



**United Nations**

# **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*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## **Chapter I**

### **Introduction**

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution [2819 \(XXVI\)](#). The Assembly, by its resolution [75/146](#), decided to include in the provisional agenda of its seventy-sixth session the item entitled “Report of the Committee on Relations with the Host Country”. The present report is submitted pursuant to resolution [75/146](#).
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:*

Andreas **Mavroyiannis** – Andreas **Hadjichrysanthou** (Cyprus)

*Vice-Chairs:*

Yavor **Ivanov** – Tzvety **Romanska** (Bulgaria)

Beatrice **Maille** (Canada)

Gadji **Rabe** (Côte d'Ivoire)

*Rapporteur:*

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 the annex 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 300th meeting, on 3 March 2021; the 301st meeting, on 12 July 2021; and the 302nd meeting, on 13 September 2021. During the reporting period, the Committee also held one online informal meeting, on 27 January 2021.

7. At the informal meeting held on 27 January 2021, the Committee was informed of the departure of Chair Andreas Mavroyiannis (Cyprus). At its 300th meeting, on 3 March 2021, the Committee elected by acclamation Andreas Hadjichrysanthou (Cyprus) as Chair. At the 302nd meeting, on 13 September 2021, the Committee was informed of the departure of Vice-Chair Yavor Ivanov (Bulgaria). At the same meeting, the Committee elected by acclamation Tzvety Romanska (Bulgaria) as Vice-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 299th meeting, the Assistant Secretary-General for Legal Affairs informed the Committee that since the online informal meeting of the Committee held on 17 September 2020, the Legal Counsel and his team had met online, owing to coronavirus disease (COVID-19) restrictions, with the newly appointed Deputy Assistant Secretary of State for International Organization Affairs of the Department of State of the host country and the Principal Deputy Legal Adviser and his team. He noted that at that meeting the Legal Counsel had provided a frank description of the challenges faced by the United Nations as a result of important issues under the Headquarters Agreement that remained unresolved, including the frustrations expressed by affected Member States in the Committee and their call for additional steps to be taken. The Assistant Secretary-General noted that the Legal Counsel had also informed them that, in his statement to the Committee on 17 September 2020, he had outlined the four key points that guided his discussions with the host country. The Assistant Secretary-General also stated that the Legal Counsel had impressed upon his interlocutors the priority to now find acceptable solutions with regard to travel restrictions, to the time taken for processing certain visa applications and the entry type and duration of certain visas issued. He informed the Committee that the discussion on those issues had been detailed and included analyses of specific cases and possible steps that could be taken by the host country to address the issues raised in the Committee and to facilitate the normal diplomatic functions of representatives and missions of Member States to the United Nations. He noted that the meeting had ended with the understanding that interlocutors from the Department of State fully appreciated the serious challenges that were faced by the United Nations and the host country and intended to pursue with the relevant government departments solutions that had been suggested by the Legal Counsel.

9. The Assistant Secretary-General for Legal Affairs assured the Committee that he would inform the Secretary-General of the discussions at the meeting and would continue to keep the Committee informed of all developments.

10. The representative of the Russian Federation stated that the non-issuance of visas continued to be an issue of serious concern to her delegation. In particular, 18 members of the delegation of the Russian Federation to the seventy-fourth session of the General Assembly, as well as a number of delegates to the seventy-fifth session, had failed to obtain their visas.

11. The representative of the host country recalled that Member States had been cautioned that visa processing timelines and decisions were likely to be longer due to pandemic-related challenges, and he encouraged them to submit individual applications as early as possible. He stated that his Mission had worked very hard over the past six months to provide letters and other assistance to the personnel of permanent missions awaiting visa renewals when practical problems arose as a result of expired visas. He noted that since the previous online informal meeting held on 17 September 2020, multiple visa applications had been approved, including for representatives of the Russian Federation and the Syrian Arab Republic. He noted that some applications in connection with the work of the Main Committees of the General Assembly were received just days before the intended travel, meaning there was little



realistic possibility of processing them in time given the incredibly limited consular resources of the United States in some countries. He stated that steps were being taken to expedite the visa processing times as much as possible. He recalled that visas were adjudicated in accordance with the host country's applicable laws and procedures. He assured all delegations that the host country would continue to seek ways to address concerns raised in the Committee.

12. With respect to the issue raised by the representative of the Syrian Arab Republic concerning the issuance of visas, the representative of the host country stated that the host country had issued visas to all recent applicants from the Permanent Mission of the Syrian Arab Republic. He also updated the Committee on the issue raised during the previous online informal meeting held on 17 September 2020 by the representative of the Syrian Arab Republic with regard to the tying of banking services to possession of a valid visa, noting that the visa in question had been issued within a few days after the online informal meeting.

13. The representative of the Syrian Arab Republic expressed appreciation for the efforts of the Mission of the host country. He recalled that the representatives of the Syrian Arab Republic and other States, including the Islamic Republic of Iran, were issued single-entry visas valid for only six months and that they were asked to apply for visa renewal three months prior to the expiration date of their visas. He noted that his country appreciated the fact that there was tremendous pressure imposed upon staff of the Mission of the host country due to the COVID-19 pandemic and lack of human resources.

14. The Chair recalled his statement during the previous online informal meeting held on 17 September 2020 concerning the importance of continuing the discussions between the Secretariat and the host country. He also recalled the statement of the Legal Counsel at that meeting that continuing the bilateral discussions with the host country remained the best option for finding acceptable solutions. He noted that, as more work remained to be done, the members of the Committee needed to strive to resolve all issues within the purview of the Committee in a spirit of compromise and with full regard for the interests of the Organization. He called for the concerned delegations to continue to engage bilaterally with the host country and avail themselves of his assistance as the Chair of the Committee. He stated that he intended to continue to actively engage with all Member States concerned, the host country, the Secretary-General and the Office of Legal Affairs.

15. At the online informal meeting held on 27 January 2021, the Chair recalled his previous statement to the Committee on 9 October 2020, in which he drew attention to the discussions within the Committee related to the implementation of the Headquarters Agreement, in particular unresolved issues concerning entry visas and travel regulations. He noted that while some progress had been achieved in resolving some issues, more remained to be done. He encouraged the Secretariat and the host country to impress upon the new Administration of the host country the urgent need for acceptable solutions consistent with the Headquarters Agreement that would permit all members of the United Nations to be effectively represented and participate in its work.

16. The Assistant Secretary-General for Legal Affairs stated that the Legal Counsel had actively engaged with the host country authorities throughout the course of the previous year on the serious issues before the Committee. He recalled the statement of the Legal Counsel at the online informal meeting held on 17 September 2020 regarding the four key points guiding his discussions with the host country. He conveyed the Legal Counsel's belief that his discussions with the host country had not been exhausted and that his engagement with the new Administration of the host country remained the best avenue for finding acceptable solutions. He noted that the

Legal Counsel had resumed contact with the host country authorities earlier that month to arrange for a meeting to carry forward the discussions, with a focus on resolving visa issues and travel restrictions. He stated that the Legal Counsel would impress upon the new Administration the urgency of the matter and the clear expectations of Member States of the United Nations that the Headquarters Agreement should be implemented in such a manner that all Member States were able to fully and effectively be represented and participate in the work of the Organization. He stated that he would inform the Secretary-General of the discussions at the meeting and would continue to keep the Committee informed of all developments.

17. The representative of the host country stated that the host country remained committed to the informal consultations with the Legal Counsel to maintain constructive dialogue on the full range of issues discussed in the Committee. He noted that the host country was planning to focus on issues relating to travel controls and visas during the upcoming meeting between high-level Department of State officials and the Legal Counsel the following month.

18. The representative of the Russian Federation stated that the situation with respect to the non-issuance of visas was worsening every day. He informed the Committee that 44 members of the Permanent Mission of the Russian Federation were still waiting to receive or renew visas and were thus prevented from visiting their homeland or from other travel. He also noted that Russian Federation delegates to the General Assembly, Russian Federation nationals who are members of the bodies of the Organization and persons selected to work at the Secretariat had not received their visas.

19. The representative of the Islamic Republic of Iran noted that his Mission had been a persistent target of various restrictions imposed by the host country authorities, including single-entry visas and delays in the issuance of visas. He asserted that such actions constituted a failure by the host country to abide by its obligations. He urged the host country to take necessary measures to honour its obligations in accordance with the Headquarters Agreement and other relevant international instruments and to prevent the recurrence of such failures in the future, as well as to ensure the unimpeded entry of official representatives into the United States. He recalled his own experience, in which, owing to the travel restrictions, he was unable to attend his mother's funeral in the Islamic Republic of Iran. He noted that the matter of single-entry visas had been raised several times with the Mission of the host country, and that the host country had been urged to issue multiple-entry visas. He noted that the Permanent Mission of the Russian Federation faced the same problem. He called upon the new Administration of the host country to consider issuing multiple-entry visas to Iranian diplomats.

20. The representative of Cuba stated that, by selectively and arbitrarily applying the Headquarters Agreement, the host country abused its status and exerted pressure on certain States, in flagrant violation of the principle of sovereign equality enshrined in the Charter of the United Nations. He stated that the Organization could not be complicit in the repeated breaches by the host country of its obligations under the Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations and the Vienna Convention on Diplomatic Relations. He said it was disappointing that visas had become a recurring topic in the meetings of the Committee and was the subject of permanent recommendations of the Committee and of General Assembly resolutions on that subject. He asserted that the refusal, delay and discriminatory treatment of certain delegations in connection with the issuance of visas by the host country was a violation by the host country of its obligations and hindered the ability of those States to exercise their diplomatic and official responsibilities. He noted that the continued visa-related issues could not be tolerated and that a reasonable solution must be found.

21. The representative of the host country recalled that visa processing timelines were likely to be longer owing to the COVID-19 pandemic and related safety measures and encouraged individuals to submit applications as early as possible. He stated that, since the meeting of the Committee held on 9 October 2020, the host country had approved multiple visa applications, including for staff of permanent missions and the Secretariat. He assured the Committee that the host country was doing its best to process visa applications in a timely manner, consistent with the applicable security screening measures. He noted that the safety and security of the people of the United States was of paramount concern to the host country, which required all visa applications to be thoroughly scrutinized to safeguard the country's national security interests. He stated that the host country continued to seek ways to address relevant concerns raised in the Committee regarding the host country's fulfilment of its special role and responsibility as the host of the United Nations.

22. With regard to the issue raised by the representative of the Islamic Republic of Iran of single-entry visas, the representative of the host country encouraged affected individuals to inform his Mission of any exceptional circumstances, so that his Mission could facilitate expedited consideration of visa applications.

23. The representative of the Syrian Arab Republic stated that his Mission faced the same challenges and difficulties as those mentioned by the representatives of the Russian Federation, the Islamic Republic of Iran, Cuba and others. He wondered how diplomats could be expected to fulfil their duties in view of the restrictions on movement and visa issues. He stated that, instead of the procedures for the exceptional consideration of visa applications due to family emergencies noted by the representative of the host country, a better solution would be for the host country to issue multiple-entry visas.

24. The representative of the Bolivarian Republic of Venezuela voiced his country's support for the Permanent Missions of Cuba, the Islamic Republic of Iran, the Russian Federation and the Syrian Arab Republic, in particular with regard to visa and travel restriction issues. He noted that his Mission had the same concerns, which he characterized as very serious. He called for effective measures, including for those of a preventive character, so as to ensure that permanent missions could fully and effectively discharge their diplomatic responsibilities and official functions.

25. At the 300th meeting, the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, informed the Committee that he and members of his Office had been in regular contact with the host country and had recently held an online meeting with the Deputy Assistant Secretary of State for International Organization Affairs and other senior officials of the Department of State and the Mission to the United Nations. At the meeting, he emphasized that the nature and number of delayed or non-issued visas remained of particular concern and required urgent action. He also recalled the practical steps that he had proposed in earlier meetings to address the matter of visas and encouraged the host country to seriously consider how it could improve the situation. The Legal Counsel informed the Committee that the Secretary-General had also raised his concerns on those pending issues with the United States Secretary of State.

26. The representative of the host country referred to the consultations held with the Legal Counsel and stated that they were helpful and continued to yield results. He assured the Committee that the host country was committed to engaging with the Legal Counsel with a view to making progress on issues raised in the Committee.

27. The representative of the host country stated that his Mission worked hard to provide staff of permanent missions awaiting visa renewals with the necessary letters and other assistance when practical problems arose due to expired G-type visas. It also worked to help educate local, private and public entities regarding the validity of such visas and to address any misunderstandings about the immigration status of those

holding such visas. He informed the Committee that since October 2020, the host country had approved approximately 1,200 United Nations-related G-1 and G-3 visa applications, of which at least 134 had been issued to Russian Federation applicants.

28. The representative of the Russian Federation recalled the provisions of General Assembly resolutions [74/195](#) and [75/146](#). She noted that 26 individuals who had been selected to work for the Permanent Mission of the Russian Federation had been unable to obtain visas and travel to New York to assume their duties. She stated that approximately 47 current members of her Mission and 92 members of their families had been unable to renew their visas and were residing and working in the host country without valid visas. She remarked that the waiting period in those cases was more than four months, and some of those individuals had been awaiting visas for over a year. She noted that 24 members of the delegation of the Russian Federation had not been granted visas during the seventy-fourth session of the Assembly and four members had not been granted visas during the seventy-fifth session of the Assembly. She stated that the practice of visa discrimination against Russian Federation citizens selected to work in the Secretariat of the Organization, including current Secretariat staff, was also growing. She stated that recently, a visa had not been granted to a member of the Ministry of Foreign Affairs of the Russian Federation, Mikhail Artemiev, who had been scheduled to participate in the meeting of the Assembly at its seventy-fifth session concerning the Kimberley Process in March 2021. She noted that all the necessary documents for Mr. Artemiev had been submitted to the United States Embassy in Moscow well in advance. She characterized the situation with regard to visas as not improving but worsening.

29. The representative of the Russian Federation noted the discussions that had been held between the Legal Counsel and the host country. She noted in this regard that while a visa had ultimately been issued to a Russian Federation member of the Advisory Committee on Administrative and Budgetary Questions, it had been issued after the Advisory Committee had begun its work and that it had been a single-entry visa with a duration of only 10 days. She recalled that the Advisory Committee met several times during the year and that the member would have to apply immediately for the visa to be renewed upon his entry into the United States.

30. The representative of Cuba stated that the discriminatory process of issuing visas prevented Member States from being duly represented at meetings and negotiations held at United Nations Headquarters and resulted in inequality among Member States. She noted that the matter was a long-standing item on the agenda of the Committee and called on the host country to review its policies to facilitate the work of diplomats accredited to the Organization.

31. The representative of the Islamic Republic of Iran expressed concern with regard to the processes of granting visas, in particular the issuance of single-entry visas, which he characterized as a pressing challenge for Iranian representatives. He noted that the issuance of re-entry visas could take between several weeks to several months. He called upon the host country to remove impediments by granting multiple-entry visas in an appropriate amount of time. He also called upon the host country to cease the secondary screening process often applied to Iranian representatives, which he characterized as degrading treatment and an attack on their dignity. He stated that, in accordance with international law, the host country must carry out its obligations in a non-discriminatory manner and irrespective of bilateral relations and political considerations. He also noted that the host country must not derogate from its international legal obligations based on its domestic laws.

32. The representative of the host country stated that the host country was doing its best to process visa applications in a timely manner. He noted that the Headquarters Agreement did not exempt applicants from the requirement of possession of a valid

visa for entry into the United States nor from visa application processing requirements, including security screening. He recalled that an individual was not required to hold an unexpired visa in order to maintain status in the host country nor to depart it.

33. At the 301st meeting, the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, informed the Committee of his in-person meetings on 24 and 25 June with senior members of the Department of State, the National Security Council and other agencies of the host country to press for acceptable solutions to the issues pending before the Committee, with an emphasis on the timely issuance of visas. He stated that in those meetings, he had welcomed the swift action taken very early in the term of the host country's new Administration with respect to the travel restrictions imposed on representatives of the Islamic Republic of Iran in July 2019 and the efforts to resolve the banking issues experienced by some Member States. He also emphasized that progress on other pending matters was needed and that the nature and number of delayed or non-issued visas continued to be of particular concern. He had explained to the senior representatives of the host country that he was obliged to formally express his serious concerns through a letter dated 1 June 2021 to the Permanent Representative of the United States regarding the most recent delays in the issuance of visas to certain members of the delegations of the Russian Federation and the Islamic Republic of Iran to the Committee for Programme and Coordination and to members of the delegation of the Russian Federation to the Committee on Contributions, which had been disruptive to the important work of those committees. He had requested his interlocutors to seriously consider implementing the measures that he had previously suggested to improve the situation in the short term.

34. The Legal Counsel stated that he was encouraged by the substantive engagement by all of the senior officials of the host country that he had met and the consistent message they had conveyed, namely that the Administration of the host country accepted that there were issues that needed to be addressed in the implementation of the Headquarters Agreement and that the Administration required more time to complete a thorough inter-agency process that would lead to long-term solutions, in particular with respect to the timely issuance of visas. He informed the Committee that the previous week, the Secretary-General had spoken to the Permanent Representative of the United States to underline the points he had conveyed in his meetings with senior representatives of the host country and emphasized the importance of immediate tangible improvements in the issuance of visas. The Secretary-General had subsequently briefed the Permanent Representative of the Russian Federation on the matter.

35. The Legal Counsel assured the Committee that he continued to share the frustration felt by those affected by the issues before the Committee and appreciated that some of the issues were complex and could not be easily resolved. He noted that the issues would require genuine effort by all concerned to act with the interests of the United Nations in mind. He asserted that it was essential that the United Nations not become entangled in the differences arising from the bilateral relations of its members. He expressed his belief that his senior-level discussions with the host country continued to be productive, and said that he was encouraged by the host country's expression of sincere commitment to implementing acceptable solutions, in particular for the timely issuance of visas.

36. The representative of the Russian Federation thanked the Legal Counsel for his efforts in resolving the issues before the Committee and in particular his briefing on the meeting with the authorities of the host country. He said that while negotiations were an important component of resolving any dispute, they only made sense when they produced results. He informed the Committee that, owing to the non-issuance of

visas, 40 people who were selected to work in the Permanent Mission of the Russian Federation could not assume their duties. He noted that some of those people had been waiting for a visa for over a year. He stated that 33 members of his Mission and 87 members of their families could not get their visas extended and that that situation had lasted over the past four months or longer. He also stated that over 13 visas had not been issued to representatives of the Russian Federation to attend the seventy-fifth session of the General Assembly and related events. He noted that two directors of departments in the Ministry of Foreign Affairs of the Russian Federation had not received visas in time to take part in the session of the Committee for Programme and Coordination held in June, one of them being the Director of the Department of International Organizations in charge of United Nations affairs, Petr Ilichev, who had previously served as First Deputy Permanent Representative of the Russian Federation to the United Nations and was well known to the Mission of the host country and the diplomatic corps in New York. He noted that, as a result, his was the only delegation to lack high-level representation at the Committee and that all the other delegates had obtained their visas on time and had arrived without delays. He asserted that the host country had a duty to issue visas to all members of a delegation of a Member State. He also asserted that the practice of visa discrimination against the citizens of the Russian Federation was also affecting individuals who had been selected to fill vacancies in the Secretariat as well as staff members of the Secretariat.

37. The representative of the Islamic Republic of Iran expressed his delegation's concern regarding the differing processes for granting visas, in particular the issuance of single-entry visas, which he characterized as a pressing challenge for some representatives of Member States, including his delegation. He said that the lengthy and prolonged process of granting visas and the issuance of single-entry visas prevented representatives from fully participating in the activities of the United Nations and attending to unforeseen family emergencies, particularly when such emergencies occurred outside of the host country. He requested the host country to remove those impediments by granting multiple-entry visas expeditiously. He also informed the Committee that Iranian representatives were often subject to secondary screening procedures upon their entry into or departure from the host country, which he described as being discriminatory and degrading. He requested the host country to permanently cease such measures as they were incompatible with the treatment to be accorded to diplomats under the Headquarters Agreement.

38. The representative of Cuba thanked the Legal Counsel for the update on his efforts to resolve the issues before the Committee. She noted that visa-related issues were a persistent topic in the reports of the Committee and the relevant resolutions of the General Assembly. She stated that denials, delays and discrimination against certain Member States in the issuance of visas by the host country constituted a violation by the host country of its obligations and was not only an obstacle to the work of the Organization but also prevented delegations from fulfilling their duties on an equal footing. She asserted that various challenges resulting from the COVID-19 pandemic did not justify the discriminatory treatment against various Member States. She informed the Committee that between January and June 2021, only 11 visas had been issued to the officials of the Permanent Mission of Cuba, out of 28 visas requested. She stated that the situation was unsustainable and prevented the smooth functioning of her Mission. She asserted that the host country, in applying the Headquarters Agreement in an arbitrary manner, was abusing its position, in violation of the principles of the Charter.

39. The representative of the Syrian Arab Republic thanked the Legal Counsel for the efforts he outlined in his statement to the Committee. He recalled that Syrian diplomats were issued six-month single-entry visas. He also recalled that the visa renewal process took weeks and sometimes months. He characterized that as a major

obstacle to the work of the members of his delegation. He stated that his country issued entry visas to officials of the Organization and diplomatic personnel in the Syrian Arab Republic despite the difficulties posed by COVID-19 pandemic. He said that if an opportunity arose for Heads of State or Government to travel to participate in the next session of the General Assembly, his delegation envisaged potential difficulties due to the visa issuance process. He expressed hope that the host country would take those difficulties into account.

40. The representative of Canada thanked the Legal Counsel for the work carried out with regard to the issues before the Committee and noted that she was very encouraged by his update. She expressed hope that the new Administration of the host country could resolve some of the pending issues.

41. The representative of China thanked the Legal Counsel and his Office for the work and update provided to the Committee. He stated that while the Committee had deliberated on entry visas and travel restrictions on many occasions, those issues remained unresolved. He noted that those issues had directly affected the participation of certain Member States in the work of the Organization. He reiterated that the issues must be resolved in accordance with the Charter and international law, including the Headquarters Agreement. He expressed hope that the host country would take more constructive action on the issue of entry visas, make timely and proper explanations to the relevant affected countries and cease or reduce unreasonable travel and visa restrictions.

42. The representative of the host country reiterated his country's firm commitment to multilateralism and upholding its obligations under the Headquarters Agreement. He assured members of the Committee that the discussions held between the host country and the Legal Counsel had been very helpful. He stated that the new Administration of the host country worked to make process improvements, in particular to the process for the timely issuance of visas to those travelling to the United States for work related to the United Nations. He informed the Committee that the host country had redoubled its efforts regarding the issuance of visas and that it had issued or would in the coming days issue visas to approximately one third of the applicants from the Russian Federation and members of their families who were included in the lists recently conveyed to the host country by the Russian Federation. He also informed the Committee that visas were also being issued for over 20 members of the Secretariat who were nationals of the Russian Federation. He noted that, since January 2021, the host country had issued nearly 200 visas to nationals of the Russian Federation coming to the United States for multilateral work, despite significant restrictions imposed by the Russian Federation on the staffing of the Embassy and Consulate of the United States in Moscow.

43. The representative of the host country stated that despite the COVID-19 pandemic and the remote working arrangements being followed at United Nations Headquarters, the Russian Federation was applying for twice as many visas as any other member of the Security Council or country of a comparable size. He noted that that trend was not unique to the pandemic period. He stated that, for example, during the period between 1 August 2019 and 1 April 2020, the Russian Federation had requested between two and seven times as many visas as other permanent members of the Security Council. He noted that while the Russian Federation had the right to request those visas, processing of the requests was challenging due to the high volume of applications, the COVID-19 pandemic and the staffing limitations on the Embassy and Consulate of the United States in Moscow. He also noted that it was difficult to expedite the issuance of visas to some delegations because certain information had not been provided in the visa application, including information regarding the meetings for which the visas were being requested and their dates.

44. The representative of the Russian Federation expressed hope that the positive steps announced by the host country would continue, and in particular that it would be possible to resolve all outstanding visa issues. He noted that a comparison of the number of visas requested by different permanent missions did not have a bearing on the legal obligations of the host country, as the representative of the host country had acknowledged in his statement. He also stated that the host country's delegation to many United Nations events was always larger than that of any other country. He hoped that the host country would not abuse its position and that it would allow other Member States to take part in the work of the Organization with the number of experts and at the levels that they deemed necessary.

45. The Chair noted the continuing efforts of the Secretariat, in particular the Legal Counsel, and the host country to find acceptable solutions to the issues before the Committee, in particular with respect to the timely issuance of visas. He welcomed the information provided by the host country that it was working on a solution to help provide for the timely issuance of visas. He noted the concerns expressed by the representative of the Russian Federation and other representatives concerning the issues affecting them and stated that he intended to consult with the affected Member States, the host country and the Secretariat on unresolved issues and the way forward.

46. At the 302nd meeting, the representative of Cuba informed the Committee of two visa issues that had been raised with the host country and communicated to the Chair by the Permanent Representative of Cuba to the United Nations through a letter dated 23 August 2021. At his mission's request, the letter has been circulated as an official document of the Committee ([A/AC.154/419](#)). He stated that the Ministry of Foreign Affairs of Cuba had requested, with sufficient advance notice as required by the host country, visas for two Cuban diplomats assigned to serve at the Permanent Mission of Cuba to the United Nations in New York. He noted that a visa for Ms. Rodríguez Casiñol, Third Secretary, who was scheduled to participate in the resumed session of the Committee on Non-Governmental Organizations, which began on 30 August 2021, was requested in April 2021 and that a follow-up note verbale had been sent to the Mission of the host country on 23 August 2021. He stated that the Ministry of Foreign Affairs of Cuba had not yet received a response to the application and Ms. Rodríguez Casiñol had not been able to travel to New York. He noted that, to date, a visa requested in August 2020 had also not been granted to Mr. Guillermo Téllez, attaché.

47. The representative of Cuba stated that the host country had an obligation to promptly grant visas to representatives of Member States in accordance with sections 11 and 13 of the Headquarters Agreement, irrespective of the relations existing between the Governments. He stated that the delays and discriminatory treatment in the issuance of visas by the host country to representatives of some Member States was an impediment to the work of the Organization and made it impossible for all delegations to exercise their functions under equal conditions. He stated that by selectively and arbitrarily applying the Headquarters Agreement, the host country was abusing its position, in violation of the principle of sovereign equality enshrined in the Charter of the United Nations.

48. The representative of the Russian Federation recalled the provisions of General Assembly resolution [75/146](#) in which the Assembly recommended that the Secretary-General "now consider and take any appropriate steps under section 21 of the Headquarters Agreement" and recalled that "serious consideration should be given to taking steps under section 21 of the Headquarters Agreement if the issues raised in the report of the Committee on Relations with the Host Country were not resolved in a reasonable and finite period of time". In the view of his delegation, the issues in question had continued to deteriorate over the past three years. He stated that the triggering of section 21 of the Headquarters Agreement was the only option left to



resolve issues before the Committee. He thanked the Legal Counsel for his extensive efforts, including meetings and discussions with the host country officials. He remarked that, for his delegation, however, the results were important, rather than the efforts.

49. The representative of the Russian Federation stated that there continued to be serious systemic problems with the issuance and extension of visas to Russian representatives and their family members, as well as Secretariat officials of Russian nationality. He noted that 13 members of the Russian delegation to the General Assembly at its seventy-fifth session did not get their visas. He further noted that there was no certainty that members of the delegation who would accompany the Minister for Foreign Affairs of the Russian Federation to the high-level meetings and the general debate of the seventy-sixth session of the General Assembly would get their visas. He reiterated that the host country had concrete obligations in this regard under the Headquarters Agreement and that these obligations cannot be subject to the state of bilateral relations.

50. The representative of China expressed concern over the delays in the visa application process as was recounted by the representative of Cuba. He noted that incidents of similar character were occurring repeatedly and have remained unresolved. He expressed hope that the host country would issue visas as quickly as possible and refrain from politicizing certain issues. He noted that in cases in which visas were rejected, the host country was obligated to provide additional explanations to the applicants on what further documentation was required and on the reasons for the rejection.

51. The representative of the Syrian Arab Republic called upon the host country to provide an explanation of the delays in the issuance of visas to the representatives of Cuba and to expeditiously issue the visas. He voiced support to the points raised by the representative of the Russian Federation with regard to the timely issuance of visas to delegations participating in the meetings of the General Assembly at its seventy-sixth session. He noted that his delegation was experiencing a similar issue.

52. The representative of the Islamic Republic of Iran stated that the removal of visa restrictions remained a significant priority for his delegation. He noted that his delegation continued to wait for a number of visas for members of his country's delegation to the General Assembly at its seventy-sixth session. He expressed solidarity with the delegations of Cuba, the Syrian Arab Republic and the Russian Federation regarding the difficulties they were facing due to denials and delays in the issuance of visas. He requested the host country to intensify its efforts to issue visas.

53. The representative of Nicaragua expressed regret over the difficulties faced by the representatives of Cuba and other delegations in obtaining visas to participate in United Nations meetings. She characterized the policy of the host country in that regard as selective, unfair, discriminatory, politically motivated and in breach of the Headquarters Agreement and diplomatic law. She reiterated her delegation's belief in the principle of sovereign equality.

54. The representative of the host country stated that the host country reaffirmed its commitment to upholding its obligations under the Headquarters Agreement and that it was acutely focused on the issuance of visas, with a particular focus on cases raised by the Russian Federation and the Secretariat. He informed the Committee that the host country was also examining the visa issues raised by the Permanent Representative of Cuba to the United Nations in his letter dated 23 August 2021 that was circulated as a document of the Committee ([A/AC.154/419](#)). He emphasized that the host country dedicated extensive resources to ensuring that those seeking to travel to New York for United Nations business were able to do so and that the host country had made considerable progress in improving its procedures associated with the processing of visa requests. He noted that the host country had issued over 50 visas

to officials of the Russian Federation travelling to New York on United Nations business and was continuing to process and issue visas for those officials. He stated that, in this connection, he wished to inform the Committee that some of the visa applications were incomplete, unclear or identified as being for meetings that had already taken place, and that other obstacles and barriers were sometimes encountered that affected the timely issuance of visas. He also wished to draw attention to the fact that some Member States have submitted visa requests for delegations of over 100 people; the Russian Federation has requested more than 150 visas. He stated that processing such large volumes of visa applications presented significant challenges, particularly given the considerable COVID-19-related resource limitations, staffing restrictions imposed on the United States Embassy in Moscow and the situation in Afghanistan. The representative of the host country invited delegations to address questions, concerns or recommendations on visa issuances and other matters to the United States Mission Host Country Affairs Section.

55. The representative of the United Kingdom noted the update provided by the representative of the host country that a number of visas had been issued recently, in particular under the circumstances of the COVID-19 pandemic and other crises around the world and the change in the Administration of the host country.

56. The representative of Cuba expressed his delegation's solidarity with the concerns raised by other Member States that had been impacted by the discriminatory practices of the host country regarding the issuance of visas. He recalled sections 12 and 13 of the Headquarters Agreement and noted that there existed no distinction between diplomats and nationals of different Member States when it came to the application of the Headquarters Agreement.

57. The representative of the Russian Federation expressed his gratitude to the host country for the work it was conducting. He acknowledged difficulties faced by everyone in view of the pandemic. He noted, however, that the scope and degree of visa problems differed significantly between delegations, and some delegations faced no issues while others persistently encountered issues. He also stated that his delegation did not consider the ad hoc resolution of individual cases to be progress. Rather, his delegation's position was that real progress would only be achieved when no Member States were subjected to discriminatory treatment by the host country.

58. The representative of the Bolivarian Republic of Venezuela expressed his delegation's support for the statements delivered by the representatives of Cuba, the Russian Federation, the Syrian Arab Republic and the Islamic Republic of Iran. He stated that it was necessary to urgently adopt effective measures that would make it possible to guarantee an equal and non-discriminatory treatment of delegations, regardless of the bilateral differences which may exist with the host country. He further noted that it was important to guarantee that all permanent missions could fully and effectively fulfil their diplomatic responsibilities and other official functions.

59. The representative of the Islamic Republic of Iran informed the Committee that since the last meeting of the Committee, on 12 July 2021, during which he had raised concerns about the secondary screening procedures that Iranian diplomats had often been subject to upon entry into the United States, he had learned that such procedures had ceased prior to the date on which he had raised them with the Committee. Such discriminatory procedures, which had been applied for several years, included intrusive security checks and screenings, occasionally requiring the removal of some clothes as well as extensive inspection of luggage, even by specially trained dogs. His delegation took note of the positive approach by the host country to abide by its relevant obligations and wished for the avoidance of a repetition of such disrespectful and outlawed behaviour.

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

60. At the 299th meeting, the representative of the Islamic Republic of Iran thanked the Chair for the efforts to try to resolve the issues faced by his Mission. He stated that more than 15 months had passed since the imposition of confining restrictions by the host country on all Iranian representatives and their family members. He asserted that the host country had refrained from complying with its international legal obligations under the Vienna Convention on Diplomatic Relations, the Headquarters Agreement, the Convention on the Privileges and Immunities of the United Nations and other international legal instruments. He noted that the Committee had neither a mandate nor the power to enforce its recommendations or to compel follow up on the implementation of General Assembly resolutions on matters relating to the mandate of the Committee.

61. The Chair recalled that, from a procedural point of view, there was a difference between members of the Committee and non-members of the Committee, in that discussions of the recommendations and conclusions were conducted only among the members of the Committee. He noted, however, that the views of affected non-member missions were taken into account in informal discussions.

62. The representative of China noted with concern that some Member States were unable to pay their contributions to the United Nations due to the impact of unilateral sanctions. He recalled that irrespective of the bilateral relations between a Member State and the host country, the host country was not supposed to prevent any Member State from participating fully in the work of the United Nations. He expressed hope that the Committee, together with the relevant Member States and the Secretariat, would find a speedy solution to the issue.

63. The representative of the host country informed the Committee that the previous week, senior officials from the Bureau of International Organization Affairs and the Office of the Legal Adviser of the United States Department of State had held productive informal consultations with the United Nations Legal Counsel. He noted that consultations addressed the full range of pending issues. He asserted that the host country was looking forward to continued engagement with the Legal Counsel to maintain constructive dialogue on all of the issues discussed in the Committee.

64. At the online informal meeting held on 27 January 2021, the representative of the host country recalled that the deadline for staff of the Mission of the Islamic Republic of Iran to comply with the new travel restrictions had been extended to 15 July 2021. He informed the Committee that the host country was reviewing all aspects of its policy with regard to the Islamic Republic of Iran.

65. The Chair welcomed the extension of the deadline and characterized it as a very positive development and expressed hope that a permanent solution would be found soon.

66. The representative of the Russian Federation stated that the 25-mile travel restriction continued to apply to members of his Mission and the Secretariat staff who were Russian Federation citizens. He stated that, as a result, his Mission could not function properly and that the Russian Federation was thus impeded in fully exercising its rights as a Member State. He noted that the Permanent Mission of the Islamic Republic of Iran had been forced to relocate its staff to reside in a specifically designated zone. He also noted that the payment by the Bolivarian Republic of Venezuela of its contribution to the United Nations budget had been impeded by the

unilateral coercive measures imposed by the host country. He characterized the situation as an explicit policy of discrimination and punitive treatment of certain Member States based on bilateral relations. He said that his country was waiting for the immediate resolution of that unacceptable situation.

67. The representative of the Islamic Republic of Iran voiced his country's continued and persistent objections to the unprecedented restrictions and emotional pressures exerted by the host country against his Mission, its staff and the families of staff. He noted that such pressures had intensified since 2019, especially during the COVID-19 pandemic. He stated that despite the invaluable efforts of the Chair and Secretariat officials to engage with the host country at the highest level in order to remove the serious and unprecedented restrictions faced by his Mission, there had been no changes in the illegal approach of the host country. He asserted that it was clear that those restrictions stemmed from the maximum pressure policy of the host country with regard to the Islamic Republic of Iran. He also asserted that the imposition of travel restrictions on Iranian diplomats and a number of specific missions was in itself an unjust, discriminatory and politically motivated policy which not only contravened the obligations of the host country as contained in the Headquarters Agreement, but also violated the provisions of the Vienna Convention on Diplomatic Relations. He hoped that the meeting between the Legal Counsel and the host country authorities would help improve the situation.

68. The representative of the Russian Federation expressed his country's support for the position of the Islamic Republic of Iran and characterized the measures applied to the staff of the Permanent Mission of the Islamic Republic of Iran as not being consistent with the Headquarters Agreement. He stated that the 25-mile travel restriction was a relic of an old policy and called for visible steps to be taken to remove it, including through arbitration procedures under the Headquarters Agreement.

69. The representative of the host country referred to the statements he had made during the previous meetings of the Committee on the matter of travel restrictions and recalled that the deadline for staff of the Mission of the Islamic Republic of Iran to comply with the new travel restrictions had been extended to 15 July 2021.

70. At the 300th meeting, the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, informed the Committee that he, while maintaining the long-standing position of the United Nations on travel restrictions, most recently reflected in his statement at the 295th meeting of the Committee ([A/AC.154/415](#) and [A/74/26](#)), in his online meeting with the Deputy Assistant Secretary of State for International Organization Affairs and other senior officials of the Department of State and the Mission to the United Nations, had welcomed the swift action taken by the host country to lift the travel restrictions imposed in July 2019 on representatives of the Islamic Republic of Iran.

71. The representative of the host country informed the Committee that the travel controls applicable to the Permanent Mission of the Islamic Republic of Iran had been removed as at 19 February 2021 and that the previously applicable travel controls would now apply. In that regard, he wished to confirm that timely waiver requests would be considered on a case-by-case basis. He stated that the change in travel controls was indicative of significant progress and demonstrated that the host country continued to take its responsibilities seriously. The representative of the host country stated that the Mission of the host country, in coordination with the Office of the Mayor of New York City, provided regular updates on state and local vaccine distribution plans, testing options and travel requirements. He noted that his Mission regularly approved travel waiver requests, including those from the Permanent

Missions of Cuba, the Islamic Republic of Iran and the Syrian Arab Republic for travel outside the restricted zones for medical and humanitarian purposes.

72. The representative of the Islamic Republic of Iran stated that his country considered the removal of the illegal restrictions imposed in July 2019 as a promising step in addressing and removing all illegal restrictions and measures. He commended the efforts of the Chair and the Secretariat, as well as those made by others in their personal capacities to mitigate the illegal and discriminatory restrictions against representatives of his country. He stated that the removal of the 25-mile radius restriction on the movement of Iranian representatives remained of the utmost importance with respect to safeguarding the independent exercise of functions of his Mission and for ensuring compliance by the host country with its international legal obligations.

73. The representative of Cuba welcomed the update provided by the Legal Counsel on the discussions held with the host country and the easing of the travel restrictions imposed on Iranian representatives. She characterized the measure as still insufficient and noted that restrictions on the movement of diplomats were in violation of article 26 of the Vienna Convention on Diplomatic Relations. She stated that additional restrictions imposed on Cuban diplomats as of September 2019 were still in force and presented an obstacle to the full discharge of the functions of her Mission. She noted that the host country could not continue to selectively and arbitrarily apply the Headquarters Agreement to penalize specific Member States because of bilateral issues and characterized that as a violation of the principle of sovereign equality enshrined in the Charter. She expressed hope that the situation would be reassessed by the new Government of the host country and that the Government would lift all movement restrictions imposed on diplomats in New York.

74. The representative of the Syrian Arab Republic welcomed the steps taken by the host country to modify the restrictions that had been imposed on the delegation of the Islamic Republic of Iran. He expressed hope that those steps would lead to additional efforts to lift all forms of restrictions on members of other permanent missions, including his. He stated that those restrictions ran counter to the provisions of the Headquarters Agreement. He noted that representatives of his Government continued to experience difficulties with travel and hoped that a solution would soon be found to those issues.

75. The representative of the host country reiterated that timely waiver requests would be considered on a case-by-case basis and encouraged delegations to submit waiver requests when there were extenuating circumstances, including those relating to the COVID-19 pandemic. He reiterated the long-held position of the host country that travel controls were consistent with the Headquarters Agreement as they did not impede travel to or from the Headquarters district.

76. The representative of the Russian Federation noted the continued application of the 25-mile radius travel restrictions to the members of her Mission and to staff of the Secretariat who were citizens of the Russian Federation. She stated that those travel restrictions caused significant problems for the functioning of the Permanent Mission of the Russian Federation in carrying out its functions at the United Nations and were not consistent with the obligations of the host country under the Headquarters Agreement.

77. The representative of France thanked the Secretariat and the Legal Counsel for their commitment and engagement in the work of the Committee and their efforts to find solutions to the issues on the agenda of the Committee. She noted the results and progress achieved since the previous meeting of the Committee, in particular with regard to the Permanent Mission of the Islamic Republic of Iran, despite the COVID-19 pandemic. She referred to statements made by the representatives of the

Russian Federation, Cuba and others regarding unresolved issues that required lasting solutions and noted that the recent measures taken by the host country were indicative of a good-faith and renewed commitment to resolve them. She encouraged the authorities of the host country to prioritize dialogue and to continue discussions with the Secretariat, the Legal Counsel and all affected Member States in order to find solutions.

78. The representative of Spain welcomed the update provided by the Legal Counsel and expressed the belief of his Government that the issues before the Committee would be and were being resolved. He trusted that the discussions would continue and would enable definitive solutions to be found.

79. The representative of the United Kingdom noted that there appeared to be positive momentum in the ongoing discussions between the Legal Counsel and the host country. His Government was encouraged by the lifting of the measures against Iranian diplomats and hoped that additional progress could be made in the near future.

80. The Chair commended the host country for removing the stringent travel restrictions imposed on representatives of the Islamic Republic of Iran. He also commended the Secretariat and, in particular, the Legal Counsel, for the ongoing bilateral discussions with the host country on the issues before the Committee. He expressed hope that those discussions would continue to yield results, in particular with respect to visas. He stated that he intended to consult with the affected Member States, the host country and the Secretariat on developments.

81. At the 301st meeting, the representative of Cuba stated that the host country was arbitrarily restricting the movement of members of her Mission and their families and of high-level delegations sent by her Government to attend United Nations meetings. She informed the Committee that such restrictions had been applied to the Minister for Foreign Affairs of Cuba and the delegation that accompanied him during his previous visit to New York. She noted that the host country had an obligation under the Headquarters Agreement and the Vienna Convention on Diplomatic Relations to allow diplomats to move freely. She also noted that treatment of all Member States should be non-discriminatory and equal. She expressed hope that the discussions between the host country and the Secretariat would soon produce positive results.

82. The representative of the host country stated that the host country dedicated considerable resources to facilitating travel in accordance with the Headquarters Agreement and that it continued to issue humanitarian exemptions on a case-by-case basis for delegations subject to travel controls. He noted that the host country had granted such a request the previous week. He recalled the long-standing position of his Government that travel controls were consistent with the Headquarters Agreement as they did not impede travel to or from the United Nations Headquarters district. He reminded all delegations that the host country was available to discuss questions, concerns or recommendations regarding any of the matters before the Committee, including the issue of secondary security screening raised by the representative of the Islamic Republic of Iran.

83. The representative of the Islamic Republic of Iran recalled the continued and persistent objections of his country to the movement restrictions imposed by the host country on the staff of his delegation and members of their families, as well as the restrictions imposed on some other delegations. He took note of the decision of the host country to revert to the 25-mile-radius movement restriction and stated that it was an initial and promising step towards addressing and removing restrictions that continued to negatively affect the efficient performance and independent exercise of the functions of Iranian representatives. He stated that such movement restrictions were contrary to the obligations of the host country under the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. He asserted that

movement restrictions imposed by the host country were discriminatory, unjust and based on bilateral political relationships.

84. The representative of Cuba stated that while it was true that exceptional waivers to travel restrictions had been granted by the host country for medical reasons, her Government maintained its long-held position that such restrictions were a violation of the Vienna Convention on Diplomatic Relations and the Headquarters Agreement.

85. The representative of the Russian Federation noted that the issue of travel restrictions had been discussed in the Committee for several decades. He referred to the statements made by the representatives of the Islamic Republic of Iran and Cuba and noted that travel restrictions were discriminatory and based on bilateral relations and thus violated the Headquarters Agreement.

86. The representative of the Syrian Arab Republic said that the movement restrictions imposed by the host country on certain permanent missions, which limited their movement within the United States and deprived certain delegations of the possibility to attend meetings other than those held in New York, were unacceptable. He noted that the situation was exacerbated by the issuance of single-entry visas with a six-month duration to the members of his Mission. He welcomed in that regard the update provided by the representative of the host country concerning the issuance of visas and expressed hope that similar news would be forthcoming regarding his Mission.

87. The Chair recalled the position taken by the Committee on the issue of travel restrictions, set out in paragraph 194 (k) of the Committee's previous report ([A/75/26](#)).

88. At the 302nd meeting, the representative of the Russian Federation recalled the 25-mile radius travel restriction imposed by the host country on his Mission and Secretariat officials of Russian nationality, as well as on members of the permanent missions of Cuba, the Islamic Republic of Iran and the Syrian Arab Republic. He maintained his delegation's position that such measures were not consistent with the obligations of the host country under the Headquarters Agreement.

89. The representative of China stated that travel restrictions had a serious impact on the lives of people serving in permanent missions. He expressed hope that the Government of the host country would pay attention and listen to the concerns of the affected permanent missions. He also expressed hope that the resolution of issues under the Headquarters Agreement would not be dependent upon the state of bilateral relations and that the host country would in particular honour its obligations under sections 11 and 13 of the Headquarters Agreement.

90. The representative of the Islamic Republic of Iran stated that the issues that had been considered during the course of the previous year in the Committee, including movement and travel restrictions, remained unresolved. He stated that the position of his delegation on those issues expressed during previous meetings of the Committee remained unchanged.

91. The representative of Cuba stated that travel restrictions had been imposed by the host country on members of his mission for many years and that these restrictions had been a significant impediment to the proper functioning of the mission.

92. The representative of the host country recalled his Government's long-standing position that travel controls were consistent with the Headquarters Agreement as they did not impede travel to or from the United Nations Headquarters district. He assured members of the Committee that the host country strived to review waiver requests in a timely manner and would consider them on a case-by-case basis. He stated that, in

this regard, he wished to remind delegations of the new streamlined process for such requests in the host country's electronic portal, eGOV.

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

93. At the online informal meeting held on 27 January 2021, the Chair informed the Committee that the Permanent Representative of Cuba had addressed a letter to him dated 16 December concerning the security of the Mission of Cuba and the safety of Cuban personnel, and that the Minister Counsellor for Host Country Affairs of the United States Mission had addressed a letter to him dated 15 January 2021 on the same matter. At the request of Cuba and the host country, those letters had been circulated as documents of the Committee, issued under the symbols [A/AC.154/416](#) and [A/AC.154/417](#), respectively.

94. The representative of Cuba expressed hope that the dialogue between the Legal Counsel and the host country would facilitate practical solutions. He referred to the letter dated 16 December 2020 from the Permanent Representative of Cuba, which had been circulated as an official document of the Committee ([A/AC.154/416](#)). He noted that since 24 November 2020, nine demonstrations had taken place in front of the Permanent Mission of Cuba, on 24, 25, 27, 28 and 29 November 2020, on 3 and 10 December 2020 and on 12 and 14 January 2021. He stated that the demonstrators had steadily increased the level of hostility, which had disrupted the peace of the Mission, interfered with the working environment and endangered the safety of its members. He informed the Committee that his Mission had transmitted two notes verbales to the Mission of the host country regarding the demonstrations. He stated that demonstrators had failed to comply with the legislation in force at the federal level and in New York State that regulated that type of activity. He stated that the demonstrators had pasted posters on the main facade of the building and on adjacent trees, wrote offensive messages on the main doors of the Mission, attempted to forcibly enter the Mission and slipped propaganda under the main doors. He asserted that, on several occasions, demonstrators had stood by the entrance to the Mission and shouted through the main door of the building, disrupting access to the property, in an act that could have led to a violation of the immunity of the Mission and to physical attacks on its members. He also asserted that demonstrators had shouted insults over the intercom at the entrance and had blocked passers-by on the sidewalk.

95. The representative of Cuba stated that his Mission had informed various authorities in the host country about the incidents. He also stated that the host country authorities had not always provided due protection to his Mission, despite being informed in a timely manner or even prior to the occurrence of the events. He also recalled the statement of the representative of Cuba at the online informal meeting on 5 June 2020 regarding an attack on the Embassy of Cuba in Washington, D.C., that had occurred on 30 April 2020. He expressed hope that the host country would expedite the carrying out of its commitment and would fulfil its duties as the host country.

96. The representative of the Islamic Republic of Iran expressed hope that the meeting of the Legal Counsel with the authorities of the host country could lead to an improvement in the situation faced by certain missions, including his own. He voiced his delegation's belief that the basic purpose of the Headquarters Agreement was to provide a foundation for the smooth functioning of the United Nations and the missions accredited to it. He expressed the solidarity of his Mission with the Permanent Mission of Cuba for the continuous suffering it faced as a result of the unlawful and unjustifiable failure of the host country to abide by its responsibilities in accordance with the Headquarters Agreement and the Vienna Convention on Diplomatic Relations.



97. The representative of the Islamic Republic of Iran noted that in the past, his Mission had faced similar situations to those described by the representative of Cuba. He stated that it was incumbent upon the host country to take the necessary measures to ensure the safe functioning of missions to the United Nations.

98. The representative of the host country referred to the letter dated 15 January 2021 from the Minister Counsellor for Host Country Affairs of the United States Mission, which had been circulated as an official document of the Committee ([A/AC.154/417](#)). He stated that the host country took seriously its duty to take all appropriate steps to protect the premises of a mission against any intrusion or damage and to prevent any disturbance of the peace of the mission. He noted that the Bureau of Diplomatic Security of the Department of State regularly coordinated with the New York City police to ensure that adequate measures were taken with respect to any known protests or demonstrations. He stated that if an event raised concerns of imminent danger to the security of a mission or the safety of its personnel or operations, a representative should call 911 to allow local authorities to respond immediately and then call the Bureau of Diplomatic Security.

99. The representative of the host country recalled that a suspect in the 30 April 2020 attack against the Embassy of Cuba in Washington, D.C., had been formally charged in a United States Federal Court and that prosecution of the suspect was proceeding in accordance with the applicable laws of the host country. He stated that the Department of State and other authorities continued to engage directly with the Embassy of Cuba regarding that incident.

100. The representative of the Russian Federation expressed serious concern regarding the incidents described by the representative of Cuba. He noted that numerous incidents of a similar character had been brought before the Committee. He stated that the host country authorities should do more to prevent such incidents. He called upon the host country to take all necessary measures to protect the Permanent Mission of Cuba and other missions against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

101. At the 300th meeting, the representative of Cuba recalled the statement of her Mission's representative at the online informal meeting held on 27 January 2021 with regard to protests in front of the Permanent Mission of Cuba. She also recalled that the host country had an obligation under article 22 of the Vienna Convention on Diplomatic Relations to take all appropriate steps to protect the premises of a mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity. She called upon the host country to abide by its obligations and to ensure that similar events did not occur.

102. The representative of the Bolivarian Republic of Venezuela voiced support for the statements delivered by the delegations of Cuba, the Islamic Republic of Iran, the Russian Federation and the Syrian Arab Republic. He noted that his delegation faced similar concerns. He called for effective measures to ensure security and immunity for missions and to ensure the equal and non-discriminatory treatment of all delegations, regardless of any bilateral differences that may exist, including with regard to the issuance of visas and freedom of movement.

103. At the 301st meeting, the representative of Cuba referred to the letter dated 13 May 2021 from the Permanent Representative of Cuba, which had been circulated as an official document of the Committee ([A/AC.154/418](#)). She called upon the host country to uphold its responsibility to properly protect her Mission. She stated that the Permanent Mission of Cuba had filed multiple reports in relation to the incidents identified in its letter and that no one had been held accountable by the host country authorities for them. She hoped that the host country would ensure the security of all diplomats in accordance with article 22 of the Vienna Convention on Diplomatic

Relations and adopt all appropriate measures to protect the premises of her Mission from any intrusion or damage and prevent any disturbance to the Mission.

104. The representative of the Islamic Republic of Iran stated that the fundamental purpose of the Headquarters Agreement was to provide a foundation for the smooth functioning of the United Nations and the permanent missions accredited to it. He expressed solidarity with the permanent missions affected by the failures of the relevant host country authorities to abide by their commitments in accordance with the Headquarters Agreement and Vienna Convention on Diplomatic Relations. He asserted that the host country had an obligation to safeguard the tranquillity of all the missions and to take the necessary measures and precautions to ensure that the functioning of the missions was not jeopardized.

105. The representative of the Russian Federation expressed serious concern over the incidents related to the Permanent Mission of Cuba. He noted that that was not the first time the host country had been called upon to comply with its obligations under the Headquarters Agreement and other international agreements and to take all necessary steps to protect the Permanent Mission of Cuba and all other missions.

106. The representative of the Syrian Arab Republic expressed the concern of his delegation over the issues raised by the representative of Cuba. He called for the rigorous implementation of the provisions of the Headquarters Agreement and for measures to be taken by the host country guaranteeing the protection of the Permanent Mission of Cuba and other missions.

107. The representative of China expressed gratitude to the government and police of New York for their efforts to ensure the safety and security of the missions. He noted the security and safety concerns raised by certain delegations and hoped that the host country would ensure the safety and security of the Permanent Mission of Cuba regardless of the state of the bilateral relations between the countries. He stated that only by guaranteeing the legitimate rights of each and every Member State would it be possible for the Organization to perform its multilateral diplomatic functions.

108. The representative of the host country emphasized that the host country took very seriously its duty to take all appropriate steps to protect the premises of any mission against any intrusion or damage and to preserve the peaceful operation of the missions. He stated that the Bureau of Diplomatic Security of the United States Department of State coordinated with the New York City police on a regular basis to ensure that any known protests or demonstrations received adequate police coverage. He also stated that there had been ongoing coordination with the permanent missions, including with the Permanent Mission of Cuba. He invited affected missions to first call 911 if an event raised concerns of imminent danger to the security of their missions, their operations or the safety of their personnel. He invited the missions to also contact the Bureau of Diplomatic Security of the United States Department of State.

109. The Chair recalled that the position taken by the Committee on the matter of the security of missions and the safety of their personnel was reflected in paragraph 194 (d) of the previous report of the Committee ([A/75/26](#)).

110. The representative of the Bolivarian Republic of Venezuela voiced his delegation's support and endorsement of the statements made by the representatives of Cuba, the Islamic Republic of Iran, the Russian Federation and the Syrian Arab Republic. He stated that it was necessary to adopt effective measures, including preventive measures, to guarantee the security, safety and immunity of missions, as well as to guarantee the equal and non-discriminatory treatment of all of the delegations, regardless of bilateral relations.

111. At the 302nd meeting, the representative of the Syrian Arab Republic commended the host country for its efforts to support the General Assembly at its seventy-sixth session, in particular in view of the COVID-19 pandemic and the twentieth anniversary of the events of 11 September 2001. He wished, however, to inform the Committee that his Mission's request for the host country to provide a security detail for the head of the Syrian delegation to the General Assembly at its seventy-sixth session had been declined by the host country. He noted that except for a similar refusal in 2019, the host country had previously acceded to such requests by his delegation. He stated that the absence of a security detail had made it much more difficult for the delegation to travel within the city and subjected the delegation to security inspections. He therefore wished to reiterate his Mission's request for a security detail to be provided by the host country.

112. The representative of Cuba stated that he wished to inform the Committee that demonstrations continued to take place outside of the premises of his Mission without appropriate action being taken by the host country authorities. He informed the Committee that this was placing members of his Mission in danger each time they entered or exited the premises. In this regard, he wished to recall the inviolability of diplomatic premises and diplomatic agents as set forth in articles 22 and 29 of the Vienna Convention on Diplomatic Relations and called upon the host country to take appropriate action.

113. The representative of the host country reiterated that his country was taking its duties to protect the premises of missions seriously. He recalled that the Bureau of Diplomatic Security of the State Department coordinated regularly with the New York City police to ensure that any known demonstrations received adequate attention. He further recalled that peaceful protests did not constitute an attack on a mission. He noted that if an event raised concerns of imminent danger to the security of a mission or the safety of its personnel, a representative should call 911 to facilitate the immediate response of local authorities and then contact the Bureau of Diplomatic Security.

114. The representative of Cuba referred to the statement made by the representative of the host country and noted that the request to call 911 had previously been followed but the response by the police had not entirely addressed the concerns expressed by his delegation.

## **D. Other matters**

### **1. Banking**

115. At the 299th meeting, the Assistant Secretary-General for Legal Affairs stated that the Secretariat had engaged with the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations with respect to the issue of banking and had sent a note verbale to the Mission with information that could help facilitate the transfer of funds to the account of the Mission held at the United Nations Federal Credit Union.

116. The representative of the Bolivarian Republic of Venezuela thanked the Chair for the efforts to bring an end to the injustice that his delegation had been suffering for over 10 months. He asserted that the Government of the United States had made attempts to prevent the full exercise of the rights and privileges of his country within the Organization. He characterized such attempts as a clear abuse of the role of the host country and a flagrant violation of its commitments under the Headquarters Agreement. He noted that 266 days had passed since his country had brought the attention of the Committee to the question of the suspension of the right of the Bolivarian Republic of Venezuela to vote in the General Assembly. He also noted that

208 days had passed before the Government of the United States had issued a new permit, on 12 August 2020, which should have brought an end to the situation and make it possible for his country to honour its financial commitments to the United Nations. He added that that had been the third permit that had been issued and noted that previous permits had been issued on 5 August 2019 and 21 January 2020. He stated that his Mission had received the most recent permit through the United Nations Federal Credit Union on 1 September 2020. He informed the Committee that, since the most recent online informal meeting of the Committee, his Mission had not observed any indication that the new permit was effective.

117. The representative of the Bolivarian Republic of Venezuela stated that sanctions imposed by the United States were preventing his country from having regular access to the international financial system, making it practically impossible as a result to successfully transfer the necessary resources to honour his country's financial commitments to the United Nations. He asserted that the only solution was the full and immediate withdrawal of the coercive measures unilaterally imposed in violation of the Charter and international law.

118. The representative of the Bolivarian Republic of Venezuela informed the Committee that his Mission now had an operating bank account for operational expenses at the United Nations Federal Credit Union. He remarked that the issue of finding a financial means of safely transferring resources to the account was still pending. He also informed the Committee that earlier that day, the Deputy Permanent Representative of his country had had a telephone conversation with the head of the Host Country Affairs Section of the United States Mission to discuss the banking issue. He recognized the efforts of the head of the Host Country Affairs Section to find a solution and expressed hope that the issue would be resolved once and for all.

119. The representative of the Bolivarian Republic of Venezuela reaffirmed the political determination and financial capacity of his country to fulfil its financial commitments to the United Nations. He assured the Committee that his Mission would continue to make every effort to bring an end to the unfortunate and unjust situation and noted that his country was counting on the valuable support and cooperation of the Committee in that matter. He suggested that his country be allowed to utilize its sovereign resources of over \$200 million that had been illegally seized from an account held by the Central Bank of Venezuela at Citibank and transferred by order of the Office of Foreign Assets Control to the Federal Reserve Bank in New York. He stated that that would permit his Government to meet its outstanding debt to the United Nations, as well as pay the dues in advance for future years.

120. The representative of the host country confirmed that he had discussed the matter in detail with the Deputy Permanent Representative of the Bolivarian Republic of Venezuela that morning, and that the host country would try to resolve it.

121. At the online informal meeting held on 27 January 2021, the representative of the Bolivarian Republic of Venezuela recalled the banking issues that his Mission had faced throughout 2020, which had impaired the rights and privileges of the Bolivarian Republic of Venezuela as a Member State of the United Nations. He stated that his Government had the financial resources necessary to honour its obligations to the United Nations and had made several attempts to do so. He asserted that the situation had been beyond the control of his Government and was a result of attempts by the host country to isolate his country from the diplomatic arena by preventing it from fully exercising its rights and privileges in the United Nations. He acknowledged the crucial role that had been played by the Committee, the Chair and the Secretariat in helping to find a financial means of permitting his Government, in an effective and safe manner, to transfer the funds required to meet its dues to the budget of the United Nations for 2019 and 2020. He noted that that would allow his country to fully

exercise its rights and privileges in the Organization in 2021. He also acknowledged the support and assistance provided by the Mission of the host country.

122. The representative of the Bolivarian Republic of Venezuela stated that, although his country had ultimately been able to transfer the funds to pay its dues to the Organization in 2020, it continued to face banking issues. He asserted that the funds necessary to pay dues to the Organization in 2021 had been frozen by the host country. He characterized the situation as the illegal imposition of unilateral coercive measures against his country and a violation of section 27 of the Headquarters Agreement. He stated that, since May 2020, the Office of Foreign Assets Control had directed Citibank in New York to transfer all funds held by the Central Bank of Venezuela to the Federal Reserve Bank of New York. He noted that the amount in that account was over \$300 million, approximately three times larger than the debt of the Bolivarian Republic of Venezuela to the United Nations. He requested the host country, the Committee and the Secretariat to facilitate the release of the illegally confiscated funds so that his Government could make payment to the United Nations and finance programmes of cooperation between the Bolivarian Republic of Venezuela and the United Nations. He suggested that the Legal Counsel include all issues pending before the Committee, including banking issues, in his discussions with the host country.

123. The Chair noted the efforts of the Mission of the host country in finding a solution to the banking issue faced in 2020 by the Bolivarian Republic of Venezuela. He stated that the Committee would continue to follow relevant issues concerning the proper functioning of diplomatic missions to the United Nations.

124. The representative of the Islamic Republic of Iran expressed his delegation's support for the views expressed by the representative of the Bolivarian Republic of Venezuela. He informed the Committee that owing to conditions beyond its control, his Government was in arrears in the payment of its contributions to the United Nations and as a result had lost its right to vote in the General Assembly pursuant to Article 19 of the Charter of the United Nations. He stated that unlawful unilateral economic restrictions by the Government of the United States against his country had prevented his Government from mobilizing the necessary resources and transferring funds to pay its contribution to the budget of the Organization. He also informed the Committee that his Mission was in close contact with the Secretariat in order to find an acceptable way to make such payment and was grateful for the efforts being made by all concerned to find a solution.

125. The representative of the host country noted that a solution had been found to the banking issue faced by the Bolivarian Republic of Venezuela in 2020. He stated that he was in contact with the representative of the Bolivarian Republic of Venezuela and expressed hope that the latest banking issue could also be resolved. He stated that his Mission was also in contact with the representative of the Islamic Republic of Iran and asserted that the Islamic Republic of Iran had sufficient access to the host country's banking system in order to pay its dues to the Organization.

126. The representative of Cuba stated that all matters before the Committee should be included in the discussions between the Legal Counsel and the host country.

127. The Chair stated that the Committee would continue to work on the issues before it with a view to finding acceptable solutions.

128. At the 300th meeting, the representative of the host country noted that the Mission of the host country had worked closely with the United Nations Federal Credit Union on channels for the Permanent Missions of the Islamic Republic of Iran and the Bolivarian Republic of Venezuela to pay their dues to the United Nations. He understood that the Bolivarian Republic of Venezuela had utilized the established channel to pay its dues.

129. The representative of the Bolivarian Republic of Venezuela recalled his country's statement with regard to banking issues at the online informal meeting of the Committee held on 27 January 2021 and the statement of the Assistant Secretary-General at that same meeting with regard to a possible meeting with the authorities of the host country. He called upon the Secretariat and the host country to provide an update on progress in those discussions with respect to the banking problem faced by his Mission. He noted that banking issues posed a direct threat to the full and equal participation of his delegation in the work of the United Nations. He noted his country's commitment to fulfilling its international obligations to the United Nations and noted that his country was optimistic that all pending issues, including longstanding issues, would be resolved.

130. The representative of the host country recalled that, in the fourth quarter of 2020, his Mission had worked closely with the United Nations Federal Credit Union and the Treasury Department of the host country to find a path for the Permanent Mission of the Bolivarian Republic of Venezuela to pay its dues to the Organization, an effort that had been successful. He stated that his Mission continued to work to resolve any banking issues that missions may face and invited them to bring such issues to his attention.

131. At the 301st meeting, the representative of the host country stated that his Mission had worked diligently with the relevant host country authorities to assist the Islamic Republic of Iran in making payment of its dues to the United Nations through the means of its choosing. He noted that as a result of that work, the Islamic Republic of Iran had been able to make payment in June 2021 and had had its voting rights in the Organization restored. He noted that the host country had acted promptly to address similar requests from other permanent missions, including the Permanent Mission of the Bolivarian Republic of Venezuela. He welcomed the close coordination with Member States and with the Secretariat to resolve those matters.

132. The representative of the Bolivarian Republic of Venezuela recalled proposals made by his delegation at the online informal meeting of the Committee held on 27 January 2021 and the 300th meeting held on 3 March 2021. He called upon the Secretariat and the Committee to provide an update on the steps taken since the previous meeting to provide tangible and effective solutions to the repeated problems his Government faced with regard to banking matters. He called for a candid dialogue between the Committee and the host country to resolve all pending matters, including the banking issue. He stated that it was important that the banking issue was resolved in order to avoid a situation wherein his country would lose its voting rights in the Organization for reasons beyond its control. He noted that attempts to impede the participation of his country in the work of the Organization were in violation of section 27 of the Headquarters Agreement. He reiterated his country's firm commitment to upholding its international obligations, including those owed to the United Nations. He called upon the Secretary-General to continue his efforts to find solutions to the pending issues before the Committee in a reasonable period of time.

133. The representative of the Russian Federation voiced support for the statement made by the representative of the Bolivarian Republic of Venezuela. He noted that the Bolivarian Republic of Venezuela was in a very complicated situation due to its inability to pay its dues to the Organization. He stated that that was the result of the aggressive use of illegal unilateral sanctions and the blocking of Venezuelan accounts by the host country. He stated that the host country did not have the right to create obstacles for the full participation by any Member State in the work of the Organization.

134. The representative of the Islamic Republic of Iran expressed his delegation's support for the position expressed by the Bolivarian Republic of Venezuela regarding the payment of its dues to the Organization.

135. The representative of Cuba recalled the previous statements of her delegation on the situation faced by the Permanent Mission of the Bolivarian Republic of Venezuela and characterized that situation as discriminatory. She voiced her delegation's support for the statements made by representative of the Bolivarian Republic of Venezuela on the banking issues and by the representative of the Russian Federation concerning property owned by the Russian Federation and urged the host country to comply with its obligations regarding these matters under the Headquarters Agreement.

136. The representative of the Syrian Arab Republic stated that his delegation shared the concerns raised by the representative of the Bolivarian Republic of Venezuela. He noted that the host country had a responsibility to facilitate the timely payment by Member States of their contributions.

137. The representative of the host country stated that the host country had consistently demonstrated that it would take whatever actions it could to facilitate the access of Member States to the banking system so that they could pay their contributions to the United Nations. He informed the Committee that his Mission had worked closely and expeditiously with the United States Treasury Department to facilitate the transfer by the Islamic Republic of Iran of its dues to the United Nations, which it had successfully been able to do during the previous month. He informed the Committee that his Mission had also worked closely with the United Nations Federal Credit Union and the Treasury Department to provide a path for the Permanent Mission of the Bolivarian Republic of Venezuela to pay its dues to the United Nations, which it had also been able to do successfully. He urged any Member State that faced difficulties in paying its contributions to the United Nations to promptly contact his Mission. He noted that national sanctions that might apply to a Member State were not subject to review under the Headquarters Agreement.

138. At the 302nd meeting, the representative of the Bolivarian Republic of Venezuela recalled proposals made by his delegation at the online informal meeting of the Committee held on 27 January 2021, the 300th meeting, held on 3 March 2021, and the 301st meeting, held on 12 July 2021, and requested the Chair, members of the Committee and the Secretariat to provide an update on the matter. He also recalled information provided by the Secretariat on the bilateral discussions with the host country. He noted that thus far, the proposals made by his delegation had not received a response. He stated that, following the efforts undertaken by the Secretariat in 2020, a route to send resources from his country to the United Nations accounts had been established and the effectiveness of that route had been proven. He wished to inform the Committee that this did not resolve the situation in which the host country had seized approximately \$300 million from his Government's account at a United States bank and transferred it to the Federal Reserve Bank. He informed the Committee that another bank account held by his Government in the United States as an administrator for funds of the Latin American and Caribbean States had been closed by order of the host country authorities in July 2021. He stated that his delegation remained optimistic and requested the Committee to continue its dialogue with the host country to resolve all pending issues. He reiterated the commitment of his Government to meet all of its international obligations, especially its financial obligations to the United Nations.

139. The representative of Cuba expressed concern over the problems described by the representative of the Bolivarian Republic of Venezuela. He stated that it was

necessary for the Committee to accord due attention to those problems with a view to finding a solution as quickly as possible.

140. The representative of the Syrian Arab Republic stated that his delegation was opposed to the measures the host country had taken against the Bolivarian Republic of Venezuela, which would have the effect of depriving a Member State of the United Nations of its right to vote in the General Assembly. He asserted that the Government of the United States had to address issues before the Committee as the host country under the legal framework of the Headquarters Agreement and not on the basis of bilateral relations.

141. The representative of the Islamic Republic of Iran expressed support for and solidarity with the delegation of the Bolivarian Republic of Venezuela with respect to the banking issues it was facing. He stated that while his delegation considered all unilateral coercive measures illegal in nature, in cases that related to activities of Member States before the United Nations, the imposer of such measures and the host country were the same, and it was the responsibility of the host country under the Headquarters Agreement to refrain from imposing sanctions that impeded the normal activities of permanent missions and their representatives accredited to the United Nations.

## **2. Property of a mission**

142. At the online informal meeting held on 27 January 2021, the representative of the Russian Federation stated that the host country authorities continued to illegally hold the diplomatic property of the Russian Federation in Upper Brookville and to deny any access to those premises by the representatives of his country. He noted that four years had passed since the property had been seized by the host country. He stated that the Embassy of the Russian Federation in Washington, D.C., regularly requested access to the property in order to check on its condition and that the host country had denied such access. He noted that further consideration of that matter was required. He noted that the illegal seizure of that property was in violation of international law and norms of morality in a civilized society. He asserted that the actions of the host country could amount to theft. He voiced an expectation that that issue would be thoroughly considered by the new Administration of the host country.

143. The representative of the host country noted that the status of the Russian property in Upper Brookville did not implicate the obligations of the United States as the host country. He stated that the closure of the property was a bilateral matter. He recalled that there existed no entitlement to or protection for recreational property used by a mission under either the Vienna Convention on Diplomatic Relations or the Headquarters Agreement and noted that the pandemic did not change that fact. He informed the Committee that the Department of State of the host country had recently responded to the Permanent Mission of the Russian Federation on that matter on 28 December 2020.

144. The Chair recalled the position of the Committee on this matter as reflected in paragraph 194 (e) of its previous report ([A/75/26](#)).

145. At the 300th meeting, the Legal Counsel informed the Committee that he had received documents from the Permanent Mission of the Russian Federation concerning the property in Upper Brookville and that he intended to discuss the matter in due course with the Missions of the Russian Federation and the host country.

146. The representative of the Russian Federation stated that the property in Upper Brookville, which constituted part of the premises of the Permanent Mission of the Russian Federation, remained illegally seized by the host country authorities. She characterized the seizure as a hostile takeover of the property of a sovereign State and



in violation of all norms of national and international law. She noted that the privileges and immunities of the property in Upper Brookville had been recognized by the host country in the past. She expressed hope that in the very near future the situation would change, including through the consultations between the Legal Counsel and the host country.

147. The representative of the host country stated that the closure of the Russian property in Upper Brookville was a bilateral matter and that there existed no entitlement to or protection for recreational property that might be used by a mission under either the Vienna Convention on Diplomatic Relations or the Headquarters Agreement. He noted that the Department of State of the host country had responded to the Permanent Mission of the Russian Federation with regard to this matter in February 2021.

148. The representative of the Russian Federation stated that the property in Upper Brookville had been purchased and always been used by the Permanent Mission of the Russian Federation. She noted that the host country had been notified that the property was used for the purposes of the Permanent Mission and not as a recreational property. She stated that if the property belonged to and was used by a permanent mission, the matter was not of a bilateral character. She noted that the matter had serious implications for the entire Organization as it concerned the treatment of the Mission, not the Embassy.

149. The representative of the host country stated that the fact that the property in Upper Brookville was owned by the Russian Federation did not make it part of the premises of the Mission of the Russian Federation and therefore entitled to special protection under diplomatic law. He recalled article 12 of the Vienna Convention on Diplomatic Relations and noted that the host country had not given its express consent for the Russian Federation to establish offices in Upper Brookville and did not consider that property to be part of the premises of the Mission.

150. The representative of the Russian Federation stated that the property in Upper Brookville not only belonged to the Russian Federation, but was initially acquired by the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations in the 1950s. She stated that the property had always been used by her Mission for its official purposes and that the host country had never previously objected in that regard. She also stated that consent under article 12 of the Vienna Convention on Diplomatic Relations was not required since her Government did not consider the suburbs of New York City to be a different locality.

151. At the 301st meeting, the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, informed the Committee that during the meetings in Washington, D.C., on 24 and 25 June, his team had held a working-level discussion with members of the Office of the Legal Adviser of the Department of State of the host country on the property of the Russian Federation in Upper Brookville.

152. The representative of the Russian Federation stated that the host country had illegally seized the facilities of the Permanent Mission of the Russian Federation in Upper Brookville and that the host country was now trying to shift discussion of that issue away from the multilateral forum of the Committee, where it belonged, to a bilateral format. He wished to reiterate that the property had been acquired by the Permanent Representative of the Union of Soviet Socialist Republics for use by the Permanent Mission. In that regard, he questioned the logic that the host country appeared to be following to support its position. He questioned whether the host country would apply the same logic to a situation where both the permanent mission and the consulate of a Member State shared the same premises and assert the right to confiscate those premises by arguing that such right was provided on the basis of a bilateral agreement. He stated that the property in Upper Brookville was not the

subject of bilateral agreement and that its status was regulated under the Headquarters Agreement.

153. The representative of the host country stated that the status of the property of the Russian Federation in Upper Brookville did not implicate obligations on the part of the United States as the host country. He stated that the closure of the premises was a bilateral matter and fell outside of the scope of an arbitration under the Headquarters Agreement. He also stated that there was no entitlement to or protection for recreational property used by a mission under either the Vienna Convention on Diplomatic Relations or the Headquarters Agreement and that the bilateral nature of the arrangement regarding the property was also evidenced by the fact that there were no other permanent missions that owned recreational property of a similar kind. He noted that the fact that the property was owned by the Russian Federation did not on its own serve to make it part of the premises of the Permanent Mission of the Russian Federation. He asserted that it was not and could not be the case that all property owned by the Russian Federation in the New York area and used by the staff of the Mission for recreational or representational purposes was to be considered premises of the Mission. He stated that the term “premises of the mission” was very narrowly defined and pointed to article 12 of the Vienna Convention on Diplomatic Relations in support. He wished to reiterate that the United States, as the receiving State, had not given express consent for the Mission of the Russian Federation to establish premises in Upper Brookville. He stated that the host country had conferred privileges and immunities on the property in Upper Brookville as a courtesy and that that bilateral arrangement did not fall within the obligations of the United States under the Headquarters Agreement or the Vienna Convention on Diplomatic Relations, to the extent that provisions of the Convention were incorporated explicitly in the Headquarters Agreement. He also wished to reiterate that the decisions to grant and to terminate the courtesy of extending privileges and immunities to the property had been taken in the context of bilateral relations between the United States and the Russian Federation.

154. The representative of the Russian Federation stated that the host country had a legal position that differed from that of his country and that those positions were not likely to be reconciled. He stated that such differences could therefore best be resolved through arbitration between the United Nations and the host country, which would be competent to address all issues, including on its own scope of jurisdiction, and in particular on whether a specific matter was governed by the Headquarters Agreement. He also stated that, even if one assumed that the property did not fall under the Headquarters Agreement, which he did not grant to be the case, it should still be returned as it was stolen property.

155. At the 302nd meeting, the representative of the Russian Federation stated that the granting of diplomatic status, privileges and immunities to property used for official purposes by permanent missions to the Organization was a legal obligation and not a privilege of the host country or a matter of international courtesy. He stated that immunity was a guarantee under international law, which would be a meaningless concept if a host country could arbitrarily restrict or remove it. He noted that such a possibility was contained in the Foreign Missions Act as a procedure entitled “divestiture”, which gave the power to the executive branch of government to unilaterally lift immunity from any foreign diplomatic property with the aim of protecting the interests of the host country. He asserted that such a provision of domestic law and its application was in violation of the obligations of the host country under the Headquarters Agreement. He noted that provisions of internal law could not be used as a justification for derogation from rules of international law, in particular with regard to privileges and immunities. He stated that in view of legislation in place

in the host country, no permanent mission was safe from arbitrary seizure of its diplomatic property.

156. The representative of the Russian Federation stated that the seizure by the host country of the property of the Permanent Mission of the Russian Federation in Upper Brookville was illegal and unprecedented. He recalled that permanent missions were accredited to the United Nations and not to the authorities of the host country. He pointed out that the “package” of the restrictive measures applied by the host country, including with regard to its diplomatic property, as well as with respect to the processing of visas, imposition of travel restrictions and other discriminatory acts was perfectly synchronized in time and received extensive press coverage, including the statements of relevant officials of the host country. He remarked in that regard that such measures as a whole formed a campaign directed at making the functioning of his Mission as difficult as possible. He noted that such a situation could hardly be qualified as a bilateral matter.

157. The representative of the host country recalled the positions of his country and the Russian Federation on the matter of the property in Upper Brookville expressed at the 301st meeting of the Committee. He reiterated that the status of the property did not implicate any obligations of the host country under the Headquarters Agreement and that it was a bilateral matter. He stated that the position of the host country remained unchanged and that there existed no entitlement or protection for recreational property that may be used by a permanent mission under the Vienna Convention on Diplomatic Relations or the Headquarters Agreement. He stated that the bilateral nature of the arrangement for the property at issue was evidenced by the fact that there were no other permanent missions that owned recreational property of that nature to which privileges had been accorded. He noted that the fact that the property was owned by the Russian Federation did not make it part of the premises of the Permanent Mission of the Russian Federation. He stated that it was not and could not be the case that all property owned by the Russian Federation in the New York area and used by the staff of the Permanent Mission of the Russian Federation for recreational purposes or for receptions, was considered premises of the Mission. In this regard, he also recalled the notion of prior express consent set forth in article 12 of the Vienna Convention on Diplomatic Relations. He stated that the host country had not given its express consent for the Permanent Mission of the Russian Federation to establish offices forming part of the Mission in Upper Brookville and did not consider that property to be part of the premises of the Mission.

158. The representative of the Russian Federation stated that his delegation categorically disagreed and rejected the assessments made by the representative of the host country.

### **3. Section 21 of the Headquarters Agreement**

159. At the 299th meeting, the representative of the Islamic Republic of Iran asserted that the Committee had failed to address the request of the General Assembly contained in paragraph 16 of its resolution [74/195](#). He recalled the proposal made by his delegation, which, he noted, had been rejected, that the affected Member States be able to participate in the negotiation of the recommendations of the Committee. He called for the Secretary-General to trigger section 21 of the Headquarters Agreement. He noted that the Secretary-General had not only the discretion, but also a responsibility, to trigger the dispute settlement mechanism under the Headquarters Agreement with a view to removing all illegal restrictions once and for all.

160. The Assistant Secretary-General for Legal Affairs recalled the statement of the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, at the online informal meeting of the Committee held on 17 September 2020 that dialogue

with the host country remained the best option for finding acceptable solutions and that should the Legal Counsel reach the conclusion that no tangible results could be achieved through his discussions with the host country, he would be prepared to recommend to the Secretary-General that section 21 of the Headquarters Agreement be triggered. He noted that the Legal Counsel had not reached that stage.

161. The representative of China stated that the issues raised in the Committee must be properly addressed in accordance with international law, including the Charter and the Headquarters Agreement. He noted that only by guaranteeing the rights of all Member States could the United Nations operate effectively in the spirit of multilateralism and diplomacy. He expressed appreciation for the efforts exerted by all parties, including the Chair and the Secretariat, aimed at resolving the issues. He recalled that section 21 of the Headquarters Agreement laid out a mechanism for dispute settlement, which should be applied in order to resolve any dispute in accordance with the applicable law and to safeguard the rights of Member States, ensuring their equal participation in the work of the Organization.

162. The representative of the Syrian Arab Republic recalled the statement made by the Legal Counsel to the Committee at its online informal meeting held on 17 September 2020. He noted that, owing to the position of the host country, there was a crisis with regard to the issues faced by the Permanent Missions of Cuba, the Islamic Republic of Iran, the Bolivarian Republic of Venezuela and the Russian Federation. He noted that his Mission was also facing a crisis with regard to the issuance of visas. He stated that a reasonable and finite period of time had lapsed and called upon the Secretary-General to exercise his prerogative to invoke section 21 of the Headquarters Agreement.

163. The representative of Cuba stated that when the language contained in General Assembly resolution [74/195](#) regarding the “reasonable and finite period of time” had been drafted, the intended meaning had been to convey the passage of time. She noted that it was becoming increasingly difficult for the affected Member States to address the illegal measures imposed by the host country.

164. The representative of Nicaragua expressed solidarity with all Member States affected by arbitrary measures. She noted that a prompt resolution of the issues was extremely important so as not to jeopardize the functioning of the affected missions during the seventy-fifth session of the General Assembly. She asserted that Nicaragua was a firm believer in the principles of equality under the law and the sovereign equality of all Member States. She noted that, in view of the urgency of the situation for several Member States, which was worsened by the pandemic, it was time to apply section 21 of the Headquarters Agreement.

165. The representative of the Russian Federation stated that her delegation was expecting decisive measures by the Secretary-General under section 21 of the Headquarters Agreement, including practical measures in preparation for an arbitration process.

166. At the online informal meeting held on 27 January 2021, the representative of the Russian Federation recalled paragraph 15 of General Assembly resolution [75/146](#) and stated that the “reasonable and finite period of time” regarding the issues that had not been resolved by the Committee was over. He observed that the issues before the Committee had remained unresolved for two years. He stated that the Secretary-General had the mandate to launch arbitration under section 21 of the Headquarters Agreement and the immediate resolution of that unacceptable situation was expected.

167. The representative of Cuba asserted that the host country had disregarded the recommendations of the Committee and the General Assembly and intensified its arbitrary measures. He stated that it was time for the Secretary-General to exercise

his authority with a view to ensuring that the principle of sovereign equality of States was respected and that the full and non-discriminatory participation of all members of the United Nations was guaranteed. He stated that his Government was disappointed with the situation and the delays in activating section 21 of the Headquarters Agreement with respect to the issues reflected in the previous report of the Committee. He hoped that the upcoming meeting of the Legal Counsel with the authorities of the host country would provide solutions to the issues pending before the Committee.

168. The representative of the Bolivarian Republic of Venezuela stated that the Secretary-General had a role and duty under section 21 of the Headquarters Agreement and that proceedings under that section would help to ensure the integrity of the Headquarters Agreement. He stated that the ultimate goal was to ensure that all delegations could fully and efficiently discharge their responsibilities without discrimination or the deliberate or inadvertent imposition of limitations of any kind.

169. At the 300th meeting, the representative of Nicaragua reiterated that the failure to comply with the Headquarters Agreement violated the right of Member States to participate in the functioning of the Organization on an equal basis and without discrimination. She voiced her country's support for the adherence to the Convention on the Privileges and Immunities of the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement. She reaffirmed the need to respect the diplomatic immunity of the premises and diplomatic agents. She noted that her delegation favoured the adoption of all relevant measures aimed at maintaining safety and security. She voiced her country's solidarity with the delegation of Cuba. She noted that a permanent solution was of crucial importance for countries affected by any arbitrary measures. She reaffirmed her Mission's position that, taking into account the urgency of the situation for Member States subject to illegal measures, it was time to apply section 21 of the Headquarters Agreement.

170. The representative of the Bolivarian Republic of Venezuela underscored that it was the prerogative of the Secretary-General to invoke section 21 of the Headquarters Agreement and to ensure, in a reasonable and finite period of time, practical and tangible solutions to the problems dealt with by the Committee.

171. The representative of the Russian Federation stated that in the Committee, the views of delegations long affected by the issues before the Committee differed from those of delegations that were unaffected. She stated that it was not surprising that those that had not felt the impact of those measures did not have a sense of urgency with respect to their resolution. In that regard, she wished to point out that a significant amount of time had already elapsed while the issues were being discussed without solutions being found.

172. The representative of the Russian Federation stated that it was important to set up a timeline whereby substantive changes in the situation could be assessed. She noted that, in her country's view, given that the host country had recently changed Administrations, one month was a sufficient amount of time to make substantive progress in the matter. She stated that if, one month following negotiations between the Legal Counsel and the host country, there were still no results in respect of the pending issues before the Committee, the Secretary-General must invoke section 21 of the Headquarters Agreement as prescribed by the General Assembly. She therefore wished to propose that the Committee reconvene in one month to evaluate the progress that had been achieved.

173. The representative of the United Kingdom noted the change in the Administration of the host country and, in view of that, thought that the timeline

suggested by the representative of the Russian Federation was not as realistic as it could have been.

174. The representative of Cuba expressed hope that discussions between the Legal Counsel and the authorities of the host country would be successful. She joined the call for the triggering of section 21 of the Headquarters Agreement.

175. At the 301st meeting, the representative of Cuba stated that the Secretariat must act with determination. She asserted that the lack of concrete action had allowed the host country to act with impunity. She expressed her delegation's disappointment with the situation and maintained that arbitration under section 21 of the Headquarters Agreement should be pursued.

176. The representative of the Islamic Republic of Iran stated that the continued inclusion of a paragraph on the invocation of section 21 in resolutions of the General Assembly without any action taken thereunder undermined the credibility and efficiency of the United Nations and its resolutions.

177. The representative of Nicaragua thanked the Legal Counsel for the update provided to the Committee. She expressed concern over the discriminatory application of the Headquarters Agreement by the host country, including the restriction on the movement of officials of certain Member States and the confiscation of diplomatic property, as well as the restrictions on the issuance of visas. She noted that the plight of the affected Member States had worsened because of the pandemic. She stated that the international community must support efforts to reach an agreement resolving those issues. She stated that Nicaragua was a firm believer in the right of all Member States to participate in the work of the Organization on an equal footing, especially those that had been affected by the various arbitrary measures. She stated that, in view of the urgency of the situation for several Member States, it was time to invoke section 21 of the Headquarters Agreement.

178. The representative of the Russian Federation referred to paragraph 15 of General Assembly resolutions [75/146](#) and [74/195](#) and stated that the Secretary-General had the mandate to launch arbitration under section 21 of the Headquarters Agreement and that he was expected to do so before the end of the seventy-fifth session of the Assembly in order to resolve by legal means all the issues that had been discussed for years by the Committee. He expressed hope that the Secretary-General would fulfil those resolutions without further delay. He recalled that in 1988, only three months had passed between the raising in the Committee of the issue of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations and notification under section 21 of the Headquarters Agreement.

179. At the 302nd meeting, the representative of the Russian Federation informed the Committee of a joint letter dated 31 August 2021 that was sent from the permanent representatives of the Russian Federation, the Bolivarian Republic of Venezuela, the Islamic Republic of Iran, Cuba, Nicaragua and the Syrian Arab Republic to the Secretary-General expressing serious concerns over violations of the Headquarters Agreement by the host country and calling upon the Secretary-General to promptly activate a procedure under section 21 of the Headquarters Agreement. He stated that his delegation was deeply disappointed by the lack of progress and asserted that the systemic and public nature of the violations was indicative of the lack of interest by the host country in rectifying the situation. He stated that the continuing lack of progress was undermining the authority of the Committee and the Organization as a whole, as it was contrary to the key principles of non-discrimination and sovereign equality.

180. The representative of China stated that the dispute resolution mechanism provided for in section 21 of the Headquarters Agreement had the purpose of ensuring

that the rights and interests of Member States were met and that Member States could participate in the work of the Organization on an equal footing.

181. The representative of the Islamic Republic of Iran stated that, among other unresolved issues that were raised within the Committee during the course of the previous year, two consecutive resolutions of the General Assembly with regard to the activation of section 21 of the Headquarters Agreement had not yet been met by the Secretary-General.

182. The representative of Nicaragua stated that the United Nations was in need of transformation to become a truly multilateral forum in the service of humanity. She noted that the Headquarters Agreement provided a legal mechanism to address the issues before the Committee. She recalled the recommendations and conclusions contained in the previous report of the Committee (A/75/26) and stated that by activating section 21 of the Headquarters Agreement, it would be possible to find a legal solution to the existing critical situation.

183. The representative of the United Kingdom noted the ongoing nature of the discussions, including those held between the host country and the Secretariat. He stated it was not yet the time for section 21 to be invoked and that his delegation would not support further strengthening of the recommendations and conclusions of the Committee in that respect.

184. The representative of France encouraged the host country to respect all provisions of international law relevant to its role as a host country, including those contained in the Vienna Convention on Diplomatic Relations and the Headquarters Agreement. She noted the need to pursue dialogue and consensus in the work of the Committee. She stated that more time should be allowed for dialogue and negotiations. She noted that France as a host country confronted the same difficulties as the United States, including delays in granting visas. She further stated that resorting to section 21 of the Headquarters Agreement was not an option that her delegation could support at this time.

185. The representative of Canada noted that there was a strong commitment by the host country to tackle many of the issues before the Committee and to abide by its obligations under the Headquarters Agreement. She noted that Canada as a host country also confronted challenges as mentioned by representatives of the host country and France. She noted that Canada also experienced higher timelines for the issuance of visas, and her delegation remained in dialogue with the host country for the timely issuance of visas. She further noted the importance of continued dialogue and that it was the best approach under the circumstances. She expressed her confidence that a balance would be found in due course.

186. The representative of the Russian Federation stated that representatives from the Bolivarian Republic of Venezuela, Cuba, Nicaragua, the Islamic Republic of Iran and the Syrian Arab Republic raised very important issues and problems that required the attention of the Committee to find solutions to them, including by resorting to section 21 of the Headquarters Agreement. He noted the statements made by the representatives of France, the United Kingdom and Canada. In connection with the position of a delegation not supportive of strengthening of the recommendations and conclusions of the Committee, he expressed hope that that position was rooted in the desire to resolve the issues before the Committee and not tacit support for the discriminatory practices of the host country.

187. The representative of the Russian Federation stated that the mechanism under section 21 of the Headquarters Agreement provided for an independent arbitration entity to decide on the situation. In this regard, he wished to emphasize that the objections of the host country should not impede the Organization in initiating the

process under section 21 and that the process was intended for such situations and provided an objective way to resolve matters that the parties cannot agree on.

188. The representative of Cuba stated that it was time for the Secretary-General to initiate the procedure under section 21 of the Headquarters Agreement to ensure that the principle of sovereign equality was respected and full participation of all Member States in the work of the United Nations without discrimination was guaranteed. He voiced his delegation's continued disappointment with the situation. He underscored that maintaining the status quo indefinitely with regard to the matters reflected in the report of the Committee ([A/75/26](#)) would be contrary to General Assembly resolutions [74/195](#) and [75/146](#) and the guarantees that were offered to his delegation during the meeting that was held with the Secretary-General on 10 March 2020.

189. The representative of the host country referred to the statements made by representatives of France, the United Kingdom and Canada and underscored the importance of continued dialogue as the country was working on addressing the issues before the Committee through the implementation of streamlined visa procedures, among other initiatives.

190. The representative of the Bolivarian Republic of Venezuela stated that the Secretary-General had a duty to continue to advance in the activation of section 21 of the Headquarters Agreement with a view to achieving in a reasonable and finite period of time practical and tangible solutions to the problems before the Committee. He noted that the ultimate goal was to guarantee that delegations could carry out their responsibilities without discrimination or limitation of any kind.



## Chapter IV

### Recommendations and conclusions

191. At its 303rd meeting, on 8 October 2021, 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) 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;

(c) 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 by the host country to this end and that numerous issues raised before it remain unresolved 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, and encourages Member States to bring issues to the attention of the host country and of the Committee as soon as they occur;

(d) 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 191 (a) cannot be subject to any restrictions arising from the bilateral relations of the host country. In this regard, the Committee takes seriously the number of remaining 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, preferably 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;

(e) 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 ongoing efforts made by the host country to that end and anticipates that the host country will take all appropriate steps to protect the premises of missions against any intrusion or damage and to prevent any disturbance of the peace of missions or impairment of their dignity;

(f) 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 191 (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 expresses concern regarding the lack of resolution of these matters, remains seized of these matters and anticipates that they shall be duly addressed in a spirit of cooperation and in accordance with international law;

(g) 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;

(h) 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;

(i) 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;

(j) The Committee emphasizes the importance of the full participation of all delegations in the work of the United Nations and expresses serious concern regarding the non-issuance of entry visas to certain representatives of certain Member States, in particular to delegates participating in the work of the Main Committees at the seventy-fifth session of the General Assembly. The Committee takes note of the statements of the United Nations Legal Counsel at its 297th and 298th meetings, reiterating his statement 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, sections 11 and 13, 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 and renewal of visas to representatives of Member States and members of their families, 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, including single-entry visas, and the waiting time for issuance, with a view to ensuring that delegations are able to participate fully in the work of the United Nations;

(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 and recalling the privileges and immunities enjoyed by representatives of Member States and staff members of the United Nations Secretariat under applicable international law, the Committee acknowledges the lifting of the more stringent travel restrictions applicable to one Mission, while remaining concerned about the more stringent travel restrictions that continue to affect another mission and the statements of affected delegations that travel restrictions impede their ability to carry out their functions and negatively impact their staff and families. The Committee strongly urges 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. The Committee takes note of the challenging circumstances caused by the COVID-19 pandemic since March 2020 and appreciates the efforts of the United States Mission to the United Nations to respond to requests from the diplomatic community;

(p) The Committee welcomes the sustained active engagement of the Legal Counsel and the Secretary-General with the authorities of the host country at various levels in order to resolve the issues raised above and continues to encourage 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 statements of the United Nations

Legal Counsel at the emergency, 295th, meeting of the Committee, as set out in document [A/AC.154/415](#) and at its online informal meeting on 17 September 2020. Recalling the position of the Committee as set out in paragraph 194 (p) of its previous report and that of the General Assembly in paragraph 15 of its resolution 75/146, the Committee notes the ongoing discussions between the Legal Counsel and the competent authorities of the host country regarding unresolved issues and further notes with concern that issues still persist. Recalling in this regard, once more, that serious consideration should be given to taking steps under section 21 of the Headquarters Agreement if certain issues remained unresolved following a reasonable and finite period of time, the Committee accordingly reiterates its recommendation to the Secretary-General to now give most serious consideration and take any appropriate steps under section 21 of the Headquarters Agreement and to enhance efforts to resolve the issues;

(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.154/416](#) Letter dated 16 December 2020 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.154/417](#) Letter dated 15 January 2021 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
- [A/AC.154/418](#) Letter dated 13 May 2021 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.154/419](#) Letter dated 23 August 2021 from the Permanent Representative of Cuba to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
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