



**United Nations**

# **Report of the Committee on Relations with the Host Country**

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**Sixty-fifth Session**

**Supplement No. 26 (A/65/26)**

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## **Report of the Committee on Relations with the Host Country**



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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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## **Chapter I**

### **Introduction**

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The General Assembly, by its resolution 64/120 of 16 December 2009, decided to include in the provisional agenda of its sixty-fifth session the item entitled “Report of the Committee on Relations with the Host Country”. The present report is submitted pursuant to resolution 64/120.
2. The report consists of four chapters. The recommendations and conclusions of the Committee are contained in chapter IV.

## Chapter II

### Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	United States of America
Hungary	

4. The Bureau of the Committee consists of the Chair, the three Vice-Chairs, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. During the reporting period, the Bureau was composed as follows:

*Chair:*

Minas Hadjimichael (Cyprus)

*Vice-Chairs:*

Branimir S. Zaimov (Bulgaria) — Zlatko Dimitroff (Bulgaria)

Keith Morill (Canada)

Guillaume Bailly-Niagri (Côte d'Ivoire) — Jean N'Gbichi (Côte d'Ivoire)

*Rapporteur:*

Marcela Calderón (Costa Rica) — Adriana Murillo (Costa Rica) — Magda Rojas (Costa Rica)

5. At its 246th meeting, the Committee was informed of the departure of Marcela Calderón (Costa Rica), who had served as Rapporteur, and welcomed Adriana Murillo (Costa Rica) to serve as Rapporteur. At its 247th meeting, the Committee was informed of the departure of Adriana Murillo (Costa Rica), who had served as Rapporteur, and welcomed Magda Rojas (Costa Rica) to serve as Rapporteur. The Committee was also informed of the departures of Branimir Zaimov (Bulgaria) and Guillaume Bailly-Niagri (Côte d'Ivoire), who had both served as Vice-Chair. The Committee welcomed Jean N'Gbichi (Côte d'Ivoire) to serve as a Vice-Chair. At its 248th meeting the Committee welcomed Zlatko Dimitroff (Bulgaria) to serve as a Vice-Chair.

6. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report. The Committee issued 12 documents during the reporting period (see annex II).

7. During the reporting period, the Committee held the following meetings: the 245th meeting, on 17 February 2010; the 246th meeting, on 20 May 2010; the 247th meeting, on 1 September 2010; the 248th meeting, on 29 September 2010; and the 249th meeting, on 28 October 2010.



## Chapter III

### Topics dealt with by the Committee

#### A. Acceleration of immigration and customs procedures

8. At the 245th meeting, the representative of the Russian Federation inquired whether new procedures for security questions asked of passengers were in place at United States airports and whether they would have any impact on the security procedures followed by accredited diplomats working in the United States on a permanent basis, as well as for those diplomats arriving in the country for other official business of the United Nations in the United States.

9. The representative of the host country noted that the terrorist threat to aviation is a serious matter and that his Government has implemented a number of procedures that continually evolve in order to keep ahead of those people trying to circumvent airport security. There have existed for many years special facilitation procedures in effect for senior government officials holding cabinet rank or above, as well as for diplomats working in the United States. This includes members of the United Nations diplomatic community with diplomatic passports or identification cards. The host country works closely with the Transportation Security Administration to assist those Permanent Missions who have special security concerns at the airport, and is happy to continue helping in this manner. The representative of the host country expressed his willingness to receive any communication from a diplomat or mission if current procedures are not working properly.

10. At the 247th meeting, the observer of Nicaragua expressed concern over what his country considered a violation of the Vienna Convention on Diplomatic Relations and the spirit of the Headquarters Agreement, regarding arrival procedures at certain United States airports, as the Permanent Representative of Nicaragua had been detained on two separate occasions when entering the host country through JFK and Miami airports. The host country later informed the Permanent Mission of Nicaragua in a note verbale that the Permanent Representative had been detained because her name was very similar to a name included in a list of suspected persons. After each incident the host country indicated to the Mission of Nicaragua that actions would be taken to prevent future incidents of this nature. After the second incident the host country requested that the Mission of Nicaragua inform the host country two days prior to travel by the Permanent Representative so that courtesies of the port could be arranged. The observer of Nicaragua considered the response of the host country to be insufficient and the requirement to identify each entry and exit of the Permanent Representative unacceptable, as it is the duty of the authorities of the host country under the Headquarters Agreement to support the proper operation of the Missions. It was furthermore unacceptable to have to alter her visa to include a footnote to avoid confusing her with a potential criminal suspect. As such, Nicaragua considered the actions of the host country to be in violation of article 29 of the Vienna Convention on Diplomatic Relations due to the adverse effects the actions of the host country were having on the normal functioning of the Permanent Mission. The Permanent Mission of Nicaragua therefore declined to avail itself of the courtesies of port, reiterating that the host country is the one responsible for making sure that their own authorities comply with their obligations as a host country and with the general obligations under international law.

11. The representative of the host country expressed understanding of the concerns conveyed by the observer of Nicaragua and stated his genuine regret at the initial incident at JFK airport. He indicated that the second incident was attributable to inaccurate information regarding the Permanent Representative's date of travel and port of arrival provided by the Permanent Mission of Nicaragua. He further indicated that courtesies of port are courtesies provided upon request of a delegation, and as such, no delegation can be forced to use them, but they are used successfully by individuals in the United Nations diplomatic community who have had difficulties upon arrival at the airport. Furthermore, with respect to the alteration of the Permanent Representative's visa, this is an issue for the country issuing the visa to decide. The representative of the host country added that the State Department had taken extraordinary measures the weekend of the 4 July 2010 holiday to assist the Permanent Representative, and again expressed his personal regret for the events which had occurred. He indicated that the host country would work with the Permanent Mission of Nicaragua to find solutions to the problem, but noted that with respect to differentiating individuals from persons on a terrorist watch list, the incidents had been security-related and that no diplomat was exempt from security procedures.

12. The observer of Nicaragua expressed regret that the response of the host country was again unsatisfactory. Nicaragua had not known that the list in question had been a list of terrorism suspects, but the comments of the host country representative had validated Nicaragua's concerns. Nicaragua would not agree to alter the visa of the Permanent Representative because the host country must respect the status of Member States' representatives to the United Nations. The observer of Nicaragua reiterated the demand that the host country authorities take action to ensure that the problems experienced would not reoccur.

13. The representative of the host country responded that the host country would take measures to ensure that the Permanent Representative of Nicaragua and all diplomats are able to enter the host country as smoothly as possible. He also clarified that the list in concern may not have been specifically related to terrorism, as there are many watch lists, but the matter was security-related.

## **B. Entry visas issued by the host country**

14. At the 246th meeting, the observer of the Islamic Republic of Iran expressed serious concern and strong protest regarding delays and the subsequent denial of a United States entry visa for Mr. Mohammad Mehdi Akhondzadeh Basti, Deputy Minister for Legal and International Affairs of the Islamic Republic of Iran. An application for an entry visa was submitted on 30 November 2009 for the purposes of attending the sixty-fourth regular session of the General Assembly, and a second application was submitted on 2 December 2009 to attend the fifty-fourth session of the Commission on the Status of Women. No response was received to either request. A third application was subsequently filed for the purposes of attending the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was held in New York from 3 to 28 May 2010. No response was received until 30 April 2010, at which time the host country authorities informed the Iranian Embassy in Bern that the request for an entry visa had been denied. The response received stated that the Deputy Minister had been found ineligible for a non-immigrant entry visa for reasons of national security but

no further clarification was given. The observer of the Islamic Republic of Iran stated that his Government believed that this decision contravened the obligations of the host country under the Headquarters Agreement and undermined the right of States to be represented in meetings of the United Nations. The observer of the Islamic Republic of Iran expressed concern over this recurring practice of delaying or denying visas and stated that those actions signified that the seat of the United Nations Headquarters could be used as political leverage against certain countries to the detriment of international diplomacy. He also noted that according to the Headquarters Agreement the host country authorities shall carry out their obligations regardless of the bilateral political relations between the host country and the Member States. He called upon the host country to abide by its international obligations under the Headquarters Agreement and to issue an entry visa to the Deputy Minister to allow him to attend the remainder of the Review Conference. He also recalled the role of the Secretary-General of the United Nations, as the signatory of the Headquarters Agreement, in ensuring the proper implementation of the provisions of the Agreement.

15. The representative of the Libyan Arab Jamahiriya expressed understanding for the security concerns of the host country and appreciation for the willingness demonstrated by the host country to allow Permanent Missions to the United Nations to function adequately. However, the representative stated he was concerned about the statement of the observer of the Islamic Republic of Iran because his country had also noticed excessive delays in the issuance of visas.

16. The representative of the host country responded to the concerns expressed by the representative of the Libyan Arab Jamahiriya and the observer of the Islamic Republic of Iran by stating that the host country takes its responsibilities very seriously and is mindful of the Headquarters Agreement. He explained that the host country receives a large number of visa applications and its policy is to issue visas promptly; however, visa applications must be reviewed for security concerns and more problematic applications require more time to review. The host country had worked with the Permanent Mission of the Islamic Republic of Iran on other visa applications in the past. For the Non-Proliferation Treaty Review Conference the host country received over 96 visa applications from the Islamic Republic of Iran, of which over 80 were granted within three days. Only one was denied, and in accordance with the *modus vivendi*, the denial was communicated to the United Nations Secretariat. In this regard, he suggested that the right of the Islamic Republic of Iran to be duly represented at the Review Conference had not been compromised as both the President and the Minister for Foreign Affairs were in attendance. The host country representative added that the United States Representative and Deputy Representative had voiced their concerns regarding delays in the issuance of visas, and the Department of State and the Department of Homeland Security were presently discussing how to avoid future visa delays. The representative of the host country requested that any delegation experiencing delays raise the issue immediately with his Mission.

17. The observer of the Islamic Republic of Iran expressed the view that the explanation offered by the host country representative did not justify the visa denial of the Deputy Minister. He added that his country had experienced other problems relating to the issuance of visas, including delays in processing re-entry visas for staff of the Permanent Mission. He requested the United States Mission to raise the issue with the host country Government.

### **C. Question of security of missions and safety of personnel**

18. At the 246th meeting, the representative of Cuba expressed concern for the safety and security of the Permanent Mission of Cuba and its staff with regard to the response of the authorities of the host country to recent protest activities outside the Permanent Mission of Cuba. The representative explained that on 28 February 2010 and twice on 18 March 2010, protestors had gathered outside the Mission, shouting insults and other provocations, blocking the entrance to the Mission, and attempting to affix objects to the Mission edifice. The representative of Cuba noted that the host country had expressed its regrets to the Mission of Cuba regarding those incidents, and also noted the response of the host country that the New York City Police Department had responded adequately. The representative of Cuba expressed the view that the concern was not with the response of the police or the legal character of the protests, but rather the diligence of the host country in ensuring that the Mission of Cuba is able to do its work. The representative of Cuba called upon the authorities of the host country to comply with the procedures established by the host country as set out in its note verbale of 9 June 1995 (HC-33-95) and also called upon the host country to strictly comply with its international legal obligations, under both the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. The representative of Cuba expressed the belief that the host country was not taking its responsibilities as host country seriously.

19. The representative of the host country expressed understanding for the concerns of the representative of Cuba, and noted that the New York Police respond immediately whenever they are made aware of demonstrations at the Mission of Cuba, as was done during the three incidents in question. On these occasions, the demonstrators approached the sidewalk in front of the Mission and attempted to hang signs, but did not block the entrance to the Mission. The demonstrators then moved to the approved demonstration area without incident. The host country considered its response to the three events to be fully compatible with both the note verbale of 9 June 1995 and the constitutional right of United States citizens to demonstrate peacefully. The representative of the host country made assurances that it was prepared to continue cooperating with the Mission of Cuba to take satisfactory measures with respect to security arrangements.

20. The representative of Cuba reiterated that the concern was not with the response of the police but rather with the overall arrangements to allow the Mission of Cuba to carry out its diplomatic work without hindrance. In particular, the Mission of Cuba was concerned that the police had left the area before the demonstrators had fully dispersed. The representative noted that while the identities of the demonstrators in those events were unknown, Cuba believes that persons whom it considers to be terrorists are present within the host country. Furthermore, Cuba has been the victim of violent attacks in the past, and as such considers it necessary for the host country to take immediate steps to avoid future threats against the Mission of Cuba and its personnel.

## Chapter IV

### Recommendations and conclusions

21. At its 249th meeting, on 28 October 2010, the Committee approved the following recommendations and conclusions:

(a) The Committee reaffirms the Headquarters Agreement and the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1946 Convention on the Privileges and Immunities of the United Nations;

(b) Considering that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(c) The Committee notes that the observance of privileges and immunities is an issue of great importance. The Committee emphasizes the need to solve, through negotiations, problems that might arise in this regard for the normal functioning of the delegations and the missions accredited to the United Nations. The Committee urges the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities. If violations occur, the Committee urges the host country to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

(d) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, and noting in this regard the concerns reported, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of the missions;

(e) The Committee notes the problems experienced by some permanent missions in connection with the implementation of the parking programme and shall remain seized of the matter, with a view to continuously ensuring the proper implementation of the programme in a manner that is fair, non-discriminatory and effective and therefore consistent with international law;

(f) The Committee requests the host country to continue to bring to the attention of New York City officials reports about other problems experienced by permanent missions or their staff in order to improve the conditions for their functioning and to promote compliance with international norms concerning diplomatic privileges and immunities and to continue to consult with the Committee on these important issues;

(g) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider and advise the host country 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;

(h) The Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement to travel to New York on official United Nations business, including to attend official United Nations meetings, and notes that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings; the Committee also anticipates that the host country will enhance efforts to facilitate participation, including visa issuance, of representatives of Member States in other United Nations meetings, as appropriate;

(i) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee urges the host country to remove the remaining travel restrictions and, in that regard, notes the positions of the affected Member States as reflected in the report, of the Secretary-General and of the host country;

(j) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(k) The Committee welcomes the participation of Members of the United Nations that are not members of the Committee in its work. The Committee also welcomes the contribution of the Secretariat in its work and emphasizes its importance. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

(l) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs, to the Host Country Affairs Section of the United States Mission to the United Nations and the Office of Foreign Missions, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that participate in its meetings and contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

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## Annex I

### List of topics for consideration by the Committee

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.
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 report of the Committee to the General Assembly.

**Annex II****List of documents**

A/AC.154/389	Letter dated 12 March 2010 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee
A/AC.154/390	Letter dated 17 March 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/391	Letter dated 22 March 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/392	Letter dated 8 April 2010 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/393	Letter dated 7 May 2010 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/394	Letter dated 25 May 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/395	Letter dated 25 May 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
A/AC.154/396	Letter dated 29 June 2010 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
A/AC.154/397	Note verbale dated 6 July 2010 from the Permanent Mission of Nicaragua to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
A/AC.154/398	Letter dated 20 July 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/399	Letter dated 29 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
A/AC.154/400	Letter dated 10 August 2010 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

