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Report of the Committee on Relations with the Host Country

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Report of the Committee on Relations with the Host Country



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Note

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Chapter I

Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution [2819 \(XXVI\)](#). The Assembly, by its resolution [73/212](#), decided to include in the provisional agenda of its seventy-fourth session the item entitled “Report of the Committee on Relations with the Host Country”. The present report is submitted pursuant to resolution [73/212](#).
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	Libya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	
Hungary	United States of America

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:

Kornelios **Korneliou** – Andreas **Mavroyiannis** (Cyprus)

Vice-Chairs:

Krassimira **Beshkova** (Bulgaria)

Catherine **Boucher** (Canada)

Koffi Narcisse **Date** – Gadji **Rabe** (Côte d'Ivoire)

Rapporteur:

Shara **Duncan Villalobos** – Rodrigo A. **Carazo** (Costa Rica)

5. 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. No documents were issued by the Committee during the reporting period.

6. During the reporting period, the Committee held the following meetings: the 291st meeting, on 18 December 2018; the 292nd meeting, on 22 February 2019; the 293rd meeting, on 13 June 2019; the 294th meeting, on 2 October 2019; and the 295th meeting, on 15 October 2019, and the 296th meeting, on 29 October 2019.

7. At the 292nd meeting, on 22 February 2019, the Committee was informed of the departure of Shara Duncan (Costa Rica), who had served as Rapporteur, and welcomed Rodrigo A. Carazo (Costa Rica) to serve as Rapporteur. At the same meeting, the Committee also welcomed Gadji Rabe (Côte d'Ivoire) as Vice-Chair. At its 293rd meeting, on 13 June 2019, the Committee was informed of the departure of Kornelios Korneliou (Cyprus) as the Chair and welcomed the Vice-Chair Krassimira Beshkova (Bulgaria) as its acting Chair. At its 294th meeting, on 2 October 2019, the Committee welcomed Andreas Mavroyiannis (Cyprus) as its Chair.

Chapter III

Topics dealt with by the Committee

A. 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: entry visas issued by the host country

8. At the 291st meeting, the representative of the Russian Federation stated that he wished to inform the Committee of another incident linked to the non-issuance of entry visas by the host country. He noted that there had been several such incidents in 2018 and wondered whether the host country had an intentional policy to create visa problems for citizens of the Russian Federation coming to New York on United Nations business. The representative reminded the Committee that he had previously informed the Committee of the host country's official denial of a visa to Sergei Tyulenev, which, as he stated, was a flagrant interference by the host country in the appointment by the Secretary-General of a staff member of the Organization. He further stated that, in July 2018, a visa request for Konstantin Vorontsov, Counsellor, Department of the Non-proliferation and Arms Control at the Ministry of Foreign Affairs of the Russian Federation, had been denied. Mr. Vorontsov had intended to travel to the United States to participate in the work of the First Committee of the General Assembly.

9. The representative of the Russian Federation stated that lengthy visa delays were also disrupting the normal rotation of Mission staff, which was in contravention of section 13 (a) of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, which calls for visas to be issued as promptly as possible. The representative also recalled that section 12 of the Headquarters Agreement clearly stipulates that the host country must provide representatives of Member States with access to the Headquarters of the United Nations irrespective of its bilateral relations with any particular Government.

10. The representative of Cuba stated that, as Committee members, Member States worked to ensure that the Committee dealt promptly with all matters that might arise pertaining to the relationship between the Organization, its Member States and the host country. She noted her Mission's continuing concern for the host country's failure to comply with the norms and standards of international law as derived from its obligations as host country of the Headquarters of the Organization. She noted that the matter that was being discussed, the non-issuance of visas for staff with citizenship of the Russian Federation who worked at the Secretariat of the Organization, was a perennial problem that arose at every meeting of the Committee. She further noted the complaints of other Member States, which usually pertained to the visa status of members of the official delegations. The representative stated that the awkward situation was an imposition not just on the work of the delegations, but also on the Organization as a whole. She further stated that that constituted a flagrant violation of international law, in particular of the provisions of the Headquarters Agreement. She stated that the constant repetition of such occurrences was a deliberate breach of the host country's obligations that were incumbent on the Government of the United States.

11. The representative of the Democratic People's Republic of Korea expressed his support for the earlier statements of the delegations of the Russian Federation and Cuba. With regard to the delayed issuance of United States entry visas, he stated that his Mission had experienced the same issue in 2019 with respect to staff and

delegations coming to the United Nations. He asserted that the host country should respect the sovereignty of the Member States, the Charter of the United Nations and the Headquarters Agreement. He further requested that the host country abide by its obligations under the Charter and the Headquarters Agreement, and refrain from imposing any restriction, including not issuing or delaying the issuance of United States entry visas to diplomats at the United Nations.

12. The representative of the host country stated that, in 2018, the United States Department of State had issued more than 20,000 visas to people coming on United Nations business from around the world, which was quite a large number. The figure of 20,000 referred to the people outside the United States applying for visas to come into the United States on United Nations business. He further stated that the United States Mission renewed, on average, about 5,000 visas per year for diplomats stationed in New York. He reiterated that the host country's objective, in supporting the diplomatic community at the United Nations, was to assist members of the diplomatic community in getting their visas renewed, as well as to assist when there was a delay. He encouraged members of the Committee, when faced with a visa problem, to let the host country know as soon as possible so that it could try to deal with it as quickly as possible. With regard to the specific cases that were mentioned by the Russian Federation, he stated that it was well established that the United Nations should not be permitted to serve as a cover to enable persons in the United States to engage in activities outside the scope of their official functions that were prejudicial to the security of the United States. He explained that that was why the United States reserved the right to exclude an individual, in certain limited cases, where there was clear and convincing evidence that the individual was coming to the United States primarily for purposes outside the scope of United Nations business and prejudicial to the national security of the United States. He noted that every visa application was subjected to a detailed review in accordance with United States laws and the Headquarters Agreement. He further noted that, while the United States Department of State issues visas as promptly as possible, the exact processing time might vary depending on the particular facts and circumstances of each individual application. He stated that, as he had previously noted in the Committee, visa records were confidential under United States law and therefore the host country was not in a position to disclose the details of individual visa cases, including the basis for any visa issuance or refusal.

13. The representative of the Russian Federation commented that, while his delegation understood that the host country had to deal with a large number of visa requests, doing so was, in fact, its role, having agreed to host the Organization. He stated that the United States must have understood that agreeing to host the Organization would result in a large number of people coming to it on United Nations business and the scale of the visa work that that would entail. With regard to the host country's explanations regarding the specific cases, he stated that he did not understand which problems those explanations pertained to. The representative noted that the visa problems were well known to the authorities of the host country. He further noted that his delegation had tried to deal with those issues bilaterally, inter alia, by directly contacting the State Department, as well as the Mission. Nonetheless, he noted that the issue of visa delays persisted despite all the efforts that had been made by the host country. As regards the explanations given, the representative stated that they did not pertain to any specific case and noted the host country's position that it was unable to comment on them. He thus asserted that all of that seemed like a deliberate and artificial basis for denials and delays. He reiterated that, in line with the host country's obligations and the Headquarters Agreement, the host country's obligations had been the subject of discussion before the Committee on numerous occasions and did not pertain just to issues faced by the Russian Federation. He noted in that regard that it had been confirmed on numerous occasions that the obligations

of the United States as host country were absolute in nature. Furthermore, he stated that visas must be issued free of charge and as promptly as possible, and there was no basis for a denial of a visa or deliberate delay of visa issuance in the Headquarters Agreement. For that reason, he reminded the host country of its obligations as well as of the need to uphold those obligations with respect to the delegations and the staff of the Secretariat.

14. The representative of Cuba drew the Committee's attention to another matter of concern relating to visa issuance. She stated that, a few weeks earlier, there had been another violation by the host country with respect to the issuance of visas that merited analysis by the Committee. She referred to letter 892 dated 29 November 2018, from the Permanent Mission of Cuba, which had been circulated as an official document of the Committee. She stated that Cuba currently held the Presidency of the Economic Commission for Latin America and the Caribbean, and given the importance that Cuba attached to the Economic Commission as a body, the Government of Cuba had decided to appoint the Deputy Minister for Foreign Trade and Foreign Investment, Ileana Nuñez Mordoche, Chair of the regional interactive dialogue of Latin America and the Caribbean on the priorities of the region in the run-up to and in preparation for the second High-level United Nations Conference on South-South Cooperation. She noted that Cuba was of the view that Deputy Minister Nuñez Mordoche was suitable for the role given that she was Chair of the South-South Cooperation Committee of the Economic Commission. Nonetheless, the representative stated the disrespectful attitude of the Government of the United States towards Deputy Minister Nuñez Mordoche, which had prevented her from participating in the aforementioned event by deliberately, without cause, delaying the issuance of her visa, which had been applied for in good time. She noted that the Headquarters Agreement explicitly provides that the issuance of entry visas for representatives of States Members of the United Nations must be processed as quickly as possible, so that those representatives can travel in good time on official business to the United Nations, including to meetings of the Organization or those sponsored by the Organization. She asserted that it was inconceivable that the United States continued to violate the provisions of the Headquarters Agreement in a discriminatory and opportunistic way based on its own bilateral interests. She further noted that that occurred despite the host country being fully aware that it could not use its position as host country to selectively apply or implement the Headquarters Agreement or to further its bilateral agenda by targeting certain countries. She expressed regret on behalf of Cuba that the Government of the host country treated multilateral organizations and their Member States in that way, thereby violating the Headquarters Agreement and its obligations as the host country, as well as ignoring the recommendations and decisions of the Committee and the General Assembly and the provisions of the various international treaties that governed those affairs.

15. The representative of the Russian Federation, having studied the letter from the Permanent Mission of Cuba that had been officially circulated by the Committee and having listened to the statement of the representative of Cuba, expressed his delegation's full support for the representative's statement. He noted that it was another example of the problem that had been raised in the Committee on numerous occasions, both by the delegation of the Russian Federation and by other delegations, including the delegation of the Democratic People's Republic of Korea. He asserted that the problems that he had mentioned in his earlier statement had unfortunately occurred more than once. He gave the example of the incident where a visa had been denied to the Speaker of the Upper Chamber of the Parliament of the Russian Federation despite the fact that the person had been due to participate in a United Nations event. He further noted that that incident had later been reflected in the documents and reports of the Committee.

16. The Assistant Secretary-General for Legal Affairs stated that, at the 289th meeting and again at the 291st meeting, a question had been raised by the representative of the Russian Federation regarding the non-issuance of a visa for a person recruited to serve with the Secretariat at United Nations Headquarters in New York. In that regard, he confirmed that no visa had been issued by the host country for a national of the Russian Federation appointed to serve as the Chief of the Military Operations Service of the Department of Peacekeeping Operations in New York. He stated that an application for a G-4 visa had been filed with the host country on 4 August 2017. He further stated that, on 16 January 2018, the United Nations Legal Counsel had written to the Permanent Representative of the host country regarding the delay in the issuance of the visa and drawn attention to the obligations of the host country under the Headquarters Agreement in that regard. He confirmed that the host country had subsequently informed the Secretariat that the visa would not be issued.

17. The Chair of the Committee, on the matter of visas in general, recalled the position of the Committee consistently set out in the recommendations and conclusions contained in its reports, most recently in paragraph 111 (j) of its most recent report (A/73/26). He noted that the Committee had been informed by the Secretariat and the host country regarding the non-issuance of a visa to a person who had been selected to serve in the Secretariat in New York. He further noted the long-standing difference of opinion between the United Nations and the host country regarding the legal character and validity of the “security reservation” claimed by the host country with respect to the Headquarters Agreement, which was summarized in a report of the Committee in 1988 (A/C.6/43/7). The Chair noted that while the host country had only on rare occasions resorted to the denial of a visa to a representative of a Member State or a member of the Secretariat, such action remained a very serious matter under the Headquarters Agreement. He therefore urged the host country to continue to try to avoid resorting to such measures and to raise concerns that it might have at an early stage so that the Member State concerned had an opportunity to ensure proper representation at the United Nations meeting or event. He stated that the Committee remained seized of the matter.

18. At the 293rd meeting, the representative of Cuba stated that on 8 March 2019, her Mission had requested the renewal of the visa for Ambassador Humberto Rivero Rosario, who had been accredited to the United Nations and had been serving as the representative of Cuba to the Special Political and Decolonization Committee since 2016. She stated that her Mission had informed the host country Mission that Ambassador Rosario was scheduled to travel to attend a regional seminar on decolonization held in Grenada from 30 April 2019 to 5 May 2019, which meant that there was a need for swift action on the issuance of his visa in order to guarantee participation by Cuba in the seminar. She considered that the matter was particularly important, given that, at that time, Cuba was the Vice-Chair of the Special Political and Decolonization Committee. However, she regretted that, despite the constant communication between Cuba and the host country, Ambassador Rosario had not obtained his visa and thus was not able to represent Cuba at the seminar.

19. The representative of Cuba pointed out that, in addition, two other members of the Mission’s staff had waited for approximately eight months for their visas to be renewed, which meant that, for that period of time, they had been unable to visit their families. She stated that her delegation was not calling into question the host country’s right to assess applications for a visa on a case-by-case basis, but that in that case, the time frame had gone beyond what was reasonable and had verged on disrespect. Given that less time was being taken to issue visas to staff of other missions, she asserted that that treatment was selective and discriminatory, targeting Cuba and some other States, and the situation was well known to the Committee. She stated that it was regrettable, irritating and frustrating that her delegation constantly

had to raise the same issue before the Committee. She noted that the Headquarters Agreement explicitly stipulates that the issuance of entry visas for Member State representatives must be processed as quickly as possible so that they can travel on a timely basis on official missions for the United Nations, including for United Nations meetings. She asserted that the host country continued to violate that provision in a discriminatory and opportunistic way, guided by its own bilateral relations and interests, while it knew well that it should not and could not use its status as host country to selectively apply the provisions of the Headquarters Agreement to further the interests of its bilateral agenda with certain States. She stated that it was disgraceful, disrespectful to the work of international organizations and in violation of the host country's obligations under the Headquarters Agreement, under the recommendations and decisions of the Committee and General Assembly and under treaties that govern those matters. She added that, despite those issues existing for many years, they had yet to find a swift and appropriate solution. She noted that their recurrence showed a deliberate contempt for the obligations of the host country and indicated deep disrespect for the United Nations and its Member States.

20. The representative of the Russian Federation underscored that the host country Government was acting in a discriminatory manner with respect to the issuance of visas to staff from the Russian Federation, whether they were members of the Mission or officials who were either in New York or seeking to travel to New York to participate in United Nations meetings. He added that the host country was also discriminatively targeting international civil servants from the Russian Federation working for the United Nations by dragging its feet on the issuance of visas. He noted that, despite the fact that all the proper documentation had been submitted on time, some staff members had been waiting for eight months or more for their visas. He asserted that that was due to a bilateral issue and that the host country was hiding behind the pretext of needing to guarantee the security of the host country, which his delegation did not find convincing or reasonable. He noted that his delegation was not just raising that issue before the Committee, but also at other conferences and meetings for which delegates from the Russian Federation had not been issued visas, which had prevented them from participating. He gave the Disarmament Commission as an example. He stated that if the host country did not fulfil its obligations, his delegation would be compelled to take action on a parallel track in the future.

21. The representative of the Syrian Arab Republic expressed his gratitude to the host country Mission for its active cooperation in resolving the visa problems for his Mission's staff and their families. He noted the harsh words of the Russian Federation and Cuba and stated that his country did not want to create a hostile environment in the Committee and put the host country Mission on the spot as the problem lay with the host country's Government and its discriminatory approach. He noted that relations between the host country and other States were not positive, and that that was the reason for the delays and refusals with respect to the issuance of visas. He added that it was not logical for staff from Cuba, the Syrian Arab Republic and the Islamic Republic of Iran to have to wait three months or more for visas, which, furthermore, were single-entry visas, where other Member States were issued six-year multiple-entry visas within a short period of time. He stated that it could not be denied that certain States were being targeted, and that that discriminatory action hindered their ability to attend United Nations conferences, meetings and events, whether in New York or elsewhere. For that reason he encouraged the host country Mission to report the situation to its Government so that it would properly understand it. He added that the fact that the Headquarters of the United Nations was located in New York could not be used as an instrument in the poor relations between the host country and other States, and the host country's obligations should not suffer from those relations. He expressed the hope that all relations would be based on equality and justice, including the right of Member States to be properly represented in the United

Nations. He further expressed the hope that the procedure and the problems with the issuance of visas be properly reviewed so that all accredited representatives would be treated in the same manner.

22. The representative of China stated that the timely issuance of visas was the host country's responsibility under the Headquarters Agreement. He noted that his delegation had previously experienced some of the visa issues raised and that, as a result, those concerned had been unable to attend United Nations meetings. He asserted that the use of the visa issuance process to restrict the participation of some Member State delegations in United Nations meetings was not wise. He thus urged the host country to fulfil its obligations under the Headquarters Agreement and to issue visas to all delegations so that they could participate in all United Nations meetings effectively.

23. The representative of the Democratic People's Republic of Korea aligned himself with the previous statements. He added that it was important for the host country to ensure respect for the privileges and immunities enshrined in the Headquarters Agreement. He stated that each Member State accredited to the United Nations had the right to have unfettered access to United Nations conferences and meetings, and that the denial of visas to Member States was considered a serious violation of the Headquarters Agreement, as well as an encroachment on the sovereignty of Member States. He thus demanded that the host country take appropriate measures as soon as possible to ensure observance of the privileges and immunities of the missions under the Headquarters Agreement.

24. The representative of the host country stated that his country took its host country obligations seriously. He noted that, in 2018, the host country had processed more than 20,000 visa applications for applicants seeking to travel to the United Nations for temporary visits or to take up assignments. He added that all delegations that had raised the visa issue had been personally and closely working with the host country's team to try to resolve the complicated cases. He asserted that the host country took each case seriously and tried to assist to the best of its abilities to resolve them, and that, on occasion, there were results. He thus suggested that Member States continue to communicate directly with the host country as early as possible so that the host country could try to assist.

25. The representative of the host country asserted that it was well known that the United Nations should not be permitted to serve as a cover enabling persons in the host country to engage in activities outside the scope of their official functions that were prejudicial to the security of the host country. For that reason he concluded that the host country reserved the right to exclude individuals in certain limited cases where there was clear and convincing evidence that the individual was travelling to the host country primarily for purposes that were outside the scope of United Nations business and were prejudicial to the host country's national security. He added that each visa application was adjudicated in accordance with the host country's laws and with the Headquarters Agreement, and was subjected to a detailed review. He noted that, while the host country issued visas as promptly as possible, exact processing times might vary depending on the facts and circumstances of each application. He further noted that visa records were confidential under United States law and that he was thus not able to disclose details of individual cases, including the basis for a refusal.

26. The representative of the host country stated that single-entry six-month visas permit their bearers to attend the United Nations meetings or to conduct the official United Nations business for which they have sought the visa, and were consistent with its obligations under the Headquarters Agreement. For that reason he stated that such visas did not impede travel to or from United Nations Headquarters.

27. The representative of Cuba reiterated that it was the host country Government, not the Mission, that was actively seeking to hinder full compliance with its host country obligations. She added that, regardless of steps being taken to guarantee access to United Nations Headquarters, the host country had to be aware that some United Nations conferences and meetings were held outside New York as well, and had to take the requisite swift action in order to ensure staff at her Mission could travel to participate in those United Nations conferences and meetings. She stated that, without a re-entry visa, staff at her Mission were unable to return and thus unable to fulfil their functions.

28. The Chair recalled the well-known and long-standing position of the Committee on visas, which is in paragraph 111 (j) of the Committee's most recent report (A/73/26). She noted that the main issue was that certain Member States were seeking a shortening of the time frame for the issuance of visas. She further noted that, since that time frame was causing practical difficulties to certain delegations, the Committee anticipated that the host country would continue to enhance its efforts to facilitate the participation of Member State delegations in United Nations conferences and meetings, including through the issuance of visas to representatives of Member States. She stated that the Committee would continue to remain seized of those visa issues and anticipated that they would be addressed in a spirit of cooperation and in accordance with international law.

29. At the 295th meeting, the representative of the Syrian Arab Republic expressed his gratitude to other Member States for their sympathy and support, as well as to the host country authorities for their efforts. He asserted that the underlying intention of the host country's measures was to punish United Nations staff who were nationals of particular States, as well as the diplomatic staff in missions of those specific States with which the host country had difficult political bilateral relations. He asserted that his delegation had been unduly subjected to a number of restrictions and obstacles for years and wished to reiterate, on record, the situation. He referred to his earlier statements to the Committee and reiterated the difficult situation that his Mission and its personnel were facing. He recalled, in particular, issues pertaining to (a) the issuance of six-month single-entry visas to Syrian officials and Mission staff and family members and the personal and professional difficulties that it caused them; (b) the travel restrictions and the recent increase in severity thereof for certain missions; (c) bank accounts and difficulties in maintaining accounts and shopping at certain stores; and (d) the decision to deprive his Deputy Prime Minister and Minister of Foreign Affairs of diplomatic courtesies and a diplomatic security detail during his attendance of the general debate of the seventy-fourth session of the General Assembly, while providing federal security services and access to the United Nations Headquarters to members of the Syrian opposition. He asserted that the aforementioned measures were discriminatory. The representative sought clarification from the Legal Counsel as to the selection of new members for the Committee and whether membership was for a specific period. He underscored the need for new members and equitable geographical representation, to revitalize the Committee and enable it to deal with the serious problems confronting the Committee. He expressed concern regarding the lack of a clear mechanism for the Committee to ensure the implementation of the relevant resolutions. He stated that the Headquarters Agreement provided for such mechanisms, which only required activation by the Secretary-General. He recalled paragraph 111 (p) of the report of the Committee (A/73/26) and stressed that the Secretary-General's engagement in the Committee's substantive discussions, as well as in formal and informal consultations with the host country and affected Member States, was of the utmost importance for the effective discharge of his role as leader of the Organization, which included the protection of the interests of its staff.

30. The representative of the Russian Federation stated that his Mission had been compelled to convene the current extraordinary meeting owing to the circumstances surrounding non-compliance with the Headquarters Agreement, which had been ongoing for some time. He further stated that the host country's abuse of its position was unprecedented. He stated that a total of 18 visas had not been issued to Russian representatives who were supposed to participate in the seventy-fourth session of the General Assembly. He asserted that, despite the host country's assurances at the 294th meeting that measures were being taken to process the visa applications expeditiously, not one of the aforementioned visas had been issued. He further asserted that, consequently, members of the Russian delegation had been prevented from participating in the high-level week of the General Assembly, the Conference to Facilitate the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty and the First, Third and Sixth Committees. He added that a delegation member, who served as a translation expert primarily for the Sixth Committee, had been denied the right to participate in the General Assembly. He asserted that those individuals were leading experts in their respective fields and had represented the Russian Federation at the United Nations for years, of which the host country authorities were well aware. He further stressed that the host country had no right or justification to unilaterally deny the right of Member States to assign their representatives to participate in United Nations activities or to filter or decide on who could serve as a member of a particular delegation. The representative requested the Legal Counsel to share the views of the Secretary-General in that regard. He expressed regret that the Secretary-General was unable to participate in the meeting. He then recalled the statement of the then Legal Counsel dated 28 November 1988 (A/C.6/43/7) that the host country was under an obligation to ensure unimpeded access by all Member State representatives to the United Nations Headquarters without exception and to issue their visas expeditiously and free of charge, without discrimination and in good faith. He questioned whether, in the light of the host country's inability to satisfactorily discharge its obligations under the Headquarters Agreement, it was time to consider moving the Headquarters to another State that was more able to perform the duties of a host country. He added that, given that visas were not being issued owing to national security concerns, such a move might help to guarantee the host country's national security by relieving it of the presence of the Headquarters of the United Nations and the representatives of Member States. He requested the Legal Counsel, as the representative of the Secretary-General, to engage on the issues raised in the Committee with a view to finding solutions that would enable the Organization to function normally.

31. The representative of the Russian Federation stated that the host country had also violated its obligations by seizing the premises of his Mission in Upper Brookville and asserted that that amounted to the confiscation of diplomatic property that had enjoyed privileges and immunities for many years. He also referred to the travel restriction imposed on Russian representatives and United Nations staff and stated that consultations on the matter with the host country authorities had proved equally fruitless. He noted that the Secretary-General had the necessary legal mechanisms in his arsenal to address those violations and called for section 21 of the Headquarters Agreement to be invoked and formally requested by the Committee in the recommendations and conclusions of its report.

32. The representative of the Syrian Arab Republic asserted the absolute need for the Secretary-General's intervention in the Committee's work and in all related discussions concerning the host country measures that were causing suffering among delegation members and United Nations staff. He stated that the Secretary-General bore the responsibility for the judicious interpretation of the Headquarters Agreement and related legal instruments. He expressed the belief that the Secretary-General should play an active role in guaranteeing the effective operation of sections 11, 12, 13 and 21 of the Headquarters Agreement. He further asserted that recourse to sections

20 and 21 was now the only appropriate course of action to ensure implementation of the Headquarters Agreement and that the applicable mechanism in the current case was clearly arbitration or an advisory opinion from the International Court of Justice. He noted that section 30 of the Convention on the Privileges and Immunities of the United Nations also referred to the International Court of Justice as a mechanism for resolving any differences of interpretation. He repeated his proposal that the Secretary-General produce an annual report on the state of relations with the host country, which would ideally contain information on any pertinent difficulties that Member States had faced with regard to services rendered by host countries around the world. He added that such a report could include useful information on best practices. He stated that the purpose would be to ensure equal standards and avoid unfair treatment of delegations, in line with the United Nations principle of equality between States.

33. The representative of the Syrian Arab Republic stated that the host country should not be allowed to impose any punitive or bilateral measures or other forms of discrimination and added that the host country should discharge its obligations vis-à-vis all Member States equally. He observed that some Member States, which had suffered due to the host country's failure to uphold that principle, had now turned to the Chair, the President of the General Assembly, the Legal Counsel and the Secretary-General for assistance in finding effective solutions. He asserted that the only remaining solutions were arbitration or a request for an advisory opinion of the International Court of Justice. He further asserted that there was a more obvious solution, but that it would require the host country's acknowledgement that it could not use its relations with the United Nations as a tool against certain Member States through the issuance of visas and by subjecting them to travel and banking restrictions. He added that, if not for the host country's unwillingness to make such a decision, there would be no need to resort to arbitration or judicial mechanisms. The representative then requested the host country representatives to inform the Department of State that the measures imposed by the host country on certain Member States would not lead to those States changing their policies or positions in international forums or the Organization. He asserted that the only consequence of such measures was to demonstrate that the host country had failed to take its responsibilities as host country seriously. He recalled the host country's statements in the Sixth Committee seeking to justify the measures on national security grounds and asserted that it had implied that the presence of certain delegation members on the host country's territory amounted to a collective threat to its national security. He thus questioned whether the United States should now reconsider its status as the host country of the United Nations.

34. The representative of Nicaragua stated that her delegation regretted the fact that some members of certain delegations had yet to receive visas to participate in the work of the seventy-fourth session of the General Assembly. She stated that the host country's non-compliance with the Headquarters Agreement hindered the full and equal representation of Member States at the United Nations and violated their right to participate in the work of the Organization on an equal footing. She expressed the hope that a fair solution for those problems could be found, in order to guarantee the equal participation of all Member States, in particular those subjected to restrictions by the host country, in the work of the Organization.

35. The representative of the host country stated that, each year, the host country worked hard to review and process a large volume of visa applications for individuals to attend United Nations meetings, which sometimes presented logistical challenges. He stated that the visas were adjudicated in accordance with the host country's applicable laws and procedures and informed the Committee that he was unable to discuss the details of individual cases as they were confidential. He further stated that

they continued to work under a compressed timeline on the visa issues raised before the Committee. He stated that, regarding the allegations of delays in the processing of Iranian visa applications, the adjudication of the visas in question had been completed and the Iranian officials notified. He further stated that most of the visas requested for delegation members attending the high-level week and the seventy-fourth session of the General Assembly had been issued.

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

36. At the 293rd meeting, the representative of the Democratic People's Republic of Korea stated that, during the previous month, his Mission had urgently requested that the Committee convene a meeting with regard to an incident that had been faced by a senior member of his Mission with ambassadorial rank. He stated that, on the evening of 29 April 2019, an unidentified man had gone to the building where the senior member resides, dropped off a small package at the apartment and rushed away. He stated that the package had contained a blackmail letter, two small bottles allegedly containing alcohol, and three pictures of a parking garage used by the senior official, which was marked with an X in chalk. He stated that the letter had contained a demand addressed to the senior official that he cooperate with a certain organization through a secret contact, failing which his personal security would be at risk. He further stated that the senior official had immediately called the New York police and subsequently handed the package over to a police officer. He added that his Mission personnel subsequently had several meetings with New York police detectives, and his Mission had sent two letters to the New York Police Department seeking information regarding the status of its investigation.

37. The representative of the Democratic People's Republic of Korea stated that, to date, his Mission had not received any information regarding the investigation. He further stated that that incident was clearly provocative, threatening towards a senior officer of his Mission and directly linked to the safety of the Mission itself and its personnel. He stated that it was his delegation's firm belief that it was the obligation of the United States, as the host country, to ensure the personal safety of all staff of all missions to the United Nations. He stated that, despite his Mission's demands for a prompt investigation, there was as yet no outcome, which, he asserted, was an outright violation of the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. The representative asserted that the Committee should hold the host country accountable for any potential consequences arising from the incident, that the host country could not sit idle and that it should conduct prompt investigations, hunt down the criminals and bring them to justice. He added that the host country should also take measures to prevent any recurrence of such incidents.

38. The representative of the Syrian Arab Republic stated that the incident was of concern as it constituted a threat to the security of the representative of the Democratic People's Republic of Korea, who was accredited with the host country. He stated that the host country authorities, the Office of the Mayor of New York City and other relevant authorities should make every effort to ensure and guarantee the security of all accredited diplomatic staff in New York and their family members. For that reason he called upon the host country to take the incident seriously, to pursue the investigation and to reach the necessary conclusions as soon as possible so as to prevent such incidents from recurring and to ensure that those responsible were brought to justice and punished.

39. The representative of Cuba expressed her delegation's concern about the failure of the host country to comply with the norms of international law regarding its host

country obligations. She noted that the safety and security of diplomatic staff was of vital importance, and that there was an annual General Assembly resolution and report of the Secretary-General in which the effectiveness of the measures taken to ensure the safety and security of missions and diplomatic and consular representatives was examined. She stated that it was the host country's duty to adopt, in a timely manner, all necessary measures pursuant to international law, including preventive measures, for the protection of all missions, their diplomatic and consular representatives, their representatives in all international organizations and staff of international organizations. She asserted that the host country must thus ensure that such acts were comprehensively investigated, and those responsible must be brought to justice. In that regard, the representative stated that her delegation deemed it unacceptable that the host country continue to violate international law and its host country obligations. She concluded that her delegation would thus continue to reiterate that bilateral diplomatic relations between the host country and any Member State could not be an obstacle to the host country's compliance with its obligations and its taking all necessary measures to ensure that accredited diplomatic representatives could carry out their missions without any restrictions or hindrances.

40. The representative of the Islamic Republic of Iran underlined the importance of the inviolability of diplomatic agents and premises as a fundamental rule of diplomatic law. He noted that that principle was rooted in the sovereign equality of Member States, and that its purpose was not to benefit individuals, but to ensure the efficient performance of functions by diplomatic missions. He noted that any attempt by persons or entities exercising elements of governmental authority to disregard that principle could be considered as a wrongful act. He requested that the host country ensure that the incident was properly investigated and remedied in accordance with international law, including diplomatic law.

41. The representative of the Russian Federation stated that the incident was of great concern to his delegation and that his delegation attached great importance to the respect for privileges and immunities and the inviolability of diplomatic premises and homes of diplomats by the host country. He expressed the hope that the host country would closely study the circumstances of the incident, hold objective investigations and bring those responsible to justice. He added that the Committee should perhaps request the host country authorities to present an official report on the investigation so that the results could be reflected in the report of the Committee.

42. The representative of the Bolivarian Republic of Venezuela called for an investigation into the incident.

43. The representative of the host country stated that the host country took seriously the safety of United Nations personnel and its obligations under the Headquarters Agreement, and stated that his Mission routinely coordinated with local law enforcement when a concern was raised. He noted that, in that particular case, the New York Police Department had been called and had begun an investigation. He further stated that all missions with concerns should inform the host country accordingly.

44. The representative of the New York City Commissioner for International Affairs reiterated that the City of New York took the security of Member State delegations very seriously and that it routinely worked with the New York Police Department to ensure the proper investigation of complaints as they arose and to respond to any requests regarding security, regardless of whether they were advance requests or those that arose as a result of an incident. She urged all Member State representatives who faced similar incidents to communicate them to the host country so that the City of New York could follow up any concerns and ensure a proper investigation.

45. The Chair stated that the Committee took note of the seriousness of the concerns raised by the Democratic People's Republic of Korea, the statements that the Member States had made in that regard, as well as their statements regarding the inviolability of diplomatic premises, and the calls for an investigation. The Chair further stated that the Committee took note of the statements made by the host country and welcomed its commitment to investigating the matter and, subsequently, to give the Committee an update about the matter.

C. 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: travel restrictions

46. At the 294th meeting, the representative of the Islamic Republic of Iran expressed his delegation's grave concern at the unprecedented violations by the host country of its treaty obligations and responsibilities with respect to his Mission, its personnel and authorities attending events in New York. He stated that, in the previous two months, the host country had expanded its travel restrictions, in scope and nature, which, he asserted, was a decades-long breach of its obligations under the Charter of the United Nations, international law, diplomatic law and the Headquarters Agreement. He referred to the host country's recent note verbale, which, he said, limited the mobility and access of staff of the Permanent Mission of the Islamic Republic of Iran and their families to a three-mile radius from their respective places of residence. He asserted that that amounted to the denial of their access to basic public services and facilities, except within very limited areas in Manhattan and Queens, and would seriously impair the independent exercise and proper fulfilment of their functions. He also noted that the President and the Minister for Foreign Affairs of the Islamic Republic of Iran had been subject to even greater restrictions during their participation in the seventy-fourth session of the General Assembly. He stated that the host country's violations continued to result in the issuance of single-entry visas, late issuance of visas, frequent failures to issue visas altogether and the imposition of secondary screening procedures at airports. In addition, he asserted that the host country's measures amounted to banning the representatives of his Mission from conducting diplomatic and working relations with other missions, to the extent that they were prevented from participating in receptions and meetings outside the designated area. He further stated that the majority of the affected diplomats and their families had been deprived of access to their doctors and medical records, and all requests for a waiver of such restrictions for the children of staff of his Mission to attend university had also been refused. He stressed that those restrictions on freedom of movement were resulting in significant distress and psychological hardship. He furthermore asserted that the host country had rejected 58 visa applications for delegates accompanying the President of the Islamic Republic of Iran to the General Assembly, and several more visa applications remained on hold, which meant that the participation of some Iranian representatives in the General Assembly committees remained uncertain.

47. The representative of the Islamic Republic of Iran recalled that the objective of the Headquarters Agreement was to ensure the host country's responsibility and accountability. He asserted that the restrictions imposed amounted to an affront to the United Nations, which should be able to defend its integrity and legal personality. He further asserted that the new measures were not only a flagrant violation of article 105 of the Charter, but were also contrary to the host country's obligations under the Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations, the Vienna Convention on Diplomatic Relations, customary

international law and subsequent practice with respect to the host country's responsibilities vis-à-vis international organizations and missions accredited to them. He stated that the minimum standard was to ensure respect for the well-established commitments of host countries. He further stated that the host country's measures were designed to cease the existence of his Mission, in contravention of the United Nations fundamental principle of the sovereign equality of its Member States and the Headquarters Agreement. He asserted that the host country had thus mixed its host country responsibilities with its bilateral relations, in total disregard of its international obligations and the Committee's recommendations. He also expressed regret that, in addition to failing in its obligations, the host country did not respect the consensus General Assembly resolutions pertaining to the Committee, and most of the Committee's recommendations had yet to be implemented. He further asserted that the host country's obligations could not be interpreted unilaterally, without the consultation or participation of the United Nations and the States concerned. He stressed that any measure by the host country based on an arbitrary interpretation of its obligations could lead to a wrongful act entailing its responsibility. He noted that his delegation's concerns in that regard had been communicated to the Secretariat and that the Secretary-General had been invited to intervene to exercise his good offices in the matter, in accordance with his responsibilities under the Headquarters Agreement. The representative stated that it was evident that there was a legal dispute over the interpretation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. He reiterated his call for the Secretary-General to utilize the procedure set out in section 21 of the Headquarters Agreement, with the aim of obtaining a proper and agreeable interpretation of the host country's obligations towards accredited diplomats. He stated that the only way to defend the United Nations and preserve the rule of law was for every Member State to stand up to those restrictions. He added that it was incumbent on the host country authorities to make every effort to demonstrate that they remained eligible to host the Headquarters of the United Nations, or alternative options would have to be considered, including the possibility of moving sessions of the United Nations to other places.

48. The representative of Cuba stated that, as a member of the Committee, his Permanent Mission was working to ensure the timely resolution of all questions that arose between Member States and the host country. He expressed his delegation's concern at the host country's failure to comply with the norms of international law relating to its obligations as host country and its disrespect for the Committee's recommendations. He stressed that the problems repeatedly raised in the meetings amounted to obstacles that delegations had to constantly overcome, which impeded their and the Organization's work. He stated that, on 12 September 2019, the host country Mission had officially informed his Mission that two of its diplomats and their family members would have to leave the country with immediate effect, and that decision was founded upon the pretext that they had engaged in behaviour incompatible with their Mission activities, and the Mission was a cover for carrying out activities harmful to the national security of the United States. He informed the Committee that his Mission had responded within 24 hours to categorically reject the accusation, which, he asserted, was unfounded. He asserted that, despite the open channels of communication between the two missions, in accordance with the Headquarters Agreement, the host country, in violation of diplomatic protocol, had announced on Twitter the expulsion of the two diplomats and the reimposition of the illegitimate policy of restricting the freedom of movement of Cuban diplomats. He further asserted that those measures violated the Vienna Convention on Diplomatic Relations and the Headquarters Agreement. He stated that the Committee's recommendations regarding the 25-mile travel restriction had been ignored for over 30 years and that the number of States subject to that rule had recently increased. The

representative explained that Cuban diplomats' freedom of movement had now been further restricted to Manhattan, to the detriment of the living conditions of those diplomats and their families. He referred to his Mission's note verbale of 20 September 2019, whereby permission had been requested for a father to visit a school in Queens in order to arrange to transfer his child to a school in Manhattan, and noted that they had yet to receive a response in that regard from the host country. He argued that those measures amounted to an attempt by the host country to undermine the prestige of his delegation's diplomatic service, with a view to interfering in the foreign policies of States where they ran counter to its interests. He pointed to other Member States' statements before the Committee as evidence of the host country's violations of international law. He asserted that the host country had been using its position as host country to prevent other States from fulfilling their functions as members of the Organization, and stressed the need for specific measures to address the violations and to prevent their recurrence. He further asserted that the problems raised before the Committee showed that the host country was unable to perform its functions as host country.

49. The representative of Cuba reiterated his call for dialogue and respect for international law, which, he noted contributed decisively to the conduct of diplomatic relations by improving security and safety. He noted that the available mechanisms for resolving differences in the interpretation of the applicable host country obligations should be utilized and called on the Secretary-General to take action under section 21 of the Headquarters Agreement. He further requested that the Secretary-General produce periodic reports on the status of the implementation of the Headquarters Agreement and report on specific violations of its provisions. He reiterated his call for the implementation of the Committee's recommendations with transparency, without selectivity and with full respect for Member States' sovereignty.

50. The representative of the Russian Federation stated that the problems raised before the Committee had increased in number and complexity in recent years. She added that the Committee's mandate differed markedly from that of other General Assembly subsidiary bodies, noting that its main task was to solve problems that arose in the context of the presence of the United Nations headquarters, permanent missions and delegations in United States territory. She noted the lack of implementation of the Committee's recommendations over a period of years, which amounted to serious failures, impacting the efficacy of Member States' participation in the work of the Organization. She noted that non-issuance of or severe delays in the issuance of visas prevented some Member States from participating in the Organization's activities. She recalled the Committee's recommendations in paragraph 111 (j) of its most recent report, and informed the Committee that 14 members of the Russian delegation to the seventy-fourth session of the General Assembly and the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty had not received visas, among them members of the delegation of the Minister for Foreign Affairs of the Russian Federation to the high-level week of the General Assembly. She noted that, moreover, two Russian citizens, who had been selected to work at the Secretariat, and many diplomats due to take up posts at her Permanent Mission, had also not received visas. She added that three Mission staff members, together with their families, had been awaiting the extension of their visas for more than eight months, despite all necessary documents having been sent to the host country in advance. She asserted that those measures had an impact on her country's ability to be effectively represented in the Organization. She added that those who were granted visas had also been subjected to additional checks by customs and border officials while leaving the aircraft upon arrival, which had significantly delayed the departure of the Foreign Minister and his delegation from the airport. She informed the Committee that, in addition, not all Russian delegates to the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty and the General Assembly First

and Third Committees had received visas. She asserted that that demonstrated that the host country had been filtering the participation of Russian delegates in the work of the Organization, which ran counter to the Headquarters Agreement and the Committee's recommendations and should elicit a response from the Committee and the Secretary-General. She informed the Committee that a note verbale had been sent to the host country Mission demanding the immediate issuance of visas in accordance with the Headquarters Agreement and that a letter had also been sent to the Secretary-General requesting his involvement in facilitating the participation of the Russian Federation in the work of the Organization, including by using the procedures set forth in section 21 of the Headquarters Agreement, if necessary.

51. The representative of the Russian Federation recalled the recommendation contained in paragraph 111 (e) of the Committee's previous report and the seizure by the host country of the premises of the Permanent Mission of the Russian Federation in Upper Brookville. She stated that the host country had repeatedly provided different explanations for that situation, including with reference to domestic legislation under which the seizure of sovereign State property was possible, as well as to the remoteness of the premises in Upper Brookville from the United Nations Headquarters district and to the use of the facility for non-official purposes. The representative expressed her doubt as to whether the applicable domestic legislation authorized the seizure of the property of another State. She further asserted that groundless statements by the host country were not enough to draw a conclusion about the way in which the premises in Upper Brookville were used. With regard to the link between privileges and immunities and the property's distance from the Headquarters of the United Nations, she expressed her doubt and stated that, according to her reading of the Headquarters Agreement, the Agreement should apply to the entire territory of the United States. She stated that, given the host country's remarks, it was apparent to her that the host country was not attempting to find solutions and did not even recognize the existence of a problem in the first place. She explained that the Upper Brookville property had been acquired in 1953 and registered on behalf of the then-Russian Permanent Representative and used by the Mission in its capacity as diplomatic representation to the United Nations. She noted that the host country had recognized the property's diplomatic status and privileges and immunities without complaint or comment for many years, which was corroborated by its exemption from taxes and the fact that all official correspondence to or from the property involved the Permanent Mission of the Russian Federation. She asserted that the United States authorities had never entered the property except when they were clearly provided with approval to do so by the Permanent Mission of the Russian Federation. She noted that, on 29 December 2016, however, the Department of State had informed her Mission of an access ban to the property and that it could no longer be used for diplomatic purposes. That, the representative asserted, made clear that the host country knew of the property's diplomatic status at the time, but had resolved to put an end to it. She stated that the host country had not given any legal basis or reasons for the decision. She added that the host country's tight deadline for vacating the facility meant that some individuals had had to leave belongings behind. She further stated that her Mission had sought access to the property on a bi-weekly basis since 29 September 2016 under the Department of State "authorization process", but the requests had never been granted, and as a result her Mission had not had access to the property for three years. She concluded by saying that that created an unprecedented ongoing violation of the inviolability of her Mission's property and stated that the host country was refusing to enter into dialogue on the issue. She was thus requesting the assistance of the Chair, the Committee and the Secretary-General in the matter, in accordance with applicable international law, including the Headquarters Agreement and the Vienna Convention on Diplomatic Relations.

52. The representative of the Russian Federation recalled the Committee's recommendation in paragraph 111 (k) of its previous report and stated that her delegation was also subject to the 25-mile travel restriction and that there was no prospect of any alleviation of that measure. She then drew the Committee's attention to a problem that had occurred on 24 September 2019, when, she asserted, the host country's Secret Service had attempted to carry out an inspection of a diplomatic package while delivering diplomatic post to her Ministry of Foreign Affairs aircraft, in violation of article 27 of the Vienna Convention on Diplomatic Relations. She asserted that the Secret Service had not been deterred by the documents that confirmed the special status of the cargo, the labels on the diplomatic pouch, or the references to the Vienna Convention. The representative concluded by recalling the Committee's recommendation in paragraph 111 (b) of its previous report and stated that the recommendation was being ignored. She was thus calling on the Chair and other members to recall paragraph 15 of General Assembly resolution 73/212, in which the Assembly had requested the Committee to consider additional appropriate measures to enhance the work of the Committee and its effectiveness. She trusted that practical measures would be taken to address the problems that she had raised and stated that an appropriate first measure could be to reflect the extent to which existing recommendations were being fulfilled, in order to facilitate assessments of whether progress was being made or things were getting worse. She asserted that the latter was true in the case of the Russian Federation.

53. The representative of the Democratic People's Republic of Korea expressed his delegation's strong disapproval that the expulsions of diplomats and travel restrictions had been unilaterally enforced without proper and adequate consultations with the affected missions. He asserted that those actions against the missions were clearly contrary to the various legal instruments and customary international law. He strongly urged the host country to strictly observe the limits of the applicable international agreements and General Assembly resolutions and to refrain from applying its domestic law above the Headquarters Agreement. He also emphasized that the Committee should follow up with practical measures to address the violations of the Headquarters Agreement and other applicable international instruments.

54. The representative of the Bolivarian Republic of Venezuela reiterated that respect for the Member States' missions, their diplomats and diplomatic staff was indispensable for their effective functioning, and that the host country must comply with all its obligations under international law. He denounced certain incidents concerning the Pan-American Health Organization, which had invited the Minister of Health of the Bolivarian Republic of Venezuela and its highest health authority, Carlos Alvarado, to participate in an official meeting and the seventy-first session of the World Health Organization (WHO) Regional Committee for the Americas, to be held from 30 September to 4 October 2019 in Washington, D.C. He stated that, despite the invitation, the host country had not granted the relevant visas. The representative further asserted that, owing to the unilateral coercive measures imposed against his State, the staff of his Permanent Mission were unable to receive their salaries, as they could not hold bank accounts in the host country. He asserted that those measures were unjustified, discriminatory, politically motivated and unilateral, and that they violated the Headquarters Agreement and the Charter. He further stressed that at no point had Venezuelan diplomats violated international law or the host country's domestic laws and that they had consistently been working to represent their Government before the United Nations. He noted that the host country had repeatedly violated the Charter, General Assembly resolutions and other international agreements by bringing its bilateral differences with certain Member States within the forum of the Organization. He asserted that, as with other Member States, his delegation had had their freedom of movement restricted, their property confiscated, visas denied and staff expelled, with the aim of making it more difficult for them to

perform their functions. The representative demanded that the United Nations require the host country to comply with its international obligations and remove all coercive measures against diplomatic officials of missions, including his Mission, with a view to ensuring equal treatment. Lastly, he called on the Secretary-General to apply section 21 of the Headquarters Agreement in order to clarify the scope of the instrument and prevent the continued violation of the agreement by the host country and its imposition of politically motivated, unilateral and legally unfounded measures. He expressed his hope that the Committee would redouble its efforts to adequately resolve the issues raised before it, in the spirit of cooperation and compliance with international law.

55. The Chair of the Committee duly noted the issues raised by the representative of the Bolivarian Republic of Venezuela, but clarified that the World Health Organization incident was beyond the purview of the Committee and accordingly would need to be brought before the appropriate forum.

56. The representative of Nicaragua noted that the recent expulsions of two representatives of Cuba to the United Nations demonstrated the need for reform within the Organization in order to enable it to meet the goals that it was created to attain and for it to become a multilateral forum in the service of all States. She condemned the expulsion of the two Cuban diplomats and asserted that the measure amounted to a violation of international law, in particular the Headquarters Agreement. She further requested that the problems with visas raised earlier would be resolved, pointing out that it hampered the work of the diplomats concerned, and called for respect for the privileges and immunities enshrined in the Vienna Convention on Diplomatic Relations and the Headquarters Agreement.

57. The representative of the People's Republic of China referred to the issues raised by other Member States, noting that they had been raised previously but that no effective solutions had been found. He expressed the hope that the host country would pay attention to the requests, in accordance with its obligations under the Vienna Convention on Diplomatic Relations and the Headquarters Agreement and stated that effective measures needed to be taken in order to assure the missions' staff of their security and safety.

58. The representative of the host country emphasized that that the host country continued to take its obligations seriously, that it was honoured to serve as host country and that it understood the special role that it had in relation to the United Nations, missions' diplomats and the international community as a whole, especially during the high-level week of the General Assembly. He expressed his understanding of the dissatisfaction of some Member States with the manner in which the host country had performed its role, but also wished to convey its perspective on the matter. He explained that the host country worked hard every year to review and process a multitude of complex visa applications for individuals who had been invited to United Nations meetings in New York. He stated that such visa applications were processed in accordance with all applicable host country laws and procedures. He noted that he was unable to discuss the details of individual cases owing to reasons of confidentiality. He highlighted the fact that a significant number of visas were issued for officials from the Russian Federation, the Islamic Republic of Iran and Cuba to travel to New York for the high-level week of the General Assembly. He informed the Committee that, for the Russian Federation, more than 160 visas had been issued for members of its delegation to attend the General Assembly. He stated that, with regard to travel restrictions, they had long been imposed on certain States' representatives travelling to the United States for United Nations business or otherwise, and those controls had been imposed pursuant to determinations made under the Foreign Missions Act to achieve one or more of the purposes set forth in the Act that were intended to protect the host country's interests. He asserted that the

controls neither impeded nor restricted travel to or from the United Nations Headquarters district and were thus fully consistent with the Headquarters Agreement. He further asserted that the Headquarters Agreement did not include the unrestricted right to reside or travel anywhere in the host country, especially not where such an unrestricted right could pose a hazard to the host country's security interests. He added that the measures in question had been adopted after consideration and review at the highest levels of his government, taking into account its responsibilities under the Headquarters Agreement and national security concerns.

59. The representative of the host country stated that the two members of the Permanent Mission of Cuba to the United Nations had abused their privileges of residence in the host country and had been required to depart. He stressed that the required departures and the events leading up to them were fully consistent with section 13 of the Headquarters Agreement, which the host country took seriously. He explained that the Secretary of State had made a preliminary determination that the two individuals in question had abused their privilege of residence under section 13 (b) of the Headquarters Agreement by using their positions at the Mission of Cuba as cover to engage in intelligence activities that were prejudicial to the host country's national security. He stated that, thereafter, the host country Mission had engaged in consultations with the Mission on 12 and 13 September 2019, which he asserted constituted consultations under section 13 of the Headquarters Agreement. He stated that the host country had provided the Mission with the names of the two officials and the basis for the Secretary of State's preliminary determination, and the Mission had failed to provide any information that would justify a determination that either of the individuals had not abused their privilege of residence. He added that the Secretary of State had made his final determination after those consultations and after taking into consideration all the relevant facts and circumstances. He asserted that it was not permissible for individuals to use their positions at the United Nations as cover for engaging in activities that were outside the scope of their official functions and prejudicial to the host country's national security.

60. The representative of the host country stated, in relation to the Upper Brookville property, that the property had not been used by the Russian Federation either as Permanent Mission premises or as a residence for diplomatic staff. He added that it was also not located within the United Nations Headquarters district. He stated that those were the only scenarios in which foreign government property would give rise to its host country international law obligations. He further asserted that the Upper Brookville property had been used by Russian Federation consular and Permanent Mission staff as a recreational facility. He stated that there was no host country obligation or international law requirement that foreign missions in the United States, including those of Member States, be allowed to have or use recreational property. He further stated that, accordingly, the host country had treated the issue with the property as a bilateral matter, and the decision to discontinue the courtesy of the diplomatic status of the compound had been taken in that context. He noted that the host country had not seized the property but was, rather, temporarily prohibiting the Government of the Russian Federation from using it pursuant to the Foreign Missions Act. He stated that it was a purely bilateral matter that did not implicate the responsibility of the United States as host country.

61. The representative of the Islamic Republic of Iran asked the host country to explain how his delegation could perform their functions in an independent manner under the intense pressure to which they were being subjected, whereby Iranian diplomats and their families had been denied access to universities, hospitals and family doctors and their movement restricted on account of bilateral issues. He stated that those unlawful measures showed that United Nations Headquarters had been used as political leverage against the Islamic Republic of Iran. He stated that his delegation

did not share the host country's interpretation of its obligations under the Headquarters Agreement and considered section 27 of the Agreement noteworthy in that it put forward essential guidance for the interpretation of the instrument. He asserted that the host country's interpretation of the legality of the restrictions did the exact opposite and were thus incompatible with the fulfilment of the purposes of the United Nations and jeopardized the efficient discharge of the duties of the United Nations and Member States. He stated that the United Nations Legal Counsel had correctly stated before the Committee in 1986 that the status of permanent missions did not permit any measures of reciprocity on the part of the host country. Those permanent missions were accredited to the United Nations and not to the host country and therefore they could not be made the subject of bilateral conflicts between sending States and host countries. He further stated that, in 1946, the United States Department of State recognized that, under the regime of Article 105 of the Charter, measures of reciprocity motivated by any conflict between the host country and a sending State are inadmissible. He asserted thereby that that legal position should govern the interpretation of the Headquarters Agreement, as it reflected the actual environment surrounding the negotiation of the Headquarters Agreement and the Charter in 1946.

62. The representative of the Islamic Republic of Iran noted that, under the United Nations headquarters agreements with the United States of America and Switzerland, permanent missions of Member States in New York and Geneva and the non-local diplomatic staff of the missions were entitled to the same privileges and immunities as those accorded to diplomatic missions and their personnel. He stated that that included freedom of movement, full facilities and assistance in obtaining accommodation, which had been denied to his Mission. He further stated that, while the Headquarters Agreement also provided for free choice of place of residence, the host country, by requiring Iranian diplomats to submit their accommodation information to the host country's Foreign Missions Office for approval, had violated that important commitment. He further noted that Article 105 did not distinguish between temporary and permanent representatives. He asserted moreover that the host country's claim that Iranian diplomats were considered a threat to the national security of the host country was absurd. He further asserted that, regardless of the political relations between both countries, host country officials knew that their United Nations-accredited diplomats and their representatives travelling to the United States to attend United Nations meetings were fully committed to their professional ethics and observed the rules and regulations of the host country. The representative thus wished to have the host country's clarification as to why families and children were being subjected to punitive restrictions on trivial security grounds, which deprived them of a normal life. He urged the Committee to give the issue serious consideration and address it with practical recommendations to end the unlawful measures, including a recommendation that the Secretary-General submit a report on the implementation of the Headquarters Agreement. He asserted that the travel restrictions were an affront to the United Nations system, and his delegation insisted on the operationalization of section 21 of the Headquarters Agreement.

63. The representative of Cuba stated that her delegation had not questioned whether consultations between her Mission and the host country had occurred or were sufficient. She stated that, rather, her delegation had expressed concerns about the manner in which the host country had given its final response, and further asserted that the note verbale contained vague and false allegations. She expressed her delegation's regret that the host country had not provided her Mission with any facts to which it could adequately respond.

64. The representative of the Russian Federation expressed her delegation's wish for substantive dialogue within the Committee. She questioned whether the host

country's assertion regarding the purpose for which the Upper Brookville property had been used could be taken at face value. She stated that the property had been used for storage of her Mission's archives. She added that diplomatic staff and their family members had resided there, including herself. She requested clarification from the host country as to how it could be construed as a "recreational facility" in the light of the property's uses as she had described them. She stated that, as the property belonged to her Mission, and not the Embassy, the host country should clarify the basis for treating the issue as a bilateral matter. She stated that she did not concur with the host country's assertion that the property had not been seized, as her Mission had been denied access for three years. She expressed the hope that there could be more substantive discussion within the Committee, as repeated statements on the matter had not led to any changes.

65. The representative of the Russian Federation expressed disappointment that a member of the Russian delegation, who should be serving as coordinator for a resolution that her Mission was promoting, would not be arriving in time to participate in the work of the Third Committee of the General Assembly, because he had not been issued a visa. She asserted that, as a result, the consultations on the resolution would have to be led by someone else and questioned whether the host country, in failing to issue the visa, had adequately honoured its host country obligations. She invited the Committee to engage in a substantial discussion on the matter.

66. The representative of the host country stressed that his delegation had consistently held the view that the Upper Brookville dispute was a bilateral matter between the United States and the Russian Federation, and that that view had not changed. He therefore asserted that it should not be discussed in a substantive way within the Committee. He again noted that 160 visas had been issued to representatives from the Russian Federation to participate in the general debate and the work of the committees of the General Assembly. He explained that, in individual cases as raised by the representative of the Russian Federation, the host country tried to work closely with the relevant mission to expedite the issuance of visas to the greatest extent possible. He explained that there were a variety of reasons why visas were, at times, not issued, including the submission of insufficient information and the untimely submission of visa applications. He stated that the host country would continue to focus on practical matters with a view to finding solutions in such cases.

67. At the 295th meeting, the representative of the Islamic Republic of Iran stated that, since July 2019, when the new travel restrictions were imposed on his Mission, an already bad situation had further deteriorated. The restrictions also applied to representatives travelling to United Nations meetings in New York on temporary assignment. They were restricted to three buildings in New York, consisting of the Headquarters building, his Mission and the Permanent Representative's residence. He asserted that that had resulted in the cancellation of scheduled meetings, which could not take place in those three buildings. He asserted that the denial of visas for 58 members of his country's delegation had also severely impacted many of the activities of his President and Foreign Minister. He reported that his delegation had lost tens of thousands of dollars owing to non-refundable booking fees for hotel rooms for those who had been denied visas. He added that his delegation's request to waive travel restrictions on his Foreign Minister in order to allow him to visit the Permanent Representative of the Islamic Republic of Iran, who was critically ill and being treated in a hospital for cancer was rejected. He stated that the spokesperson of the United States Department of State had said that access would be granted only if the Islamic Republic of Iran released a United States citizen held in the Islamic Republic of Iran, despite the fact that many Iranians were being detained in prisons in the host country. He also recalled that, on the recommendation of the host country Mission to the United Nations and its Embassy in Vienna, the Permanent Representative's sons had

submitted applications for three different types of visas in order to visit their father who was in critical condition, all of which had been denied. He further stated that his delegation had repeatedly pleaded with the host country to issue the visas and that they had been told that a visa could be issued only in exchange for the release of an American citizen. He also noted that all members of his country's delegation to United Nations meetings, who were on temporary assignment, had been denied access to all United Nations buildings outside the main complex, including but not limited to DC-1 and DC-2. He asserted that they could not go to a hospital when needed, as there were none in the areas to which they were restricted. He further asserted that, according to a note from the host country Mission, prior authorization to leave the authorized zone was required for even the most urgent cases, and that such authorization might take more than five business days to be provided. He reported that the visas that had been issued to Iranian diplomats assigned to participate in the General Assembly and its Main Committees had been issued very late, after months of delay, and only after the intervention of the Secretary-General, the President of the General Assembly and the Chairs of the First and Sixth Committees. As a result, the Iranian delegation could not participate in a number of formal or informal meetings of the Main Committees. He also provided, as an example, his visit home to participate in his daughter's wedding. Despite applying for his visa more than three months in advance and following up on multiple occasions, the visa had been issued only a few days before the wedding, which had prevented him from fully participating in the ceremony as a father.

68. The representative of the Islamic Republic of Iran stated that the new travel restrictions, which had been narrowed down from a 25-mile radius to a very small area of less than a 3-mile radius, limited his Mission's personnel and their families' movement to parts of Manhattan and Queens and added that a large portion of Queens was not residential and thus lacked any parks or other recreational facilities required for daily life. He further stated that all requests for the waiver of the travel restrictions for children of Mission personnel so as to access the nearest schools or universities had been rejected. He asserted that almost all Iranian diplomats and their families had been deprived of access to their doctors and medical records and had essentially been denied access to the basic living requirements necessary for a decent life, adding that their freedom of movement, even to visit the families of fellow colleagues, had been significantly curtailed. He further asserted that the travel restrictions had caused detrimental psychological pressure on them all. He stated that the children were fearful and did not know if it was possible for them to travel elsewhere on school events. He further stated that the families were similarly fearful and worried that they might be stopped by the police on the streets. He added that Iranian diplomats were also unable to attend diplomatic United Nations-related events and Member State receptions held outside the designated area, which had negatively affected the normal functioning of his Mission. He provided the example of his delegation's inability to attend an event held by the Permanent Mission of Pakistan.

69. The representative of the Islamic Republic of Iran stated that the *raison d'être* of diplomats' presence in New York was to represent their countries at the United Nations, and that the effective and appropriate fulfilment of that function required certain conditions and facilities, which was ensured through their explicit inclusion in Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and the Headquarters Agreement. He asserted that the provision of such conditions and facilities was neither a favour nor an option on the part of the host country, but an explicit and compulsory legal obligation of the host country which must be provided to all accredited diplomats without exception or discrimination, and irrespective of the State's bilateral relations with the host country. He asserted, as the crux of the matter, that the only reason behind the travel restrictions was the host country's bilateral relations with his country. He recalled his

earlier statement in the Committee pertaining to the Legal Counsel's statement in 1986 and stated that the Legal Counsel was correct in stating that, since permanent missions were accredited to the United Nations and not to the host country, the status of permanent missions did not permit any measures of reciprocity on the part of the host country and they should not be made a subject of bilateral conflicts between sending States and the host country. He also recalled the position of the United States Department of State in 1946, in which it recognized that, under the regime of Article 105 of the Charter, measures of reciprocity motivated by any conflict between the host country and sending States are inadmissible, and stated that that legal position should govern the interpretation of the Headquarters Agreement, because it represented the actual environment surrounding the negotiation of the Headquarters Agreement and the Charter in 1946. He asserted that the host country's justification for imposing restrictions on his delegation was thus totally unacceptable, null and void, and constituted a gross violation of all its relevant legal obligations under the Charter, the 1946 Convention on the Privileges and Immunities of the United Nations and the Headquarters Agreement. He added that the host country's actions were also inhuman, immoral and unethical, amounting to an insult to the United Nations and all diplomats accredited to it. He asserted that the host country had conflated its host country responsibility with its considerations relating to its bilateral relations with the Organization's Member States. He called upon the Organization, as party to the Headquarters Agreement, to prevent the host country from applying its own considerations in providing the required condition and facilities. He asserted that the basic principle was to treat all accredited diplomats in an equal and non-discriminatory manner, regardless of the size, power and system of their governments and, above all, the bilateral relations between their governments and the host country. He stated that the existing relations between the host country and the States, whose diplomats were subject to restrictions, left no room for doubt that the measures were applied on political grounds determined by bilateral relations. He recalled that, in its annual resolution on the subject, the General Assembly stressed that the observance of delegations' privileges and immunities could not be subject to any restrictions arising from the bilateral relations of the host country, and requested the host country to remove the travel restrictions imposed on staff of certain missions and of the Secretariat of certain nationalities, on that basis.

70. The representative of the Islamic Republic of Iran asserted that his delegation was being subjected to an unprecedented travel restriction, which seriously violated the rights of his delegation, deprived them and their families of their human rights, seriously impeded their effective functioning and was illegal, inhumane and insulting. He stated that his delegation had been in close contact with the host country Mission for over two months to address the problem, but it remained unresolved. He noted that the issue had been raised at different levels several times, including with the Secretary-General and the President of the General Assembly, as well as the Chairs of the First and Sixth Committees and the Host Country Committee. He expressed his appreciation for all their efforts and dedication on the issue. He thanked all delegations who had expressed their sympathy with his delegation. He stated that he did not wish to be misunderstood. He further stated that his delegation did not underestimate the efforts made to date and the sympathies expressed. The representative expressed his disappointment that no tangible progress had been made to date and stated that it was clear that a dispute existed. He stated that the efforts over three months to settle the matter had reached a deadlock and it was now evident that it could not be settled through negotiation or other agreed means as set out in the Headquarters Agreement. He concluded that there was only one option left under section 21 of the Headquarters Agreement, which was to refer the case to a tribunal for final determination, stressing that such referral was obligatory under the section if the matter was not settled through negotiation or other agreed means. He therefore

urged the Secretary-General to enforce section 21 of the Headquarters Agreement and to establish an arbitral tribunal to make the final decision on the issue. He asserted that that was the right of his delegation and the responsibility of the United Nations as a party to the Headquarters Agreement. He concluded by expressing his Government's willingness to continue constructive engagement with the President of the General Assembly and the Secretary-General on the matter, as well as his confidence that they would use their good offices to bring the issue to a satisfactory conclusion.

71. The representative of the host country noted that travel controls had been long been imposed on the representatives of several States travelling to the United States for United Nations business or otherwise. He stated that the controls had been imposed pursuant to determinations under the Foreign Missions Act to achieve one or more of the purposes set forth in the Act that were intended to protect the host country's interests. He added that the travel controls neither restricted nor impeded travel to or from the Headquarters district and were thus fully consistent with the Headquarters Agreement. He stated that the Headquarters Agreement did not include the unrestricted right to travel and reside anywhere in the host country, especially when such travel could pose a risk to the host country's security interests. He further stated that the measures had been adopted after careful consideration and review at the highest levels of his government, taking into account their Headquarters Agreement obligations and national security interests. He added that, with regard to the Islamic Republic of Iran, as far as his Government was aware, all school-age children (i.e., from kindergarten through high school) were still attending the same schools, and the new restrictions had impacted only college-age students and some adult spouses of diplomats. He stated that members of Iranian delegations who were temporarily in New York City could access hospitals on an emergency basis without requesting a waiver in advance. He stated that diplomats assigned to the Permanent Mission of the Islamic Republic of Iran were able to move within a large zone, from 23rd Street to 86th Street, and from 5th Avenue to the East River, as well as within a large section of Queens, and noted that there were world-class medical facilities and doctors within the zones, including the Memorial Sloan Kettering Cancer Center.

D. Other matters

72. At the 291st meeting, the representative of the Russian Federation referred to certain problems that his Mission was encountering and that were not linked to visa issues. He recalled another well-known instance of the host country's failure to abide by its obligations that had been lasting for almost two years to date. He noted that the host country authorities continued to block access to a part of the premises of the Permanent Mission of the Russian Federation in Upper Brookville. He asserted that the actual and legal picture of the events was absolutely clear. He stated that it was clear that what was adopted in 2017 and 2018, namely the recommendations of the Committee and the provisions of the General Assembly resolutions, in particular paragraph 3 of Assembly resolution [72/124](#), had not prompted the host country to return to upholding its international obligations. The representative asserted that the host country was blatantly ignoring the opinions of the United Nations governing bodies and the opinions of the Committee. In that regard he noted yet another long-standing problem, which was the situation regarding the 25-mile radius restriction placed on the movement of diplomats for numerous missions, including the Permanent Mission of the Russian Federation, and further noted that that situation had remained unchanged for many years now.

73. The representative of the Russian Federation went on to note that if one were to follow closely the happenings in the Committee, inter alia the current discussions, the

picture was very bleak. He stated that the current sorry situation naturally caused questions to arise regarding the Committee's authority, the nature of the implementation of its recommendations and conclusions and the practical consequences of the Committee's work. He recalled paragraph 14 of General Assembly resolution [72/124](#) and paragraph 15 of General Assembly resolution [73/212](#), in which it had requested the Committee to undertake measures to improve its work and increase its effectiveness. He noted that the Committee, in recent years, had worked extremely hard and, to a certain extent, had worked productively. He further noted that a number of recommendations had been adopted regarding the premises of the Permanent Mission of the Russian Federation and on the need to lift visa restrictions. He recalled that there had been repeated requests to the host country to do away with the discriminatory 25-mile radius travel restrictions. He further noted that those recommendations had been endorsed by the General Assembly. Regarding visa issues, he noted the opinion of the Secretariat that had been formulated for quite some time now, and expressed his gratitude for the confirmation of that position by the Office of Legal Affairs.

74. The representative of the Russian Federation stated that, currently, the main problem was that all of the Committee's decisions or conclusions were blatantly being ignored by the host country. He gave the example of the request to scrap the 25-mile radius restriction, which had regularly been included in the reports of the Committee since the fifty-ninth session of the General Assembly, in 2004, for about 14 years. However, he noted that not only was the restriction not being scrapped, it was also being introduced for other permanent missions. He asserted that the situation was clearly the same as with the visa issue, where the problem had not been resolved. With regard to the premises of the Permanent Mission of the Russian Federation in Upper Brookville, he noted that discussions in the Committee and the General Assembly showed that the host country did not intend to change its course regarding its non-compliance with the Committee's decisions. He further asserted that the host country had been coming up with various reservations that had no justification either in the Headquarters Agreement or in other relevant norms of international law.

75. The representative of the Russian Federation stated that the Committee now ought to think about how to strengthen its mandate, how to draw more attention to its work and, ultimately, how to achieve respect both for itself and its conclusions. He expressed his delegation's belief that the Committee should act without delay, and the Committee could perhaps adopt a relevant decision, or do more, at its next meeting. He noted that the period between the current and the next session could be used to work on that issue. As regards the substance, the representative made four suggestions. First, he suggested that, drawing on General Assembly resolution [2819 \(XXVI\)](#), in which the Assembly established the Committee, the recommendations made by the Committee in its report of 2018 ([A/73/26](#)), in particular paragraph 111 (p) thereof, there was a need to ensure the active personal participation of the Secretary-General in the Committee's work and his mediation in resolving difficult matters. He expressed the view that that would give the Committee political "clout". He recalled that the host country's violation of its obligations under the Headquarters Agreement regarding Member States could not be considered apart or aside from its obligations to the United Nations, or in isolation. In that regard he again referred to the denial of a visa to a staff member of the Secretariat. He noted that, in all those cases, both those pertaining to the Secretariat itself and to the permanent missions, section 21 of the Headquarters Agreement stipulates, inter alia, the possibility of arbitration to settle disputes between the United Nations and the host country regarding the interpretation of the implementation of the Headquarters Agreement. He asserted that the option of arbitration should be initiated through the Secretary-General as the most senior official of the Organization. Secondly, he suggested that the Committee should recommend that the General Assembly ask for a report by the

Secretary-General on cases involving violations by the host country of its obligations, the Committee's recommendations and the resolutions of the General Assembly on that matter, and, most importantly, the status of their implementation. He added that the report could include recommendations of the Secretary-General on that issue, and raised the idea of conducting a comparative analysis on the situation regarding the compliance on the part of various host countries with their obligations in the different United Nations duty stations, namely the United States, Switzerland, Austria and possibly the Netherlands. He added that that analysis would subsequently identify relevant best practices. Thirdly, the representative stated that the composition of the Committee was a pertinent issue, in particular the participation in the drafting of the Committee's recommendations and conclusions of the Member States that had suffered from the violations on the part of the host country. Fourthly, he suggested conducting separate research, if possible, into the issuance of visas by the host country authorities because, in particular, due attention was not being paid to the issuance of visas to representatives of civil society from a number of Member States wishing to attend official United Nations meetings. He expressed his delegation's willingness to be involved in the work in those areas, and added that that work should start as soon as possible. He further expressed his confidence in the Chair's assistance and the expert support of the Office of Legal Affairs.

76. The representative of the Syrian Arab Republic expressed his delegation's esteem and gratitude to the Chair for his efforts and expertise in relation to the work of the Committee. He acknowledged the professionalism and the effectiveness of the various groups and teams that support the Committee either at the Permanent Mission of Cyprus or at the Secretariat, and all that they had done throughout the seventy-third session of the General Assembly. He conveyed his delegation's thanks to the Mayor of New York, his Office and his teams for all that they did so tirelessly, and for the services and support granted to diplomats and the members of their families. He noted that all those things enabled diplomats to go about a normal and stable life in New York City, free from restrictions, constraints or discrimination. However, he also pointed out that diplomats of the Syrian Arab Republic and members of their families could not move freely beyond a 25-mile radius from the centre of New York City, and that that was the fruit of a decision taken by the host country to impose such travel and movement restrictions on members of the Permanent Mission of his country and their family members as from November 2017. He hailed the ongoing efforts of staff at the United States Mission to try to deal with requests and to answer concerns that raised by their delegation to the host country. Nonetheless, he was convinced that the root cause of the problems and restrictions on the delegation of the Syrian Arab Republic lay in the unduly politicized decisions taken by the Government of the host country, decisions that, in his words, were purely political to punish certain permanent missions and staff of the United Nations Secretariat of certain targeted nationalities. He explained that that was the result of political differences between the Government of the host country and the Governments of certain Member States whose nationals had been selectively targeted under that politicized approach.

77. The representative of the Syrian Arab Republic stated that his delegation expected the Committee to produce a serious plan of action that could genuinely be implemented so as to fully implement General Assembly resolution [73/212](#) on the report of the Committee. He reiterated his delegation's wish to hear the Committee's plan for the implementation of the recommendations made by the Sixth Committee, as well as for the implementation of the recommendations made by the Committee on Relations with the Host Country in its most recent report ([A/73/26](#)). He expressed his delegation's intention to do all that it could to support the Committee in that work. The representative subsequently offered a few ideas that could strengthen the work of the Committee and support its efforts to fully implement the relevant resolutions of the General Assembly and the recommendations made by the Committee in its most

recent report, in particular the final recommendations contained in paragraph 111. While he acknowledged the efforts and the work of the Chair, he expressed the hope for an effective, efficient and serious engagement by all the members of the Committee, not just the Chair, in order to respond to the concerns of Member States that suffered from the negative and discriminatory treatment meted out by the Government of the host country and to restrictions on the freedom of movement.

78. The representative of the Syrian Arab Republic subsequently addressed a question to the representative of the Secretariat regarding the mechanism adopted to select a member of the Committee. He asked whether there was a mandate or a period of membership and whether membership could come to an end. He further asked whether there was a mandate governing the period of time during which a State served on the Committee. In that regard, he expressed the view that the time had come to renew the membership of the Committee on grounds of fair geographical representation of the members of the United Nations, while making sure that there was space, particularly in the Committee, for those countries that suffered from the discriminatory treatment and restrictions meted out by the Government of the host country. He thus asked whether there was a mandate and time limit for membership of the Committee. The representative subsequently turned to the need for a timetable regarding the implementation of the recommendations and conclusions contained in paragraph 111 of the most recent report of the Committee (A/73/26). In particular, he highlighted paragraph 111 (p), and stated that it was essential that the Secretary-General engage directly with the work of the Committee and in all debates, discussions and negotiations that take place within the Committee, either formal or informal. He added that all discussions and negotiations that pertain to relations with the host country ought to bring together representatives of the host country with representatives of the permanent missions and Secretariat staff affected because of their nationality. He stated that that was important because the Secretary-General, as the most senior official of the United Nations, set out the policy of the United Nations and thus duly represents the interests of the staff of the Secretariat. He stated that the Secretary-General also played a key role in resolving any disputes pertaining to the interpretation of legal and diplomatic texts. He referred, in particular, to the role played by the Secretary-General in the implementation of paragraphs 20 and 21 of the Headquarters Agreement. He noted that paragraphs 20 and 21 are explicit and clear, in particular as regards the interpretation or application of the Headquarters Agreement, and refer to very clear legal instruments. He also wished to highlight article 30 of the Convention on the Privileges and Immunities of the United Nations. Furthermore, the representative proposed to ask the Secretary-General, in the exercise of his office and in the light of the prerogatives and functions of that office, to publish an annual report on the status of the relations with Member States that host United Nations headquarters duty stations. Such a report would include responses from Member States detailing problems and complications that their permanent missions and their staff have encountered in those Member States. He added that the annual report of the Secretary-General should also contain a clear assessment of best practices as adopted by the Governments of countries hosting United Nations headquarters duty stations. He added that the proposed report was not intended to draw comparisons between treatment and experiences in New York, Geneva, Nairobi, or other cities, but to guarantee full respect for the relevant legal instruments and to lift all restrictions and discriminatory measures that might have been imposed by any host country, not just the United States. He noted that there was also a requirement to ensure that, through the report, all host countries uniformly respect and apply the same criteria to ensure the equal treatment of all permanent missions and all nationalities that serve at the United Nations without discrimination. He reiterated that his delegation looked forward to a positive and concrete response to the proposals

and recommendations discussed. The representative stated that his Mission was not seeking confrontation, but rather justice and equality between all Member States.

79. The representative of the Islamic Republic of Iran stated that, in line with the call of the General Assembly to enhance the work of the Committee and its effectiveness, it was important that the recommendations and conclusions adopted by the Committee and the General Assembly resolutions on the reports of the Committee be fully implemented by the host country. He noted that, in most of the long-standing unresolved cases, the Committee had already suggested and approved relevant recommendations that still needed to be implemented by the host country. He stated that the working methods of the Committee must be improved and that there was no meaningful interaction between the Committee and observer States in terms of negotiations, preparation of the recommendations and conclusions of the Committee. He further stated that the membership of the Committee should be renewed or expanded to allow interested delegations to join the Committee. He asserted that it was particularly important that the Committee properly consider the viewpoints and interests of all Member States when putting forward recommendations for the consideration of the Sixth Committee and that sufficient time should be allocated for the negotiation of the annual resolution of the Sixth Committee on the report of the Committee. The representative subsequently referred to resolution [2819 \(XXVI\)](#) on the establishment of the Committee and noted that the Secretary-General had been mandated to bring to the attention of the Committee issues of mutual concern relating to the implementation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. He asserted that the Secretary-General should consider fulfilling the mandate entrusted to him by the General Assembly. He stated that his delegation would welcome the presentation of regular reports by the Secretary-General on the status of implementation of the Headquarters Agreement to the Committee and the Sixth Committee. He further welcomed the proposals put forward by the Russian Federation and Syrian Arab Republic and any other ideas or recommendations aimed at enhancing the effectiveness of the Committee. He expressed his delegation's support for combining all those ideas with a view to exploring concrete recommendations to improve the method of work and the mandate of the Committee in dealing with various issues arising from the implementation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations.

80. The representative of Cuba stated that, with regard to the agenda item on working methods of the Committee, her delegation supported the earlier comments made by other delegations, as it believed that it was high time for the Secretary-General to participate actively in the work of the Committee in order to represent the interests of the Member States. She noted that the problems addressed and analysed every year in the Committee only arose with such frequency at United Nations Headquarters in New York, and none of those problems existed in Nairobi, Rome, Geneva or Vienna. She thus asserted that there were grounds to support the proposal put forward by the Russian Federation and expressed the belief that it would be appropriate for the Secretary-General to provide regular reports on the state of compliance with the Headquarters Agreement and concrete cases involving violations. The representative subsequently stated that her delegation was intrigued by the idea of reviewing the rules on the composition of the Committee, in particular to consider the granting of temporary or time-bound membership to States that had raised issues before the Committee during the year. She noted that the proposal was interesting as it would ensure that Member States would be on an equal footing with the host country in matters of decision-making. She further noted that all members of the Committee were trying to work with each other and with other States that have been affected by the actions of the host country, in order to ensure full compliance with the relevant provisions of the Convention on the Privileges and Immunities of

the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement. She added that her delegation would continue to work with the Committee in a transparent manner, free from discrimination, selectivity or barriers and in full respect for the sovereignty of States and of the Organization.

81. The representative of the Bolivarian Republic of Venezuela stated that respect for permanent missions and their diplomatic staff was essential for the effective functioning of the United Nations. She stated that the host country thus had to live up to all its obligations under international law, in particular the Vienna Convention on Diplomatic Relations, the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. She noted that the host country continued to violate the Charter, as well as the recommendations of the Committee, resolutions of the General Assembly and various legal conventions and treaties at the international level by placing restrictions on the movement of staff of permanent missions. She stated that such actions were hampering them in the performance of their duties and roles, and that that had had an adverse impact on the Organization as well. She further noted that those actions were taken in the pursuit of the interests of the host country. The representative thus rejected all arbitrary steps taken by the host country targeting various Member States, stating that such actions were political in nature and lacked any legal justification or backing. She stated that her delegation had taken note of the discussion on the report of the Committee within the framework of the Sixth Committee. She highlighted the recommendation contained in the draft resolution on the report of the Committee (see [A/73/552](#)), in which the Secretary-General was called upon to actively engage in the work of the Committee to ensure that the relevant interests were duly represented. She noted that that recommendation was in line with resolution [2819 \(XXVI\)](#), which states that the Secretary-General can draw the attention of the Committee to questions of common interest pertaining to the implementation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. In that regard, she stated that her delegation would lend its backing to the recommendation that the Secretary-General produce regular reports on the status of compliance with the Headquarters Agreement, and also that he report regularly on cases involving violations of the Headquarters Agreement, so as to ensure effective follow-up and monitoring of recommendations and complaints of the Committee. She expressed her delegation's support for the proposals that had been made along those lines earlier in the meeting. She further expressed her support for the review of the working methods and the composition of the Committee, in the hope that that would open the door to a more fair and equitable distribution of the Committee's membership, and to ensure that it duly represented the interests of those who suffered the most from actions that should be covered by the Committee.

82. The representative of Canada stated that it was important to remember the purpose of privileges and immunities, which, for representatives of States, was to fulfil their functions at the United Nations. However, she noted that the privileges and immunities also belonged to the United Nations. She further noted that those privileges and immunities were not personal, and they belonged to the States. She subsequently noted that the United States had a very heavy burden, and while New York was the largest international capital of the world, by and large it seemed that the host country managed to deliver in most cases. However, she noted that in the course of the recent meetings, the Committee had heard of some cases in which some Member States strongly held the view that they had not been treated in accordance with the rules. She stated that the Committee had taken note of concerns expressed in the course of 2018, reflected them in its recommendations, and treated them seriously. However, the representative acknowledged that, in those few cases, the Member States and the host country had clearly been unable to resolve the issues, notwithstanding the encouragements, on a few notable occasions, to hold bilateral

discussions, and, as the Committee had heard from the Russian Federation, the fact that there had been bilateral discussions in certain cases. She thus proposed that the Chair facilitate bilateral discussions between Member States and the host country, for example, in that instance, the Russian Federation. She added that, as facilitator, the Chair could choose who to bring to assist him that exercise. She stated that she was of the view that that might be a more useful and potentially faster manner to examine those questions, rather than embarking on some of the other proposals, at least at the present time.

83. The representative of the host country stated that, since 2011, the host country had been able to handle most of the major, significant issues that had come up on a bilateral basis. He stated that most of the substantial assistance and services that his small team provides to members of the United Nations diplomatic community on a daily basis never comes up in the Committee's discussions. He explained that, in 2018 alone, the host country section at the United States Mission issued over 5,000 visas, more than 2,000 diplomatic credentials and almost 1,000 employment authorizations for family members of the United Nations community. Furthermore, he stated that during the high-level week of the seventy-third session of the General Assembly, his offices assisted Member States with arrangements for 247 protective details provided by the United States Secret Service and the diplomatic security service of the United States Department of State, for Heads of State, foreign ministers and their spouses. He added that the host country had also provided assistance for travel for very important persons to annual United Nations conferences and meetings, as well as a myriad of services provided by his office, other federal agencies and the City of New York.

84. The representative of the host country noted that it had been years since the topic of the responsibilities of permanent missions to the United Nations and their personnel had been brought up in the Committee, in particular the problem of financial claims and indebtedness, as well as procedures to be followed with a view to resolving the issues relating thereto. He stated that, as was the case for many other issues, his office worked diligently behind the scenes with several Member States to ensure the payment of millions of dollars in debt owed by missions and staff members to landlords, private businesses and local municipalities. He stated that, for 2017, the figure concerned had been more than \$700,000, while the final amount for 2018 was still being calculated. He further noted that other debt issues, such as water and sewer charges owed to the City of New York and of unpaid salaries and overtime claimed by some mission employees remained a grave concern and continued to be worked on by him and his office. He recalled a very serious banking problem a few years before, when Chase Bank had closed many accounts of missions and personal accounts of mission staff. He further recalled that, at that time, the Mission of the Syrian Arab Republic did not have an account, and the Mission had lobbied in the Committee to have the Secretariat and the Secretary-General become actively involved in trying to resolve the issue. He stated that his office had worked very closely with the Mission of the Syrian Arab Republic and a number of other missions to get that problem resolved, and had been successful in doing so. He expressed his confidence that there was a way forward for the issues discussed during the current meeting as well. On a separate note, the representative stated that the desire to be discreet prevented his office from mentioning many instances where issues had been resolved successfully. Thus, he noted that, while some problems dominated the discussions, the host country remained proud of its record of honouring its obligations and resolving the vast majority of concerns brought to it by Member States. Nonetheless, he appreciated that Member States felt a need for some issues to be discussed in a manner other than that in which the Committee had been discussing them. He indicated that the host country was ready to discuss those issues. He further stated that he was of the view that the proposal put forward by the representative of

Canada was a good one and that the Committee could start to think about it, i.e., to continue to have bilateral discussions, but with the engagement of the Chair as a possible way to enhance the discussions.

85. The representative of the United Kingdom noted that the Committee heard individual cases raised, some of which had gone away because they had been resolved bilaterally, while some were recent cases. He noted that some of those cases also showed the cooperation and hard work on the part of the United States delegation present in the Committee and the host country. The United Kingdom saw that in the work of the host country as well. The representative acknowledged that United Nations Headquarters in New York was obviously the largest United Nations duty station anywhere in the world, and there was a huge amount of delivery that was being provided by the host country at all times. He added that the Committee might not hear about how many of those cases were being resolved bilaterally through the hard work of colleagues in the Committee and the host country delegation, although he suspected that there were many. The representative noted that, during the current meeting, the Committee had heard a long list of new ideas and initiatives that the Committee could take, and many of them sounded interesting. He indicated that his delegation would certainly wish to reflect on the proposals and consider them further, as would other delegations. He also noted the suggestion concerning events at United Nations duty stations elsewhere in the world. In that regard, he asked whether it would be possible for the host country to share the number of cases that it was processing and how that number compared with other, smaller duty stations elsewhere. Regarding the issue of best practices, he wondered whether there were best practices to learn from the thousands of cases that were processed very successfully. In the light of the foregoing he was of the view that it would be hasty to move forward on those decisions at the present time. For that reason, he supported the proposal put forward by Canada to continue to pursue those cases through bilateral consultations, facilitated by the Chair in the interim, and for Committee members to consider and reflect on the ideas that had been proposed that day.

86. The representative of the Syrian Arab Republic stated that his delegation had always acknowledged the pressure and commended the work of the United States Mission in New York. In that regard he referred to an incident that had occurred one week earlier, when the bank at which he had his personal account had contacted him to inform him that he had only one week to present a new visa, otherwise his account would be closed. He stated that he had sent two emails, one shortly after the other, to James Donovan of the host country Mission, who had acted quickly to arrange for him to pick up his new visa the next day. However, he wished to draw a distinction between the workload that was natural for any host country to deal with and the workload in New York, which was indeed incomparable to that faced by any other host country, and the fact that a number of affected States were subject to some sort of discriminatory political and punitive procedures, which was the subject of his intervention. He noted that there were a limited number of States that were suffering under such procedures, and he further noted that, for example, the representative of Canada could travel beyond the 25-mile radius and could move freely in the United States. He expressed the view that his delegation was entitled to the same privilege, if one were to consider it a privilege. However, he asserted that it was a normal human right, particularly in New York, which was the host city of the Headquarters of the United Nations, with its slogan of justice and equality among all. With regard to the Chase Bank issue raised by the host country representative, the representative thanked the host country for all its efforts, but stated that Chase Bank had since closed the accounts of all diplomats of the Syrian Arab Republic. He further stated that Chase Bank had informed him that the United States Treasury Department had refrained from confirming that there was a licence exempting the diplomats of the Syrian Arab Republic from the sanctions in place against the regime of that country. He stated that

the Syrian Arab Republic was talking with the Russian Federation, the Islamic Republic of Iran and Cuba about the obstacles they faced, because those were politicized and punitive measures that were taken against their States. He expressed the hope that, in 2018 and 2019, those States would be able to come back to the Committee and report that all the issues they had faced had been radically resolved. He also hoped that he would not have to inform the Committee that he was still applying for a visa every six months, could move beyond the 25-mile radius, and that Amazon had just closed his account because he was a Syrian. He reiterated the call for justice and equality among all in the United Nations.

87. The representative of the Russian Federation agreed with the representative of the Syrian Arab Republic regarding the recognition of the productive efforts made by the host country representative himself and many others in relation to the practical functioning of the Mission, the high-level General Assembly week and the huge workload faced by the representative's team. Nonetheless, he asserted that the issue was that major problems, raised not only by his delegation, clearly seemed to be beyond the ability of the United States Mission to address. Regarding those problems, he stated that his delegation had contacted the United States Mission for a discussion, but the scale of the problems was such that the United States Mission had just not been in a position to solve them. He referred to the issue regarding access to the Upper Brookville premises that had been discussed in the Committee for around two years, the situation regarding the 25-mile radius that had been discussed for 14 years, and visas. He appreciated that there were a great number of visas that had to be processed, but noted that the cases he had mentioned were unfortunately numerous, and thus surely could not just be due to the workload. He asserted that if a visa was deliberately not being issued for four or six months, the workload was of no relevance. He stated that those visas were processed, and relevant decisions were taken on them.

88. The representative of the Russian Federation asserted that, as many delegations had stated, there was clear discrimination against a number of permanent representations, and that there were not just a few such cases but that their number was in fact growing every day. He asserted that all of those problems were not just paltry but were serious problems that pertain to the fundamental obligations of the host country under the Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations and the Vienna Convention on Diplomatic Relations. He stated that all of those serious cases had yet to be resolved, and that, therefore, it was very difficult for his delegation to view things positively as other delegations seemed to. With regard to the issue of bilateral consultations and the role of the Chair, he stated that, over the preceding two years, his delegation had repeatedly tried to harness that particular channel in order to resolve the problems that had been discussed in the Committee. He expressed his gratitude to the Chair, who had already been involved in those consultations, and acknowledged that he had indeed helped professionally and in a good way. However, he noted that, unfortunately, and not due to the fault of the Chair, none of those bilateral consultations had been productive and the problems regarding the premises and visas were not being solved. He also expressed his gratitude to the Secretariat for its involvement in that matter, and specifically thanked the Legal Counsel, who had also contacted the host country regarding at least one specific case, although he noted that, in that case, no result was achieved either. For that reason, he concluded that it was absolutely clear that that particular channel did need to be continued, but that it was not sufficient to pursue just that. He thus asserted that there was a need to find additional ways to strengthen both the Committee and its decisions in order to ensure that all of those major problems, which had been raised constantly in the Committee, could all ultimately be resolved. In the light of the above, he urged the delegations to be involved in that work and noted the readiness of States to welcome that. He noted that, while the decision should not be taken immediately on the day itself, it must not

be delayed. He stated that the Committee must seriously think about the drafting during the intersessional period so that, by the following meeting, the Committee would have an outline that could be used for substantive discussions so that a relevant decision could be taken without waiting for the fourth quarter of 2019.

89. The representative of Cuba referred to the call of the representative of the Russian Federation for the elimination of the selectivity and discrimination in the application of the Headquarters Agreement, and stated that that was all that they were seeking. She acknowledged that the host country had a lot of work on its plate, but also noted that the same delegations kept raising the same problems. In the light of the cases that had been shared that day, she stated that it seemed that those arose from the host country's deliberate decisions. She further stated that there could be no justification for the restriction of the movement of members of her delegation for a period of 14 years.

90. The representative of the Islamic Republic of Iran stated that he also recognized the efforts of the host country, especially during the high-level week. However, he wished to note that his interventions concerned the clear obligations of the host country under the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations, which the host country should implement without any discrimination among Member States. He recalled that the United Nations and the Charter did not permit the application of reciprocity, so as to ensure the proper functioning of the United Nations on the basis of the principle of sovereign equality of all Member States. He noted that, in its resolutions, the General Assembly emphasized that the conditions for the normal work of the delegations and permanent missions, as well as the observance of their privileges and immunities could not be subject to any restriction arising from their bilateral relations with the host country. He emphasized that clearly the opposite was the case, and all the problems and complaints related to a limited group of States. He noted that the United Kingdom and Canada did not face those problems. He expressed his thanks to the Committee for exploring ways to increase the effectiveness of the Committee.

91. The representative of the Office of the Mayor of New York City stated that, over the years, her office had been very fortunate to get to know many of the delegations as they solved problems regarding many difficult and often complex issues. She noted that her office saw it as its mission to foster positive relations and encourage collaboration between the international community, the agencies of the City and local neighbourhoods. She further noted that it was a continued goal to be a liaison between the United Nations community and New York City. In addition to being a resource for the United Nations community to learn about the City's policies and practices, she stated that the Mayor's Office saw it as a critical part of its role to answer requests from foreign Governments, the United Nations, the missions and consulates, and to handle the issues that come up where they can be addressed by the New York City government. She subsequently gave an overview of the work done by her office to give information about the services available. She stated that the office of the General Counsel, which was her office, was resourced to assist with the resolution of administrative summonses, whether they come from the Fire Department, the Buildings Department or the Sanitation Department, and missions were free to seek contact. She stated that her office provided information relating to the operation of New York City agencies and their various legal requirements. She also stated that her office answered requests for support from the New York Police Department. She further stated that her office provided consultations and support regarding individual inquiries and incidents such as they might arise. She encouraged missions to contact her office for those kinds of requests, as her office remained committed to being a resource for the United Nations community.

92. The Chair stated that there had been a very rich discussion, and an open and frank exchange, and he thanked all delegations for their contributions. He took the opportunity to encourage all States Members of the United Nations, and especially the members of the Committee, to be more engaged in the discussions. He noted that the meeting had underlined the importance of the work of the Committee, but, at the same time, had shown that there was room for improvement. He noted that many proposals had been made and many questions been raised, and he had taken very good note of them. He stated that he would carefully study all the proposals and would try to answer all the questions and reflect on the discussion. However, at the same time, he emphasized that one should be mindful of what the Committee could do. He noted that, naturally, the Committee could do better, which was the reason for having the present exercise, but it was not a matter of “black or white”. He stated that, if the Committee wished to succeed and make things better for the sake of the missions and the Organization, it needed to be pragmatic and remember that the Committee had a long-established history of working on the basis of consensus. He stated that he took note of the proposal of the representative of Canada, and further stated that it was also the intention of the Chair to launch informal bilateral discussions with all interested Member States. He explained that those informal discussions would allow States to discuss and agree on the next steps, and also to see what the landing zone was.

93. The representative of the Democratic People’s Republic of Korea expressed his appreciation for the Chair’s able leadership in the Committee in solving the problems faced. He stated that, although his delegation had made every effort, the Democratic People’s Republic of Korea had yet to implement its obligations under Article 17 of the Charter and pay its assessed contribution as at 18 December 2018. He stated that the banking channel was still closed by the sanctions of the United States and the Security Council. He recalled that his delegation had repeatedly requested in the Committee that the host country and the Committee take steps to reopen the banking channel from the Democratic People’s Republic of Korea to the United Nations, but there had been no result to date. He thus requested once again that the host country take positive steps in line with the Singapore joint statement for the Korean Foreign Trade Bank to remit its contribution to the United Nations.

94. The representative of the Russian Federation stated that the problem raised by the representative of the Democratic People’s Republic of Korea was not a new one and was another example of the fact that, despite bilateral efforts, such serious problems unfortunately were just not being resolved. He noted that that once again pertained to the question of what the real problems were and how many real problems there were. He asserted that there were a great number of real problems that were extremely varied, and it had been proven yet again that the Committee really needed to deal seriously with follow-up to having those resolved.

95. The representative of the host country clarified that he had discussed the issue bilaterally with the delegation of the Democratic People’s Republic of Korea that morning. He noted that assessed contributions to the United Nations were not considered late until 31 December 2018, so there was still time to resolve the issue so that payment could be made on time. He stated that he had been provided with some details that morning that he would convey to the United States Department of State, which was working actively to find a solution.

96. The Chair repeated that he had taken very good note of all the comments made and all the concerns expressed.

97. At the 292nd meeting, the Chair stated that he continued to promote the Committee as a forum for facilitating problem-solving and encouraged members to view the Committee as a tool that was at their disposal in order to promote dialogue and solutions. He referred to the unresolved matters raised with the Committee at its

291st meeting and the suggestions by Member States on how the Committee should address them. In that regard, the Chair noted that it had been suggested that more direct engagement of the Chair of the Committee with the discussions between the Member States concerned and the host country should be encouraged. The Chair reiterated his consistent position that he remained willing and available to work with all delegations in the resolution of issues with the host country, including facilitating informal discussions with the aim of advancing and more openly discussing those matters.

98. The Chair subsequently referred to the suggestion to commission a study to identify the magnitude and scope of the issues being faced by Member States with the host country in the staffing and operations of the missions to the United Nations in New York, as well as the experiences at other United Nations headquarters duty stations in that regard, and noted that the Committee had in the past conducted studies on pertinent matters such as the implementation of the diplomatic parking programme established by the host country authorities. The Chair stated that the Committee could conduct a similar exercise with respect to the issuance of visas and travel restrictions, but cautioned against undertaking work that would not have a meaningful outcome. He stated that it was thus essential that the nature and scope of any such study be carefully defined and agreed to by the Committee as a whole. He stated that he would continue to consult informally with all interested delegations on that matter to see how they should proceed, but also emphasized that the Committee should strive to find practical solutions to the problems raised, especially with respect to visas.

99. The Chair subsequently addressed the suggestion that the Secretariat and the Secretary-General should engage more with the host country in line with paragraph 6 of General Assembly resolution 2819 (XXVI). The Chair assured the Committee that he informed the Chef de Cabinet of the Secretary-General on a regular basis of the work of the Committee and the issues currently before it. He further stated that he was also aware that the Secretariat, and in particular the Office of Legal Affairs, was in regular contact with the host country authorities regarding such issues. He also recalled that a senior representative of the Office of Legal Affairs, Assistant Secretary-General Stephen Mathias, attended the Committee's meetings.

100. The Chair noted that some delegations had suggested considering an expansion of or adjustment to the membership of the Committee. He stated that he would invite the Secretary of the Committee to address that matter later during the session.

101. The Chair turned to the suggestion to open meetings of the Committee to the public, for example, by webcast, and reiterated his view that, given the sensitive nature of some of the issues raised in the Committee, and with a view to facilitating its frank and direct exchanges on those issues, he did not believe it would be appropriate for the Committee to open its meetings to the public directly or by webcast. He stated that he would give further consideration to whether it might be possible on occasion to provide a summary to the press as used to be done in the past, or some other limited form of public information in addition to the publication of the Committee's annual reports.

102. The Chair referred to the possibility of enhancing the participation of observers in the work of the Committee, given the limited membership of the Committee. He reiterated that, while the membership of the Committee was limited, the Committee had always been open to all interested delegations and their statements had been reflected in exactly the same manner in the report of the Committee as those of members. He further stated that the Secretary of the Committee consulted with all interested delegations to ensure that they were satisfied with the summary of their statements before the report was adopted by the Committee. Subsequently, the Committee took into account all issues raised during the reporting period in the

formulation of its recommendations and conclusions in its report. The Chair concluded that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations was in the interest of the United Nations, the host country and all Member States. He acknowledged the efforts made by the host country, and was of the view that all issues raised at the Committee's meetings would be duly settled in a spirit of cooperation in accordance with international law.

103. The representative of the host country stated that the United States was extremely proud to be the host country to the United Nations, and that it took its responsibility seriously. He stated that the host country affairs team at the Mission prided itself on striving to do its best for the diplomatic community in New York. He further stated that the team took a personal interest in helping individuals to get what they needed to do their work at the United Nations.

104. With regard to the issues raised by the Chair, the representative of the host country noted that, although his Mission was always willing to work directly with the Member States to resolve issues, the Chair's intervention was sometimes needed and welcomed. He further voiced his delegation's strong support for the engagement of the Secretary-General through the Office of Legal Affairs in those matters and welcomed the Office's active engagement in its role as secretariat for the Committee and in supporting dialogue among delegations and the Chair between meetings. On a separate note, the representative stated that additional reporting requirements would be an inefficient use of the Committee's time and limited resources. In particular, given the current reform-minded environment, his delegation strongly cautioned against the expenditure of time and resources for activities that were duplicative and not actually designed to solve any of the issues raised in the meeting. He called for more open communications between Member States that had issues to raise and his host country affairs team, and noted that early communication, especially regarding visas, was critical to quickly solving problems. He reiterated that the host country would continue to stand ready to assist all Member States.

105. The representative of the Russian Federation welcomed any measures that might help to give an impetus to the work of the Committee. He stated that his Mission was prepared to be cooperative in that regard, especially in the period between the Committee's meetings. However, he noted that the main reason for the low level of work completed by the Committee was that its recommendations, which were adopted by consensus, most often were blatantly ignored by the host country. He asserted that if that were not the case, there would not be a need to enhance the profile of the Committee. The representative noted that it was the Committee's task to enhance its efficiency, about which it must do something. He recalled that the Committee had been considering the same problems for many years now, including the 25-mile limitation zone, the issuance of visas and the problems with the Upper Brookville property. He reiterated the hope that the Committee would commence productive work on enhancing the effectiveness of the Committee and the implementation of its recommendations.

106. The representative of Bulgaria noted that the Committee was a truly working body that had evolved significantly since its inception, that the host country has made efforts in the sense that the vast majority of cases had been successfully resolved. He noted that the Committee was a forum for meaningful exchange with the host country. He further noted that the discussions, which had started the previous December and were continuing, were important both for the substantial performance of the functions of the Committee and for the atmosphere in which it was working. He further stated that his delegation found the discussions very useful and fully subscribed to the remarks made by the Chair on the follow-up study on the composition and size of the Committee. He noted that it was up to Member States to make the discussion meaningful and results-oriented. He added that the Committee should be guided by

its functions and by the nature of the topics for consideration to determine what would be the best tools to solve the issues. The representative stated that bilateral consultations with the host country facilitated by the Chair had the real potential to solve the issues if they were aimed at solutions. As Vice-Chair of the Bureau, Bulgaria stood ready to participate and contribute to those consultations.

107. The representative of the Syrian Arab Republic expressed his delegation's appreciation for the officials of the City of New York and their efforts to solve the various problems faced by his Mission and to deal with the related obstacles. He noted, however, that those obstacles were faced by only a very limited number of States. He asserted that the problem did not lie with the City of New York or the Mission of the host country. He separately noted that his delegation was prepared to discuss problems and possible solutions. In that regard, he pointed to the unfortunate situation faced by different delegations, especially in the two preceding years. He stated that the Mission of the Syrian Arab Republic was suffering under the onerous 25-mile travel restriction and unilateral economic punitive measures. He explained that those measures were causing enormous problems for his Mission, as it could not open bank accounts in New York and thus its staff members could not receive their salaries. In that regard, he thanked the host country for the assistance provided regarding funds transfers from Amman to New York, which had been frozen by the receiving bank in New York under the pretext that there were sanctions against the Syrian Arab Republic.

108. The representative of the Syrian Arab Republic also pointed to problems with visas in the sense that Mission personnel received single-entry visas valid for only six months. He stated that that had resulted in Mission personnel being unable to return to the Syrian Arab Republic for funerals of family members, as they did not have a visa to re-enter the United States. Regarding the second issue raised by the Chair he noted that his delegation had not requested a study but rather a report by the Committee setting out the practical steps taken by the different host countries of various United Nations headquarters duty stations including Geneva, Nairobi and Vienna. He added that his delegation welcomed the other proposals made, even if they had not included his delegation's comments and proposals, but indicated that the Committee could begin with those steps first. The representative called upon the host country Mission to inform his Government that United Nations Headquarters was the appropriate body to institute measures and sanctions against delegations, because the host country, when it chose to host the United Nations, had entered into commitments, including observing the equality that existed among Member States and not taking steps that could heighten tensions with other Governments. He further noted that the host country had agreed to resolutions of the Sixth Committee regarding the Committee every year, and had had no reservations regarding the resolution, including the provision that states that the United Nations is not the appropriate body for taking steps escalating relations among countries and heightening tensions.

109. The representative of Cuba expressed his concern regarding the failure of the host country to comply with norms of international law in relation with its obligations to the Organization as the host country. He noted that problems raised before the Committee constituted constant obstacles to the work of their delegations in the Organization, and that of the Organization itself. He further noted that they also constituted flagrant violations of international law, in particular the Headquarters Agreement. He expressed his gratitude to the Chair for his efforts to solve the problem and reiterated the call for steps towards dialogue and respect for international law in the context of security and strict compliance with the provisions of the Vienna Convention on Diplomatic Relations and the Headquarters Agreement, which would contribute decisively to a favourable development in the diplomatic relations of States accredited to the United Nations. He further called for compliance with the

Committee's recommendations and decisions in a transparent manner and with respect for Member States. The representative noted that the problems raised before the Committee only recurred at the Headquarters of the United Nations in New York, and not in Nairobi, Rome, Geneva or Vienna. He stated that, therefore, his delegation believed that the Secretary-General should issue periodic reports on the status of compliance with the Headquarters Agreement and specific cases of violations.

110. The representative of Cuba noted the host country's complete disregard for the Committee's continued demands to lift the 25-mile travel restriction, which had been discriminately imposed on diplomats of some States. He further noted the recent addition of the Bolivarian Republic of Venezuela to the list of States subject to the travel restriction and asserted that that was part of the escalation and pressure of the host country in preparation for military aggression against a sovereign nation through intimidation, pressure and force disguised as "humanitarian intervention". He added that that included brutal pressure on some Governments to force their support for the arbitrary call for fresh presidential elections in the Bolivarian Republic of Venezuela, while promoting the recognition of a usurper. He insisted that the status of Member States must be respected regardless of their bilateral relations with the host country, in line with the host country's obligations. The representative then pointed to the host country's recent decision to stop issuing driving licences to the administrative staff of his Mission, which represented a hurdle for countries like his that relied on national staff to support the work of the Mission, including professional drivers. He stated that that measure did not help to facilitate the work of diplomatic missions and was contrary to what should be the host country's aim. He expressed the hope that the host country would be able to provide a reasonable solution that addressed the concerns raised by the Member States, which preferably would be a return to the previous procedure. He reiterated his commitment to work with the Committee and with all other interested parties in order to enforce the relevant provisions of international law with transparency, without discrimination and selectivity, and with full respect for the sovereignty of States and the Organization.

111. The representative of the Bolivarian Republic of Venezuela referred to the Committee's most recent report ([A/73/26](#)) and General Assembly resolution [A/73/212](#), which had been adopted by consensus, and the complaints of Member States set out therein. She reiterated that there was a need to guarantee respect for the immunities and privileges of diplomatic missions and the representatives of States accredited to the United Nations in accordance with relevant international law. She added that faithful and strict compliance with the provisions contained in the relevant international law instruments was an inalienable legal commitment of the host country and further stressed that it was a basic and essential requirement for the host country to adhere to the principles and purposes of the Organization and to ensure effective operations of all bodies related thereto, in particular the permanent missions of Member States. She further noted that the host country's compliance with those legal obligations could not be subject to any restrictions stemming from the bilateral relations between Member States and the host country. The representative reported that, through note verbale HC0819 of 15 February 2019, the Mission of the host country had informed her Mission about the imposition of a travel restriction on all diplomatic staff of her Mission and their family members. She stated her delegation's rejection of that punitive measure against the members of its diplomatic staff and their families, and added that such measures were unjustified, discriminatory, politically motivated and unilateral, that they lack any legal justification and that they violate the host country's legal obligations. She further added that those measures were ill-founded, as her Mission's diplomatic staff had neither contravened the laws, treaties and international agreements of the host country, nor had it violated the domestic laws of the host country. On the contrary, she noted that the Bolivarian Republic of Venezuela had always fully complied with the rules relating to its diplomatic

privileges in accordance with international and national law. She requested the United Nations bodies to take the necessary steps to require that the host country fully comply with its international obligations by lifting any punitive measure imposed against diplomatic officials of various permanent missions, including her Mission, in order to preserve the balance between the Organization and the host country and to ensure equal treatment for delegations.

112. The representative of the Bolivarian Republic of Venezuela further noted that the host country continued to violate the Charter of the United Nations, the resolutions of the General Assembly and other international legal agreements by imposing various forms of restrictions on the operations of missions and the work of representatives of the Member States. She reiterated that, although the punitive measures had been raised in the Committee's annual reports and the various resolutions of the General Assembly, they had not ended. She noted that, on the contrary, they had only increased and systematically worsened owing to the arbitrary action of the host country to the detriment of the operations of the missions. She raised the example of note verbale HC0609 of 5 February 2019, by which a new procedure had been established for the issuance of driving licences and vehicle registration for the administrative staff and technical staff of permanent missions, which, as she stated, would have adverse effects on the operations of the missions. She reiterated that she was hopeful that the Committee would resolve those issues appropriately, in accordance with the spirit of cooperation and in line with international law. The representative queried the purpose of those restrictive measures against Member States and their representatives, and stated that it was clear that, in the light of the Headquarters Agreement, they represented an undisputable violation of international law. She further stated that the situation destroyed the credibility of the goodwill of those who, at the time, had agreed to the "historic responsibility" to serve as Headquarters of the singular, multilateral, universal Organization called to build peace, and noted that it also ran counter to the spirit of those who, following the Second World War, had committed to building a stable world of peace and security, ensuring inclusive sustainable development and respect for human rights. Lastly, she expressed the hope that the future work of the Committee would contribute to finding a definitive settlement to those issues.

113. The representative of the Islamic Republic of Iran stated that the first step towards solving the issues was to ensure that the Committee's conclusions and recommendations and the annual General Assembly resolutions were fully implemented. He noted that in most of the long-standing unresolved cases, the Committee had already suggested and approved relevant recommendations, which still needed to be implemented. He welcomed the Chair's offer for more direct engagement with Member States and the proposal regarding a report of the Secretary-General on the scope of the issues related to the work of the Committee. Regarding the working method of the Committee, he stated that it needed to be improved, as there was currently no meaningful interaction between the Committee and observer States during the negotiation and preparation of the Committee's recommendations and conclusions. He noted that, in other United Nations forums, such as the Economic and Social Council, observer States could actively participate in the relevant resolutions and negotiations, but observer States were totally excluded from the final negotiation of recommendations in the Committee. He stated that it was important that the Committee take into account the viewpoints of interested observer States when putting forward recommendations for the consideration of the Sixth Committee. Regarding the issue of the membership of the Committee, the representative expressed his delegation's view that the membership should be renewed or extended in order to allow interested delegations to enter the Committee. He stated that his delegation's understanding was that the President of the General Assembly, after

consultation with regional groups, could nominate new members to the Committee, something that could improve the dynamism of the Committee.

114. The representative of the Islamic Republic of Iran further stated that, since its voice was absent from the Committee recommendations because of the Committee's structural and procedural deficiencies, he would like, once again, to raise the specific problems faced by his Mission, which were hindering its work. He noted that one issue pertained to the single-entry visa for diplomats of the Islamic Republic of Iran and had led to certain consequences that were contrary to the host country's obligations. He further noted that having a single-entry visa required diplomats of his country to obtain a visa before leaving the host country. Therefore, he noted, if a diplomat of his country were to depart the host country without a visa because of an emergency situation, regardless of whether it was for official reasons or otherwise, that person would not be able to return to the United States immediately. In such circumstances, he noted, the person would have to reapply for a United States visa, which could take up to three months. He noted that the other option was not to leave the host country in an emergency and accept the high cost, which, in the case of the loss of a loved one, might be irreparable. He stated that most of his country's diplomats had faced such bitter moments where they had been unable to leave the United States to attend the funeral of a loved one. He thus queried why the host country was refraining from issuing at least double-entry visas for diplomats of the Islamic Republic of Iran. He further stated that that procedure, intentionally or unintentionally, caused psychological pressure on diplomats of his country, which could be considered detrimental to the normal work of his Mission. He asserted that, as it directly interfered with the diplomats' functions, those procedures were contrary to the host country's obligations under the Charter, the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. The representative pointed to the discriminatory secondary screening procedure to which diplomats of certain nationalities were subjected at the airport when they travelled to and from the host country, which, in his words, undermined the respect for and dignity of the representatives and diplomats of those States. He stated that his Mission had repeatedly raised that issue in the Sixth Committee and had also sent a note verbale to the United States Mission. He also expressed his concern regarding the fact that United States security officers rubbed a white liquid on the hands and, in some cases, the necks of diplomats of the Islamic Republic of Iran under the pretext of conducting a screening. He asserted that their objective was to put pressure on travelling diplomats of his country, in contravention of international law.

115. The representative of the United Kingdom noted the issues that were being raised before the Committee, which had to be considered carefully. He referred to the statement by the representative of the host country and expressed his appreciation for the work of the host country in relation to United Nations Headquarters, in particular the high-level week at the General Assembly, which was a huge undertaking. He noted that, based on the interventions of States thus far, most of the time, the huge undertaking was carried out efficiently and relatively smoothly. He pointed to his Mission's experience with the host country and noted the importance of direct and early conversations when solving problems. He thus welcomed the Chair's offer to get involved with issues informally. He stated that it seemed a very sensible and welcome offer. The representative then spoke about an issue his Mission had faced in December 2018, where a dependant of one of the members of his Mission's staff, who had diplomatic immunity, had been accused of being involved in a domestic violence incident, which was against the local laws, and the assault of a police officer. He stated that the host country had requested his Mission to waive that individual's immunity so that the individual could face justice, which his Mission had done. He noted that it had taken some time, as it was a complicated issue, but emphasized the importance of dialogue between the two missions. He thus stated that those things

could cut both ways, and while his Mission could expect certain obligations from the host country, the host country also had obligations that it could expect of his Mission's diplomats, one of which was obeying all the laws. The representative expressed his support for the Chair's proposals and stressed the importance of finding a sensible next step for which a consensus could be found within the Committee. He concluded that, while the Chair's proposal was a change from the norm, a change might help to improve understanding and resolve issues.

116. The representative of Belarus expressed his regret about the decision of the host country regarding driving licences for non-diplomatic mission personnel. He noted that the Convention on the Privileges and Immunities of the United Nations of 1946 and the Headquarters Agreement did not deal with the technical and ministry personnel of the permanent missions of Member States to the United Nations, but that the host country should not place obstacles in the way of their proper functioning. The representative added that the status of those missions was similar to the status of diplomatic representations and consulates in the United States, which enjoyed full freedom of movement in order to carry out their functions. He noted that the assurance of freedom of movement was an international custom that was also set out in article 26 of the Vienna Convention on Diplomatic Relations of 1961. He noted that the new rules imposed by the host country virtually limited the freedom of movement for mission personnel to a minimal area around the Headquarters of the United Nations. He stated that the new procedure would have a strong influence on small missions, especially those that could not afford the services of local drivers. He thus called upon the host country to review that decision and to restore the previous practice.

117. The representative of Canada noted the efforts and work done by the Office of Legal Affairs to support the Committee and its members, which were exemplary. She also stated that she had no doubt that the Secretariat and the Secretary-General were very aware of the content of the Committee's discussions, but that, nonetheless there were issues outstanding. The representative stated that, notwithstanding the commendable efforts made by the host country, it was undeniable that it faced a particular challenge as the host country of the Organization in New York, of which its representative had given the Committee a sense. In that regard, she noted in particular the Chair's offer to facilitate informal discussions between the host country and Member States with a view to finding solutions, and noted the openness of many Member States and their desire to continue the discussion, which encouraged her. She also expressed her delegation's willingness to help to support those discussions.

118. The representative of the host country referred to the issue of driving licences and thanked the delegations for their feedback, which he would convey to the State Department and the Office of Foreign Missions. He stated that the reason for the change in the programme was that the State Department had aligned the services that it provided to all international organizations in the United States with the procedure to which other international organizations, such as the Organization of American States and the World Bank in Washington, D.C., were subject. Separately, the representative noted that the Committee had had discussions on visas, banking issues and travel restrictions previously, and that his Mission continued to work bilaterally with missions on those issues. He stated that in situations where an individual had to return home quickly for the funeral of a loved one, the host country had worked closely with missions to try and get visas renewed extremely quickly, so that the person could leave with an approved visa and return once they had completed their personal business overseas. With regard to the two specific cases raised he expressed his delegation's hope that it could work more closely and directly with the missions in the future, so that it would understand the purpose of the visa renewal, which would allow the Mission to try and get the visa renewed as quickly as possible.

119. The representative of the Syrian Arab Republic acknowledged the difference between the workload of the host country's Mission and his Mission, as well as between New York and other headquarters duty stations of the United Nations. Nonetheless he referred to the issue of sanctions faced by a small number of Member States and noted that the fact that only specific States were affected had probably led to the lack of concern among other States, which was why they did not positively engage in addressing those issues. In that regard he stated that it was clear that there were agreements and General Assembly resolutions that governed their relations and reiterated his Mission's request for their implementation. On a separate note, he stated that there was no United States embassy in Damascus, and that diplomats of his country were forced to apply for visas in Amman, which required one or two months. While the representative reiterated his appreciation for the host country's efforts and its heavy workload, the special circumstances being discussed had persisted for years.

120. The representative of Cuba noted that the Headquarters Agreement states that its main purpose is to facilitate the work of missions in New York, but that recently adopted measures did not facilitate their work in real and practical ways and, in reality, made the lives of their diplomats more complicated. He stated that, if the measure relating to driving licences adopted by the State Department also applied to the World Bank, it discriminated against missions in New York and missions to the World Bank. Nonetheless, he noted that embassies and consulates in Washington, D.C., did not comply with that new measure but instead followed the previous practice. For that reason, his delegation insisted that the measure should be withdrawn. The representative stated that he had not heard any responses regarding the discriminatory 25-mile travel restriction and insisted that the status of Member States to the Organization be respected so that the host country's bilateral relations with Member States would not become an impediment to its complying with its obligations. The representative referred to the statement by the representative of the host country that the host country had not yet finished resolving that problem, and thus wondered if that meant that that situation would continue. He stated that he would continue to raise the issue before the Committee regardless so as to find a solution.

121. The Assistant Secretary-General for Legal Affairs informed the Committee that the Office of Legal Affairs regularly informed the Secretary-General and senior officials of relevant issues before the Committee. He added that, since the inception of the Organization, the Office had been in regular contact with the host country authorities with respect to legal issues arising from the implementation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. He assured the Committee that the Office of Legal Affairs worked with the host country and relevant Member States authorities on finding solutions to issues that arose. In that regard, he recalled that the Secretary-General and the Legal Counsel of the United Nations had intervened regarding issues before the Committee. For example, they had engaged with the host country authorities on banking issues when those first arose and facilitated a solution to those banking issues through the United Nations Federal Credit Union. He stated that, in the previous year, the Legal Counsel had met and corresponded with the host country authorities regarding visas for both Secretariat and missions staff and had conveyed the legal position of the Organization on those matters.

122. The Secretary of the Committee briefly summarized the history of the Committee and the changes in its membership over the years. He stated that the Committee had been established by the General Assembly in its resolution [2819 \(XXVI\)](#) of 15 December 1971. In line with paragraph 5 of that resolution, the Committee was to be composed of the host country and 14 members to be chosen by the President of the General Assembly in consultation with regional groups and taking

into consideration equitable geographic representation. He further stated that, since 1971, there had been two changes to the composition of the Committee, in 1974 and 1977, as well as an expansion of the membership of the Committee, in 1999. He noted that, in 1973, Argentina and Guyana, by means of letters to the President of the General Assembly, had withdrawn from the Committee. Subsequently, in line with resolution 2819 (XXVI), the President of the General Assembly had held consultations with the regional groups concerned and appointed Costa Rica and Honduras to fill the vacancies. They had assumed their positions in the Committee in 1974. The Secretary added that, similarly, in 1976, the United Republic of Tanzania had informed the President of the General Assembly of its withdrawal from the Committee, whereupon the President of the General Assembly had appointed Senegal to fill the vacancy. Senegal assumed its position in the Committee in 1977. With respect to the expansion of the membership of the Committee in 1999, the Secretary stated that the General Assembly, in its resolution 52/159, had requested the Committee to review its membership and composition, with the participation of observers, to consider proposals regarding its membership and composition, and to report on the results of its deliberations to the Sixth Committee of the General Assembly at its fifty-third session. The host country Committee had duly considered the matter during its meetings in 1998 and reached an agreement to recommend in its report for that year (A/53/26) that its membership be increased by four members, one each from the African, Asian, Latin American and Caribbean and Eastern European regional groups. The General Assembly had endorsed the Committee's proposal and in its resolution 53/104 decided to increase the Committee's membership by four: one from each regional group to be chosen by the President of the General Assembly in accordance with resolution 2819 (XXVI), in consultation with regional groups. He further stated that, in 1999, the President of the General Assembly, following consultations with regional groups, had appointed four new members to the Committee, namely Cuba, Hungary, the Libyan Arab Jamahiriya and Malaysia, leading to the expansion of the Committee's membership to 18 Member States and the host country, which was the current membership of the Committee.

123. The Chair stated that he did not believe that the Committee was ready or in a position to pursue such a course of action, but was ready to continue that discussion when necessary.

124. The representative of the Russian Federation referred to the important and timely issue of driving licences, which, if not solved, could possibly paralyse the work of his Mission. He referred to his Mission's office facilities on 67th Street in Manhattan, where the majority of the staff worked, as well as to the property of the Russian Federation in Riverdale, where the staff lived. In that regard he explained that his Mission required approximately 30 drivers. He thus urged the host country to review the decision to discontinue the issuance of State Department driving licences to technical and administrative staff of missions and to return to the former procedure. He wondered why the host country had decided to apply to the United Nations the practice that was being applied to the other international organizations on United States territory, and not vice versa. The representative then raised the issue of visas, which was crucial for the normal functioning of diplomatic missions. Specifically, he stated that his Mission was facing issues with visas for 14 staff members, including senior diplomats, who were unable to commence work. He further stated that Konstantin Kosorukov, who was slated to replace his Mission's former legal adviser, Maxim Musikhin, who had left, had been unable to receive a visa for the previous six months. For that reason he stated that the Permanent Mission of the Russian Federation was currently without a legal adviser, and the work was currently being covered by other staff. He further referred to the long-standing situation pertaining to three officers, who were assistants in the Military Staff Committee but had yet to receive their visas. In addition he referred to the host country's latest interference in

the appointment to the Organization of officials of the Russian Federation; since November 2018, the Assistant Representative of the Russian Federation to the Military Staff Committee, Alexander Mikhaylov, had not been able to receive a G-4 visa despite having been appointed Assessment Officer, on a competitive basis, at the Office of the Military Adviser of the Department of Peacekeeping Operations. He observed that the host country had been filtering the appointments to the United Nations Secretariat through the issuance of visas and expressed his regret at that state of affairs. He recalled that the Headquarters Agreement clearly makes it incumbent on the host country to grant visas quickly and freely. The representative referred to the illegal situation relating to the Upper Brookville property of the Russian Federation and voiced his concerns about that long-standing problem, and queried whether there would be a resolution.

125. The representative of the Democratic People's Republic of Korea referred to the problems faced by his delegation in paying its assessed contributions to the United Nations regular budget as a result of the unilateral sanctions imposed by the United States and the sanctions imposed by the Security Council. He stated that, in his country, the Foreign Trade Bank was the only bank authorized to deal in foreign currency, including the payment of assessed contributions to the United Nations and remittance of project funds to United Nations agencies working in his country. He stated that, nonetheless, the Foreign Trade Bank had been placed under sanctions by the United States and the Security Council, and its assets had been frozen. He noted that while Security Council resolution [2371 \(2017\)](#) stipulated that relevant measures shall not apply with respect to the financial transactions with the Foreign Trade Bank if such transactions were solely for the operation of diplomatic missions in his country or for humanitarian assistance activities that were undertaken by, or in coordination with, the United Nations. However, he asserted that, in practice, the financial sanctions had been applied indiscriminately and their banking channel to transfer their contributions to the United Nations had been blocked. He noted that in previous Committee meetings, his delegation had repeatedly requested that the host country and the Committee take positive measures to reopen the banking channel from the Foreign Trade Bank to the United Nations, but to date there had been no results. He stated that, as a responsible Member State of the United Nations, his country was willing to pay its contributions in full and on time. The representative expressed his delegation's concern regarding the driving licences issue, and noted that if that new policy was implemented, it might cause serious problems and difficulties for the functioning of missions. He stated that the Vienna Convention on Diplomatic Relations clearly provides that administrative, technical and service staff of missions have the right to enjoy privileges and immunities as diplomatic agents. He thus requested the host country to take positive steps to ensure the conditions for the proper functioning of his Mission.

126. The representative of the host country stated that he would convey the comments on the driving licences to the State Department. Regarding the issue of visas for the Mission of the Russian Federation he stated that the host country was working very closely with the Mission and had met recently to discuss the specific issues raised and was working to resolve them. Regarding the banking issue raised by the Democratic People's Republic of Korea, he stated that the host country was aware of the issue and was working very closely with that Mission to resolve the matter. However, he also stated that the Permanent Mission of the Democratic People's Republic of Korea did have an account at the United Nations Federal Credit Union, which should allow the Mission to make payments in the United States for its expenses. For that reason the issue pertained to the payment of annual dues to the United Nations, which his Mission was trying to resolve. Lastly, regarding the travel restrictions, he stated that the host country provided persons covered by section 11 of the Headquarters Agreement with unimpeded access to the United Nations Headquarters district

consistent with their obligations. He noted that the Headquarters Agreement did not require the host country to allow travel to unofficial events and added that the travel restrictions that had been reported were security measures that were fully consistent with the obligations of the host country.

127. The Chair stated that the Committee would wait for feedback from the host country on the issues raised by missions regarding changes to the issuance of driving licences for certain mission personnel. He further stated that he had taken note of the suggestions made and the concerns expressed, including the drafting of a report with regard to the implementation of the Headquarters Agreement, but reiterated his earlier point that the Committee should be pragmatic and mindful of what it could do.

128. At the 293rd meeting, the representative of the Russian Federation, in relation to the issues of visas and access to transport, referred to the new procedures for driving licences for staff, including technical staff of missions. In the light of the locations of the premises of the Russian Federation he noted that technical staff needed access to transport in New York, including the ability to drive Mission vehicles, but that that access appeared to be thwarted by the host country. He asserted that it seemed to be a deliberately unfriendly act towards his Mission by the host country and that the process seemed designed to frustrate the Russian Federation, which should not be the attitude of the host country. He added that the host country seemed to be subjecting Mission staff to the host country's laws, which was not in line with the Vienna Convention on Diplomatic Relations.

129. The representative of the Russian Federation noted that the host country continued to illegally hold the Upper Brookville property despite his delegation's multiple appeals. He noted that his delegation was still being denied access to the property.

130. The representative of the Russian Federation referred to the 25-mile radius travel restriction that was imposed on only a certain number of States, and expressed the view that that was a discriminatory practice. He called upon the host country to eradicate such practices.

131. The representative of the host country stated that the Upper Brookville property was used by the Russian Federation neither as premises for its Permanent Mission to the United Nations nor as a residence for diplomatic staff, nor was it located within the United Nations Headquarters district. He noted that those were the only situations that would give rise to international law obligations of the host country for the property of foreign States. Instead, he noted, the property was being used by Russian Federation consular and Permanent Mission personnel as a recreational property, and there was no host country obligation and international law obligation that foreign missions, including those of Member States, be allowed to use recreational property. He asserted that it was a purely bilateral matter that did not implicate its host country obligations.

132. The representative of the host country noted that the host country had been working closely with the Russian Federation delegation to resolve the driving licences issue and that it had recently supported the issuance of New York State driver class B driving licences to some Russian Federation staff so that they could drive buses between the Riverdale property and their Permanent Mission. He also noted that the host country tried to ensure that the Russian Federation had the necessary licences for that particular purpose. With respect to the technical staff he noted that the State Department had decided that non-diplomats at missions to international organizations would no longer be supported with State Department driving licences. He noted that there was a small number of United States citizens working for missions as drivers, and it was thus logical and reasonable for the State Department to change the system so that those non-diplomatic drivers would have to obtain driving licences themselves

from New York State. He stated that his Mission was available to assist those individuals in obtaining such driving licences. He noted that the written and practical examinations for New York State driving licences were conducted in various languages. He thus stated that the host country was assisting Member States with that change.

133. The representative of Cuba stated that the host country was still failing to take tangible steps to remove the 25-mile radius travel restriction imposed on mission staff of certain Member States. She asserted that it was an arbitrary and unjustified restriction that ran counter to the general rule of free movement of diplomats and should be abolished immediately.

134. The representative of the Syrian Arab Republic recalled the discussions held at the 292nd meeting, at which it had been stated that the Chair would assist in facilitating unconditional dialogue and cooperation through the Committee and bilateral channels in order to reach practical solutions to the obstacles and constraints imposed on his and other delegations in a number of areas, including visas, opening of bank accounts, and travel restrictions. He added that the existence of those issues showed a lack of professionalism, and that Member States have to agree on one interpretation of the Headquarters Agreement. He conveyed the belief that if the political will was there, the host country was capable of finding solutions to all those problems.

135. The Chair recalled the Committee's positions on travel restrictions and the Upper Brookville property, set out in paragraph 111 (k) and 100 (e), respectively, of the Committee's previous report (A/73/26). With regard to the new procedure for driving licences, she welcomed the host country's offer to assist Member States.

136. At the 294th meeting, the representative of the Democratic People's Republic of Korea informed the Committee of the latest finding from the host country's investigation into the incident on 29 April 2019 that had occurred against a senior officer of its mission. He stated that, through a communication dated 11 September 2019 from the host country Mission, the host country had notified his Mission that the New York Police Department and the host country's Federal Bureau of Investigation had determined that there was no current threat to his Mission on the basis of the incident. He asserted that the host country's notice did not show any evidence or sign of the sincerity of the investigation. He asserted that, despite the host country's pride in its high-tech information-gathering and investigation skills, it had failed to properly investigate the incident and the notice of the investigation's findings was tantamount to nothing. He asserted that that thus clearly showed that the host country was behind that incident and expressed the view that the Committee should hold the host country accountable for the case, as the host country was mandated to ensure the personal security of United Nations diplomats under international law. He demanded that the host country take all necessary measures to prevent any recurrence of similar incidents. He further asserted that public opinion was that the Headquarters had to be moved to another country and stated that that issue was related to the host country's responsibility for the safety of diplomats.

137. The representative of the Syrian Arab Republic voiced his Mission's appreciation for the concerted and continued effort of the host country Mission to address the various issues and concerns, but asserted that the root cause of the problem lay in the politicized decisions made by the host country Government in Washington, D.C., which he said were aimed at penalizing staff members of specific permanent missions to the United Nations, against a backdrop of certain conflicts or differences in political positions between the host country and those States. He asserted that, in the last few months, there had been dangerous setbacks and unprecedented violations of the Headquarters Agreement by the Government of the host country, which the

Islamic Republic of Iran, the Democratic People's Republic of Korea, Cuba, the Bolivarian Republic of Venezuela, the Russian Federation and the Syrian Arab Republic had all endured. He stated that the purpose of the Committee's meetings was to define the problems and reach solutions but noted that the Committee had seen only repeated complaints due to the unjust and unrealistic measures relating to the issuance of visas or the seizure of diplomatic properties, as well as the imposition of travel restrictions, including the 25-mile restriction on specific States, the new three-mile restriction on Islamic Republic of Iran Mission staff and the Manhattan-only restriction on staff of the Permanent Mission of Cuba. He also noted the other issues pertaining to restrictions imposed on Syrians for the opening of bank accounts in New York City. He also informed the Committee of a new issue regarding a recent notification from the host country, whereby his Mission personnel were required to submit their entry visa renewal applications three months prior to the expiry of their visas. He added that, while the Syrian Arab Republic representatives received a six-month single-entry visa, representatives from the Islamic Republic of Iran received only three-month visas, which meant that they would have to leave their passports with the host country until needed for travel. He questioned how the host country could issue a six-month visa and then require that they reapply three months prior to its expiration. He also noted that some other diplomats received their visas in less than one week.

138. The representative of the Syrian Arab Republic informed the Committee of an incident that involved his Vice-Prime Minister and Minister of Foreign Affairs, who had travelled to New York to participate in the seventy-fourth session of the General Assembly. He stated that the Syrian Arab Republic had received a decision from the United States Secretary of State, 10 days prior to the start of the General Assembly, informing it that its Vice Prime Minister would not be extended diplomatic security while in New York. He further stated that the Vice Prime Minister's motorcade had been asked to move from 44th Street to 48th Street so that the federal police could inspect his vehicle. He added that, as a result, the Vice Prime Minister had had to disembark from the vehicle and travel on foot between the United Nations and the Millennium Hotel. The representative stated that, at the hotel, the Vice Prime Minister found his opened luggage on the floor being sniffed by dogs, and added that they were asked by the guards to identify which pieces of luggage belonged to the delegation. He further noted that, on the other hand, the United States State Department had provided federal police protection to Syrian nationals who had no official or formal capacity, including opposition party representatives coming to the United Nations who had been supported and sponsored by the State Department. He questioned why his delegation had been subjected to such mistreatment.

139. The representative of the Syrian Arab Republic asserted that the real problem lay in the working mechanisms of the Committee and noted that, since its establishment, it had neither the will, the power nor any ability to conduct its work. He further stated that it seemed that the Secretariat did not have the will or ability to genuinely defend its employees and certain Member States' Permanent Missions. He recalled that, during the 291st meeting, his delegation had suggested practical measures that could improve the work of the Committee and help implement the General Assembly resolutions that were adopted by consensus and with the approval and consent of the host country. He emphasized the importance of ensuring the implementation of the Committee's recommendations and that the Vienna Convention on Diplomatic Relations and Headquarters Agreement were abided by. He asserted that, if the Committee's meetings were simply to raise problems without finding solutions, that would be simply a waste of time. The representative then referred to a previous proposal from delegations, including his, that all Committee members seriously engage in the Committee's work and be effective in addressing the problems. He then questioned the Secretariat regarding the mechanisms governing

the Committee's work and its membership and suggested a change in the membership of the Committee, which should have a fair geographical distribution. He added that the Secretariat had failed to recognize the scope of problems faced by missions, and thus again called upon the Secretary-General to exercise his mandate and follow up on the implementation of the Headquarters Agreement and to defend the interests of all Member States without politicization or discrimination. He then referred to section 27 of the Headquarters Agreement, which, he asserted, provided that the United Nations was to discharge its responsibilities without any restrictions. He further focused on the Secretary-General's role under sections 21 and 22 of the Headquarters Agreement and stated that they set out clear rules that governed the resolution of differences on interpretation through arbitration and also provided that the Secretary-General could request arbitration or an International Court of Justice advisory opinion as part of the process. He also referred to the 1946 Convention on Privileges and Immunities of the United Nations, which provided for the advisory role of the International Court of Justice to resolve differences regarding the interpretation or application of the Convention. He again called upon the Secretary-General to report on the relations between the host country and other United Nations entities. He stated that there must be problems and solutions at other headquarters as well, which should be identified, but explained that his delegation was not seeking a comparison between the situations at the other headquarters.

140. The representative of the Syrian Arab Republic reiterated that his government and other affected States were waiting for clear and positive responses to the issues raised and asserted that his delegation's position was due to the failure of the host country to implement the General Assembly resolutions and the Committee's recommendations. He asserted that the host country's restrictions on his delegation would not affect his State's policies under the United Nations umbrella. He asserted that the problem solely lay with the host country Government, and the restrictions were clearly sanctions. The representative concluded that the hosting of the Headquarters as a voluntary act, and thus must not be subjected to reciprocity or sanctions and should not be affected by a State's political relations with the host country. He asked that the Secretary-General be informed of his delegation's call upon him to find final solutions to end the politicization of that situation, which would allow the implementation of the Headquarters Agreement and other legal instruments.

141. The Assistant Secretary-General for Legal Affairs informed the Committee of the actions that had been taken by the Secretariat to promote compliance with the obligations of the host country under the Headquarters Agreement and other relevant provisions. He assured the Committee that the Secretary-General took very seriously the issue of compliance with the Headquarters Agreement by the host country, and had designated the Office of Legal Affairs as the focal point within the Secretariat to address issues that arose. He explained that he and the Legal Counsel had met on many occasions with the host country authorities, including the chargé d'affaires, the Minister Counsellor for Host Country Affairs and the Legal Adviser of the host country Mission to convey the United Nations position on the obligations of the host country under the Headquarters Agreement, including on issues such as visas and travel restrictions. He further stated that that was a matter of ongoing engagement by the Secretariat, which would continue to engage with the host country and affected missions.

142. The Chair stressed that there were no easy and quick fixes to the issues facing the Committee. He noted that experience had demonstrated that it was important not to give up, to continue working in a cooperative manner and to slowly find solutions. He further noted that the problems before the Committee require constant effort and remain a work in progress. He noted the enormous amount of work by the host country authorities to organize the high-level segment of the General Assembly and address

other host country issues. He acknowledged the frustrations of some missions and reassured the Committee that, in cooperation with the Secretariat, he would work with the host country to try to improve the situation. He separately acknowledged previous suggestions on improving the Committee's working methods, effectiveness and efficiency, and expressed his desire to further discuss those suggestions. He reminded the Committee that it worked on a consensus basis and in a cooperative manner.

143. The representative from the Syrian Arab Republic clarified that he was not criticizing the host country Mission, as ultimately the restrictions came from the host country Government in Washington, D.C. He expressed his delegation's appreciation and respect for the Secretary-General's involvement through the Office of Legal Affairs. He also asserted that the Secretary-General's engagement was not effective, however, and his delegation's complaints over the years had only grown. He noted that the disagreement on the interpretation and implementation of the Headquarters Agreement was well known and stressed the need to implement sections 20 and 21 of the Agreement unless the host country was willing to engage face-to-face with affected missions to find solutions. He concluded that, ultimately, when certain delegations had their visas delayed by one or two months, while others had them issued immediately, it was not a procedural issue, but a political one.

144. The representative of the Russian Federation proposed that, with regard to the Committee's recommendations, work be started on them as soon as possible, to facilitate a substantive approach. She raised the possibility of having another meeting, before the meeting to adopt the report of the Committee, to work on the recommendations, if necessary.

145. The Chair stated that, in line with the established practice, he intended to convene a Bureau meeting, embark on bilateral consultations and have informal meetings of Committee members as required regarding the recommendations and conclusions of the report. The Chair reassured the Committee that he would do his best to address the issues raised and stressed the need to work by consensus.

146. At the 295th meeting, the representative of Cuba stated that the host country had committed repeated and increasingly excessive breaches, in total ignorance of the rules of international law inherent to its host country obligations and with blatant disrespect for the Committee's recommendations, which should not be allowed. He asserted that the problems raised were constant obstacles to the work of the affected delegations, which hampered their and the Organization's performance. He stated that it had become more evident than ever in the seventy-fourth session of the General Assembly, where its First and Sixth Committees were facing difficulties in commencing their work. The representative asserted that, for over 30 years, the host country had ignored the Committee's recommendation to lift the travel restrictions and noted that the number of States subjected to the restrictions had only increased and increased in severity, which affected the living conditions, including access to hospitals, of their personnel. He added that the difficulty in opening bank accounts and the discriminatory treatment in the issuance of visas prevented certain States from being duly represented or placed them at a disadvantage in negotiations in the work of the United Nations. He also stated that there had been violations of the privileges and immunities of certain States' diplomatic property and added that the lack of concrete actions to address crimes committed against certain State representatives was detrimental to the security of accredited diplomats. He then referred to the statements made by the delegations of the Islamic Republic of Iran, the Syrian Arab Republic, the Russian Federation, the Democratic People's Republic of Korea, and others, and asserted that they reflected the host country's violations of international provisions, disrespect for sovereign Member States and an open abuse of power. He further asserted that the host country repeatedly used its status to prevent certain

Member States from fully discharging their functions as members of the United Nations in pursuit of their political agendas.

147. The representative of Cuba asserted that it was an insult to multilateralism and an undermining of the full and effective functioning of the Organization and its Committees when the host country deliberately restricted the ability of Member States to be represented at United Nations meetings. He asserted that it was a sovereign decision and the exclusive prerogative of each Member State to determine the composition of its official delegation to United Nations meetings, and the Host Country must stop its interference and abuse of its prerogatives. He declared that his delegation could not accept the violation of the legitimate right of every Member State to participate, on equal terms and without discrimination, in the work of the General Assembly. He further stated his delegation's rejection of the host country's selective and arbitrary use of the Headquarters Agreement to prevent or limit the participation of certain delegations. The representative of Cuba then referred to sections 12 and 27 of the Headquarters Agreement and article 26 of the Vienna Convention on Diplomatic Relations. He stated that his delegation was demanding that what had been established be complied with and that the rights of delegations be upheld. He asserted that if there were differences in the interpretation and application of the legal instruments, the existing mechanisms for the peaceful resolution of such differences should be activated. He asserted that it was thus necessary to recommend, in the 2019 report, that the Secretary-General take appropriate action to enforce the provisions of section 21 of the Headquarters Agreement and submit it to the Sixth Committee for consideration. He also expressed his Mission's willingness to work with all missions to achieve a fair formula which, within the rules of international law, serves the interests of the States affected. He reiterated the call for actions that would decisively contribute to the better development of the diplomatic relations of Member States, within a framework of security and strict compliance with the relevant legal instruments. He added that his delegation considered it appropriate for the Secretary-General to issue periodic reports on the status of fulfilment of the Headquarters Agreement and to report on all specific cases of violations thereof. He asserted that such breaches were seen only in New York, and not in Vienna, Rome or Nairobi. He called upon the Committee to make its decisions and recommendations transparently and with respect for Member States, without discrimination or selectivity and with full respect for the sovereignty of States and the Organization.

148. The representative of the Bolivarian Republic of Venezuela stated that the United Nations was founded on the sovereign equality of States as reflected in the Charter and, accordingly, all Member States had the right to define, as they best saw fit, the composition of their respective delegations, who required freedom of movement to effectively discharge the work that they were mandated to perform. She underscored their concern with regard to the increasing delays in the issuance of visas to members of her country's delegation travelling to United Nations meetings in New York and the growing number of travel restrictions. She stated that her delegation was dismayed at the host country's practice of conflating its bilateral relations with its obligations to the United Nations, in contravention of the Headquarters Agreement. She stated that those restrictions made it impossible for certain delegations to effectively participate in United Nations conferences and meetings, which resulted in a state of inequality among Member States and an imbalance in their relations with the host country. She reiterated her delegation's request that the Secretary-General mediate with the host country with a view to finding solutions for the benefit of all parties. She expressed her support for an International Court of Justice advisory opinion under sections 21 and 27 of the Headquarters Agreement and called on the host country to comply with its obligations and to refrain from committing further abuses that would negatively impact the functioning of the Organization and the effective discharge by delegations of their diplomatic responsibilities.

149. The representative of the People's Republic of China stated that the issues regarding visas and travel restrictions were long-standing and had failed to be adequately resolved. He stated that that had clearly impacted Member States' abilities to effectively participate in the Organization's work and thus deserved the attention of Member States and the Secretariat. He expressed the hope that the host country would genuinely abide by the Charter of the United Nations, Headquarters Agreement and all relevant international law and that it would faithfully fulfil its obligations in order to enable all Permanent Missions to properly discharge their functions and guarantee the effective operation of the Organization. He called on all parties to step up communication and to steadily proceed with all efforts to properly resolve all outstanding issues in accordance with the dispute resolution procedures set out in the Headquarters Agreement.

150. The representative of the Democratic People's Republic of Korea expressed his delegation's disapproval at the fact that solutions to the problems had still not been found. He stated that the host country was bound by its obligations under the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and other international instruments. He further stated that the host country's unilateral and politically motivated actions amounted to a flagrant violation of international human rights and humanitarian law, as well as the principles of the Charter and international law. He urged the host country authorities to take heed of the statements made earlier and to take measures to address the problems raised. He further stated that it was high time for the Secretariat and the Committee to take drastic measures, including that proposed by the representative of the Islamic Republic of Iran and which his delegation supported.

151. The representative of Belarus stated that the crisis faced by multilateralism was penetrating even deeper into the Organization, as evidenced by the problems in the Committee. He called for Member States' good faith fulfilment of their international obligations, and stated that faithful compliance with the *pacta sunt servanda* principle as enshrined in the Vienna Convention on the Law of Treaties underpinned a stable, transparent and trust-based international order. He stated that that principle was all the more important when applied to the United Nations, which had been created to prevent conflict. He stated that, in order for that function to be fulfilled, access to the United Nations needed to be granted to all Member States without exception, and to do otherwise, even to one delegation, would risk undermining the *raison d'être* and work of the Organization. He added that the results of the host country's measures could be observed in the First and the Sixth Committees, effectively holding the Organization hostage to bilateral relations between the host country and other States. He stated that Belarus favoured strengthening international trust and security, stability and dialogue based on respect for the norms of international law, including notably the Charter of the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement. He added that, on the basis of his delegation's experience, the Committee served to collect information rather than to actually take measures that effectively addressed the problems. He thus advocated for reformation of the Committee's work.

152. The representative of the host country referred to his previous statements in the Committee regarding the support that the host country provided to affected permanent missions to resolve banking issues. He reiterated that the host country remained available to support all missions on all issues.

153. The representative of the host country noted that some Member States had requested the Chair or the Secretariat to change the venue in which the aforementioned issues were dealt with but asserted his delegation's view that they should continue to be dealt with in the Committee. He reiterated that the host country was working hard to resolve those issues.

154. The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel stated that the Office of Legal Affairs had serviced that important Committee since its inception and had participated in its substantive discussions when appropriate. He noted that the Assistant Secretary-General for Legal Affairs attended meetings of the Committee and ensured that the leadership of the Secretariat and himself were informed of the matters discussed. He assured the Committee that the Secretary-General was concerned by, and has been closely following, the most recent developments in the Committee. He added that the Office of Legal Affairs had been designated by the Secretary-General as the focal point in the Secretariat to address the developments in the Committee and that he had been designated as the Secretary-General's representative. With regard to the actions taken by the Secretary-General and his Office, in particular in relation to the visa and travel restriction issues that had been raised in the Committee and with the Secretariat, he stated that, over the years, his Office had maintained regular contact with the host country authorities on issues arising under the Headquarters Agreement. He added that, in the previous two years, his Office had engaged with the host country authorities on issues that had been raised in the Committee. He noted that, on 31 January, 28 March, 14 May, 6 July and 9 November 2018, he and the Assistant Secretary-General for Legal Affairs had met with host country officials to raise the Secretariat's concerns and convey the Organization's legal position regarding matters under the Headquarters Agreement, including with respect to a visa for a person selected to serve in the Secretariat, as well as regarding visas for representatives of the Russian Federation. He added that he had also addressed a letter, dated 16 January 2018, to the Permanent Representative of the United States regarding the matter. He further stated that, on 10 May, 2 July, 13 and 20 September 2019, he and the Assistant Secretary-General for Legal Affairs had met with officials of the host country, including the chargé d'affaires, Deputy Permanent Representative, Legal Adviser and head of the Host Country Affairs Section of the United States Mission, to raise the Secretariat's concerns and convey the Organization's legal position regarding matters under the Headquarters Agreement, including the issuance of visas for representatives of the Russian Federation and other Member States to attend United Nations meetings in New York, as well as with respect to the new travel restrictions imposed on personnel of the Permanent Mission of the Islamic Republic of Iran and to representatives assigned to attend United Nations meetings in New York. He further stated that, on 10 May 2019, he had also formally delivered an aide-mémoire which set out the Organization's legal position. He also noted that members of his Office were in regular contact with members of the United States Mission to follow up on and discuss those issues, as well as with members of the affected Missions. He informed the Committee that the Secretary-General had met with the Permanent Representative of the United States the week before, specifically to raise his concerns regarding the issuance of visas and the imposition of travel restrictions, and, on 15 October 2019, had spoken to the United States Secretary of State to raise the same concerns.

155. The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel confirmed that the legal position regarding the host country's obligations with respect to the issuance of visas to persons covered by the Headquarters Agreement remained unchanged from that which was provided by the then Legal Counsel to the Committee in 1988 (A/C.6/43/7). He further stated that there had also been no change to the long-standing position conveyed to the host country on travel restrictions, namely that there was no room for the application of measures based on reciprocity in the treatment accorded to Permanent Missions accredited to the United Nations in New York. He noted that the Secretary-General and the Secretariat had taken the issues raised in the 295th meeting very seriously and had on numerous occasions engaged with the host country authorities at a high level to convey their legal position and seek an appropriate resolution. He assured all delegates that they

would continue to do so, in coordination with the Chair and the Missions concerned. He stated his belief that further engagement with the host country authorities was warranted before additional steps under the Headquarters Agreement were contemplated. With respect to the proposed action under section 21 of the Headquarters Agreement, he noted that the steps to be followed would have to be carefully considered and further noted that there was existing practice, including an International Court of Justice Advisory Opinion, that would serve as a guide.

156. The representative of Canada stated that she was aware that the Chair and Secretariat had been fully engaged in addressing many of the issues outside of the Committee's formal meetings. She noted that the Committee had been previously informed of the Chair's and the Secretariat's initiatives and efforts to engage with the host country and permanent missions to find solutions and stated that her delegation fully supported those efforts. She further stated her belief that the Chair, who had just assumed his functions, should be afforded the appropriate time to continue those efforts before further steps were contemplated.

157. The representative of the Russian Federation requested the Chair to publish the Legal Counsel's earlier statement on behalf of the Secretary-General, as was done in [A/C.6/43/7](#). He noted that the Office of Legal Affairs has been actively working to ensure that the host country fulfils its obligations but, nevertheless, those obligations were not being fulfilled. He added that the Legal Counsel's statement showed that the Committee had almost exhausted all possible means of consultation with the host country. He asserted that accordingly, it was time for the Secretary-General to act and invoke section 21 of the Headquarters Agreement. He noted that the proposal by Canada to give the newly appointed Chair time to work with the host country was a good one in itself but underscored his delegation's need for visas for their experts to attend the meetings of the General Assembly Committees that were ongoing. The representative then referred to the earlier statement by the representative of the host country and stated with regret that the representative had in large part repeated his statement to the Committee at its 294th meeting. He stated that his delegation had hoped that the host country would have clarified how the situation, whereby the work of two General Assembly Committees had been suspended owing to visa issues, had arisen. He asserted that that further confirmed his delegation's view that it was time to invoke the legal mechanism contained in the Headquarters Agreement.

158. The Chair stated that the Legal Counsel's statement would be included in its entirety in the Committee's report and that it would be published as a separate document of the Committee.

159. The representative of the United Kingdom recognized the enormous generosity of the Rockefeller family, the host country Government and New York City for hosting the United Nations and noted the great responsibility and resource burden of doing so for the host country's authorities at all levels. She noted the helpful role that the Committee had played in helping to settle issues between the host country and Member States and expressed the hope that it would continue to do so. She further noted that the issues before the Committee were multiple and complex and raised emotions on all sides, and recognized that they were not easy to resolve. However, she stated that, for the good of the United Nations and its ability to function, it was important to try to find a solution. She noted the undesirability of the disruption to the work to two General Assembly Committees, but also further noted that the Member States who had taken those actions clearly felt that they had no other alternative. She stated that it was crucial that the work of those two and other Committees would be able to proceed unhindered. She noted that the Chair and the Secretariat had been working closely, formally and informally, with all interested parties to try to address the problem, although to no avail. She noted the initiatives to resolve the issues and expressed her delegation's support for all efforts to engage the

host country and Missions concerned to find solutions. She voiced her delegation's support for the proposal by Canada to give the new Chair the time and space to find a satisfactory outcome through engagement. She asserted that that approach should be allowed to run its course before considering resorting to any other form of dispute resolution. She requested the host country and the affected Missions to work with the Chair, Secretariat and others to try to resolve the issues in a constructive manner to achieve a workable outcome.

160. The representative of Mali noted that the issues before the Committee were not entirely new and further noted that the Committee was still clearly in a deadlock. He expressed his delegation's concern at the delays in the First and Sixth Committees because of the issues that had been raised. He expressed the hope that the Chair could work together with the Secretary-General, the President of the General Assembly and the States concerned to find a solution to the issues as swiftly as possible, in line with international law and the Headquarters Agreement. He asserted that the Committees' work must continue as normal. He noted that the problems that had been raised were legitimate and asserted that the relations between States was governed by international law and that States should be able to find lasting diplomatic and legal solutions within that framework.

161. The representative of the Islamic Republic of Iran urged the Legal Counsel and the Office of Legal Affairs to continue their efforts because of the critical situation being faced by members of his Mission and their families. He expressed his regret that the host country had not responded to all of the issues he had raised and had also ignored the host country's commitments to provide facilities for permanent missions, including his, under the Headquarters Agreement. He reiterated his request for the host country's response to the issues that he had raised. He noted that there were two categories of issues, namely those that arose out of the host country's illegal approach, policies and actions and those that needed immediate attention. With regard to the first category, he stated that he agreed with the proposal by Canada for their resolution. With regard to the second category, he stated that those issues needed immediate attention, as all permanent missions were unable to function as a result. He suggested therefore the establishment of a mechanism, for example, trilateral meetings between the Secretariat, the Chair, his Mission and the host country to consider the issues that his delegation was facing.

162. The representative of Cuba referred to the host country's suggestion that the issues pertaining to the pending issuance and renewal of visas, travel restrictions, bank account problems and violations of privileges and immunities continued to be dealt with in the Committee and asked when a solution would be put forward. He asserted that his delegation had come to the Committee for solutions but did not yet see one being proposed. He asserted that, to continue in that fashion would be a waste of time and without actual solutions. He further asserted that the only option available was to request the Secretary-General to put it to the Sixth Committee under section 21 of the Headquarters Agreement.

163. The representative of the Syrian Arab Republic stated that his delegation was facing problems, some of which needed immediate solutions, such as the issuance of visas and travel restrictions. He expressed his support for the efforts of the Chair and the Secretariat and asserted that it was important to have a time frame within which those efforts would lead to solutions. He asserted that the more important issue was whether the host country had the political will to interact with the Secretary-General and the missions concerned. He urged the Secretary-General to seek the host country's confirmation that it had the serious political will to find final and long-term satisfactory solutions for the issues raised. He asserted that, if the host country's confirmation was not forthcoming, the Secretary-General should move to the other procedures under section 21 of the Headquarters Agreement. He also stated that the

earlier statement by the host country's representative that the new travel restrictions were due to the host country's national security directly contradicted the earlier statement by the United States Secretary of State that they were politically motivated.

164. The Chair noted that, regarding the visa issues, he had taken the matter up with the Secretariat, the host country, the President of the General Assembly and all affected Missions and took note of the requests for the activation of section 21 of the Headquarters Agreement. He further noted the suggestion for regular reporting by the Secretary-General on the implementation of the Headquarters Agreement and stated that that was the exact purpose of the Committee's report. He referred to the proposal from the Islamic Republic of Iran regarding a trilateral mechanism and stated that he was open to exploring that option. He assured the Committee that informal discussions with all concerned parties were being held almost daily with a view towards finding appropriate solutions to the serious problems facing some Member States.

Chapter IV

Recommendations and conclusions

165. At its 296th meeting, on 29 October 2019, the Committee approved the following recommendations and conclusions:

(a) The Committee reaffirms the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 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 notes the efforts made to that end and expects that all issues raised at its meetings, including those referred to below, will be duly settled expeditiously 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 underlines in this regard that, in the context of the functioning of delegations and missions to the United Nations, the implementation of the instruments listed in paragraph 165 (a) cannot be subject to any restrictions arising from the bilateral relations of the host country. In this regard, the Committee takes seriously the increasing number of concerns raised by permanent missions regarding the normal performance of their functions and expresses its readiness to effectively address them. The Committee emphasizes the need to solve, through negotiations, problems that might arise in that 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 the 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, the Committee acknowledges the efforts made by the host country to that 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 recalls the privileges and immunities applicable to the premises of the permanent missions to the United Nations enjoyed under international law, in particular the instruments listed in paragraph 165 (a) of the present report, and the obligations of the host country to observe such privileges and immunities. The Committee takes note of the alleged ongoing violations thereof by the host country and of the repeated concerns expressed thereon. The Committee urges the host country to remove without delay any restrictions applied to the premises of a Permanent Mission inconsistent with those privileges and immunities, and in that regard ensure respect for such privileges and immunities. The Committee takes seriously the lack of resolution of these matters and the concerns expressed about such lack of resolution, remains seized of these matters and anticipates that they shall be duly addressed in a spirit of cooperation and in accordance with international law;

(f) The Committee recalls that, prior to the institution by the host country of any proceedings that require any person referred to in article IV, section 11, of the Headquarters Agreement, including representatives of a Member State, to leave the host country, article IV, section 13(b)(1), of the Headquarters Agreement *inter alia* requires the host country to consult with the Member State, the Secretary-General or other principal executive officer, as appropriate. The Committee considers that, given the seriousness of any such measure being exercised by the host country, the consultation should be meaningful;

(g) The Committee notes that permanent missions continue to implement the Diplomatic 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, effective and therefore consistent with international law;

(h) The Committee requests that the host country 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 continue to consult the Committee on those important issues;

(i) 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 Headquarters Agreement;

(j) The Committee expresses concern regarding the non-issuance of entry visas to certain representatives of certain Member States and takes note of the statement of the United Nations Legal Counsel at the emergency, 295th, meeting of the Committee, set out in document [A/AC.154/415](#), where he confirmed that the legal position regarding the host country's obligations with respect to the issuance of visas to persons covered by the Headquarters Agreement remains unchanged from that which was provided by the then Legal Counsel to the Committee in 1988, set out in document [A/C.6/43/7](#), according to which, *inter alia*, "the Headquarters Agreement makes it clear that there is an unrestricted right of the persons mentioned in section 11 to enter the United States for the purpose of proceeding to the Headquarters district". In this regard, the Committee anticipates that the host country will ensure the issuance of entry visas to all representatives of Member States and members of the Secretariat pursuant to article IV, section 11, of the Headquarters Agreement to enable persons recruited to serve in the Secretariat or assigned as members of permanent missions to take up their assignment as promptly as possible and to enable representatives of Member States to travel, in a timely manner, 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 the issuance of entry visas to representatives of Member States, since the present 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 continue to enhance efforts to facilitate the participation, including visa issuance, of representatives of Member States in other United Nations meetings, as appropriate. The Committee also remains seized of an increasing number of entry visa-related issues raised at its meetings and stresses that these issues should be resolved in a spirit of cooperation and in accordance with international law, including the Headquarters Agreement. The Committee also calls upon the

host country to review its differing processes of granting visas to the personnel of certain missions;

(k) 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 takes seriously the more stringent travel restrictions imposed on two Missions and the statements of affected delegations that travel restrictions impede their ability to carry out their functions and negatively impact their families, urges again the host country to remove all remaining travel restrictions and, in that regard, notes the positions of the affected Member States, as reflected in the report of the Secretary-General, of the host country and of the Legal Counsel, as set out in document [A/AC.154/415](#), according to which, inter alia, “there is no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations in New York”;

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

(m) The Committee stresses the need for the permanent missions and the United Nations to benefit from appropriate banking services and anticipates that the host country will continue to assist the permanent missions accredited to the United Nations and their staff in obtaining such services;

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

(o) The Committee wishes to reiterate its appreciation to the representative of the United States Mission to the United Nations in charge of host country affairs, to the Host Country Affairs Section of the United States Mission and to the Office of Foreign Missions, as well as to local entities, in particular the Mayor’s Office for International Affairs, for their participation in its meetings;

(p) The Committee encourages the Secretary-General to more actively engage in accordance with General Assembly resolution [2819 \(XXVI\)](#) of 15 December 1971 in the work of the Committee with a view to ensuring the representation of the interests concerned, and in this regard takes note of the statement of the United Nations Legal Counsel at the emergency, 295th, meeting of the Committee, as set out in document [A/AC.154/415](#). The Committee considers that, if the issues raised above are not resolved in a reasonable and finite period of time, serious consideration will be given to taking steps under section 21 of the Headquarters Agreement;

(q) The Committee appreciates the efforts of the Chair towards addressing issues raised within the Committee and in this regard encourages Member States to avail themselves of his assistance as they deem necessary.

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.154/412](#) Letter dated 9 November 2018 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General
- [A/AC.154/413](#) Letter dated 29 November 2018 from the Permanent Representative of Cuba to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
- [A/AC.154/414](#) Note verbale dated 13 May 2019 from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
- [A/AC.154/415](#) Statement by the United Nations Legal Counsel to the Committee on Relations with the Host Country at its 295th meeting, on 15 October 2019
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