate representative of the Palestinian people, which was waging a selfless struggle against Israeli occupation and for a just and comprehensive settlement of the

(Mr. Bykov, USSR)

Arab-Israeli conflict and its key component, the question of Palestine, in accordance with the Charter and decisions of the United Nations. All those who took a position of respect for the international legal order were deeply concerned about the illegal action against the PLO Mission. His delegation fully supported the position taken by the Secretary-General of the United Nations. The Soviet Union had voted in favour of draft resolution A/C.6/42/L.20/Rev.2. It called upon the host country to comply with its obligations under the United Nations Charter and the Headquarters Agreement, and to ensure the inviolability and normal conditions of operation of the PLO Mission.

18. Mr. AL-ATTAR (Syrian Arab Republic) expressed his support for the statement made by the PLO Observer, and requested its inclusion in the Committee's records.

19. Mr. NISSIM-ISSACHAROFF (Israel), speaking on a point of order, said that he objected to the request made by the Syrian representative to include in the records the statement of an observer who had not been entitled to speak when he had tried to do so.

20. Mr. TERZI (Observer, Palestine Liberation Organization), pointing out that he was not addressing himself to the explanations of vote, said that he wished to express great appreciation to all those who had supported the draft resolution and to all those who had supported the PLO in the matter under consideration, especially the representatives of the European Community, the United States and Canada. The status of the PLO was made very clear in General Assembly resolution 3237 (XXIX).

21. Mr. AL-ATTAR (Syrian Arab Republic) asked whether the Secretariat would reflect all the statements made at the meeting in the records.

22. Mr. KALINKIN (Secretary of the Committee) said that every statement made during the meeting would be properly reflected in the summary records.

23. The CHAIRMAN said that draft resolution A/C.6/42/L.20/Rev.2 provided in paragraph 4 that the General Assembly would keep the matter under active review; since item 136 was traditionally a Sixth Committee item and further developments were expected, it appeared that the Committee would remain seized of the matter.

COMPLETION OF THE COMMITTEE'S WORK

24. The CHAIRMAN said that the Committee had made some notable achievements during the session, including the adoption of the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. It was hoped that the Declaration would make a significant contribution toward enabling the United Nations to fulfil one of its primary responsibilities, namely, the maintenance of international peace and security. The draft resolutions and the draft decision which the Committee had adopted on the other items indicated its assessment of the direction it might wish

(The Chairman)

to follow in its efforts to make a contribution towards the progressive development and codification of international law in the areas covered by those items. The importance of the Committee lay in its ability to make such a contribution.

25. After an exchange of courtesies, he declared that the Committee had completed its work for the forty-second session.

The meeting rose at 11.15 a.m.