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## Sixth Committee

### Summary record of the 27th meeting

Held at Headquarters, New York, on Tuesday, 9 November 2021, at 10 a.m.

*Chair:* Ms. Al-Thani . . . . . (Qatar)  
*later:* Mr. García López (Vice-Chair) . . . . . (Spain)

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*The meeting was called to order at 10.05 a.m.*

**Agenda item 80: Report of the United Nations Commission on International Trade Law on the work of its fifty-fourth session** (*continued*) (A/76/17; A/C.6/76/L.3, A/C.6/76/L.4 and A/C.6/76/L.5)

*Draft resolution A/C.6/76/L.3: Mediation Rules of the United Nations Commission on International Trade Law*

1. *Draft resolution A/C.6/76/L.3 was adopted.*

*Draft resolution A/C.6/76/L.4: Expedited Arbitration Rules of the United Nations Commission on International Trade Law*

2. *Draft resolution A/C.6/76/L.4 was adopted.*

*Draft resolution A/C.6/76/L.5: Enlargement of the membership of the United Nations Commission on International Trade Law*

3. *Draft resolution A/C.6/76/L.5 was adopted.*

**Agenda item 167: Report of the Committee on Relations with the Host Country** (A/76/26)

4. **Mr. Hadjichrysanthou** (Cyprus), speaking as Chair of the Committee on Relations with the Host Country and introducing the report of the Committee (A/76/26), said that during the reporting period, concerns had been raised 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, particularly in connection with entry visas and travel restrictions. The Committee on Relations with the Host Country would continue its efforts to address all issues under its mandate in a spirit of cooperation and in accordance with international law.

5. That Committee had sought to reflect fully in the report its discussions throughout the year, while noting that a number of the issues raised remained unresolved. The recommendations and conclusions contained in the report featured new formulations concerning, inter alia, the issuance of entry visas to representatives of Member States and Secretariat staff, travel restrictions imposed by the host country and the role of the Secretary-General in the work of that Committee in accordance with General Assembly resolution 2819 (XXVI) and the ongoing discussions between the Legal Counsel and the competent authorities of the host country in connection with unresolved issues and the implementation of the Headquarters Agreement.

6. The Committee on Relations with the Host Country had been working in the light of the recommendations and conclusions that it had adopted the previous year, in particular the decision that if the issues raised in its report were not resolved in a reasonable and finite period of time, serious consideration would be given to taking steps under section 21 of the Headquarters Agreement. Due emphasis was given to that position in the recommendations and conclusions contained in the current report. He noted the importance of the relevant parties being engaged in a process that they considered to be constructive, that could yield results and that should continue, as more work remained to be done. He stood ready to help address all issues raised in the Committee, in a spirit of compromise and with full regard for the interests of the Organization.

7. **Mr. Ghorbanpour Najafabadi** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement retained its principled position to not only uphold and defend the principles enshrined in the Charter of the United Nations but also to promote and preserve multilateralism. In that regard, countries that hosted United Nations headquarters or United Nations offices played a critical role in facilitating multilateral diplomacy and intergovernmental norm-making processes. As such, they must maintain appropriate conditions for delegations and missions accredited to the United Nations and support the Organization to fully and efficiently discharge its responsibilities and fulfil its purposes. The Movement of Non-Aligned Countries called on host States to facilitate the presence of representatives of Member States in relevant meetings of the United Nations, in accordance with their obligations under the relevant headquarters agreements and the Vienna Convention on Diplomatic Relations. The Movement recalled that the provisions of the Headquarters Agreement were applicable irrespective of the status of the bilateral relations between the United States and other Member States.

8. The Movement of Non-Aligned Countries had serious concerns regarding the denial or delayed issuance, by the host country of United Nations Headquarters, of entry visas to representatives of its member countries. Political considerations should not interfere with the provision of facilities that were required, under the Headquarters Agreement, for Member States to participate in the activities of the Organization. Furthermore, the imposition by the host country of arbitrary restrictions on the movement of the diplomatic officials of the missions of some member countries of the Movement constituted a flagrant violation of the Vienna Convention on Diplomatic

Relations, the Headquarters Agreement and international law, and the host country should take all measures necessary to remove those restrictions immediately.

9. In line with the decisions adopted by their Heads of State and Government at their eighteenth Summit, held in Baku on 25 and 26 October 2019, the States members of the Movement had announced their resolve to present to the General Assembly a short, action-oriented draft resolution demanding the fulfilment by the host country of its responsibilities, including the timely issuance of entry visas and the removal of arbitrary travel restrictions, in order to ensure that the delegations could fully exercise their right to participate in multilateral meetings and could properly discharge their diplomatic duties and official responsibilities.

10. **Ms. Popan** (Representative of the European Union, in its capacity as observer), speaking also on behalf of the candidate countries Montenegro, North Macedonia and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova, said that the Committee on Relations with the Host Country remained an efficient, open and transparent forum for discussion of all matters arising in connection with the implementation of the Headquarters Agreement. Under that Agreement, and under the Convention on the Privileges and Immunities of the United Nations, the delegations and missions accredited to the United Nations enjoyed privileges and immunities in order to enable them to function efficiently and independently, which was in the interest of the United Nations and of all its Member States. As that Committee had again indicated in its report (A/76/26), the observance of those privileges and immunities was vital and could not be subject to any restrictions arising from the bilateral relations of the host country.

11. The European Union welcomed the fact that banking issues had been resolved during the reporting period, enabling two Member States to make their financial contributions to the Organization and have their voting rights restored. The European Union also noted the lifting of the more stringent travel restrictions that the host country had imposed in July 2019 on the representatives of one mission. However, it noted with concern that numerous other matters before the Committee, including matters related to travel regulations and the issuance or renewal of entry visas, remained unresolved. All parties should work to find acceptable solutions, in line with the Headquarters Agreement and international law.

12. With regard to the issuance and renewal of entry visas for representatives of certain Member States, the

European Union stressed the importance of the full participation of all delegations in the work of the United Nations, and recalled that, at the 300th meeting of the Committee on Relations with the Host Country, the Legal Counsel had emphasized that the nature and number of delayed or non-issued visas remained of particular concern and required urgent action. The European Union also recalled that, at meetings of that Committee held during the seventy-fourth session of the General Assembly, the Legal Counsel had confirmed that the legal position of the United Nations regarding the host country's obligations with respect to the issuance of visas to persons covered by the Headquarters Agreement remained unchanged from the position explained by the then Legal Counsel in 1988, which was set out in document A/C.6/43/7 and which conferred on those persons an unrestricted right to enter the United States for the purpose of proceeding to the Headquarters district. Although the Government of the host country had lifted the more stringent travel restrictions applicable to one mission, its actions were still not in conformity with the long-standing position of the Committee on Relations with the Host Country, namely that there was no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations in New York.

13. The European Union supported the work and engagement of the Office of Legal Affairs to address those serious matters, and welcomed the increased involvement of both the Legal Counsel and the Secretary-General in that effort. It also recognized the commitment of the United States to engage on all matters related to its status as host country and to fulfil its obligations under the Headquarters Agreement. The European Union appreciated the efforts of the Mission of the United States to the United Nations to respond to specific requests and to accommodate the requirements and interests of the diplomatic community in New York in the context of the ongoing challenges related to the coronavirus disease (COVID-19) pandemic.

14. The European Union strongly supported a multilateral rules-based order with the United Nations at its heart, and was concerned that issues relating to the implementation of the Headquarters Agreement might affect the work of the Organization. It therefore encouraged the Committee on Relations with the Host Country, together with the Secretariat and the host country, to continue to discuss, and find solutions to, those issues. The Secretary-General and the Legal Counsel should continue to engage with the authorities of the host country, in consultation with the permanent missions of the affected Member States and with the assistance of the Chair of the Committee on Relations

with the Host Country, with a view to resolving the outstanding issues. Good-faith dialogue on the whole range of issues discussed in the Committee on Relations with the Host Country, with full regard for the interests of the Organization, remained the best avenue for finding acceptable solutions that were in line with international law.

15. **Mr. Khng** (Singapore) said that while it was positive that, in February 2021, the more stringent travel restrictions applicable to one permanent mission had been lifted, his delegation noted that issues relating to entry visas and travel restrictions continued to be raised in the Committee on Relations with the Host Country.

16. As the United Nations was at the centre of the rules-based multilateral system, all aspects of its work must be consistent with international law, including the relationship between the host country and the Organization, and between the host country and other Member States. The relevant body of international law, which encompassed the Charter, the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations, must be respected and implemented. The issues raised in the Committee on Relations with the Host Country must not be allowed to undermine the work of the Organization. It therefore again called on the host country and the other countries concerned to engage seriously and in a spirit of cooperation, with a view to an expeditious resolution of the issues in accordance with international law.

17. His delegation welcomed the high-level discussions between the Secretariat and the host country that had taken place during the reporting period, and urged the parties to continue to hold such discussions on a regular basis, in line with the central role which the Secretary-General, as representative of the United Nations, must play in ensuring the implementation of the Headquarters Agreement. Lastly, his delegation appreciated the efforts of the United States Mission to the United Nations to respond to requests from the diplomatic community, despite the challenging circumstances created by the COVID-19 pandemic.

18. **Ms. Ershadi** (Islamic Republic of Iran) said that hosting a United Nations headquarters was a privilege. As such, host countries were expected to provide an environment that enabled the Organization to fully and efficiently discharge its responsibilities. The provision of such an environment entailed ensuring that missions accredited to the United Nations were able to carry out their normal activities, including by making sure that mission staff had adequate access to the headquarters, were able to travel and transit to and within the host countries and were issued visas in a timely fashion.

Those obligations derived from international instruments, including the headquarters agreements and the Vienna Convention on Diplomatic Relations, and were to be fulfilled irrespective of bilateral relations and political considerations between Member States and the relevant host country.

19. With regard to the situation in the United States, according to the report of the Committee on Relations with the Host Country (A/76/26), issues relating to banking, visa restrictions, travel and movement restrictions and the security of missions and their personnel and property remained unresolved, and the Secretary-General had yet to activate a procedure under section 21 of the Headquarters Agreement. Among the long-standing problems faced by the Mission of the Islamic Republic of Iran to the United Nations and Iranian representatives was the restriction on movement imposed by the host country. The rolling back of the restriction in January 2021, from a 3-mile radius to the 25-mile radius implemented prior to 2019, while positive, did not signify a fundamental change in the host country's behaviour with regard to its responsibilities under the Headquarters Agreement and other applicable instruments. The restrictions it imposed were illustrations of its systematically discriminatory application of the Headquarters Agreement to the detriment of certain Member States.

20. The host country's lifting of some restrictions on missions or its provision of certain facilities for missions' activities on the grounds of humanitarian exemptions did not free it from its obligations under the relevant instruments. Furthermore, the host country's unsubstantiated and excessive invocation of "security issues" to justify its imposition of different types of restrictions on specific missions was in violation of its obligations, and constituted an attack on the targeted missions and their representatives. Furthermore, and in view of the illegality of unilateral coercive measures, the status of the United States as host country of the United Nations Headquarters made it particularly important for it to refrain from imposing any sanctions that, in any way whatsoever, disrupted or impeded the normal activities of Member States.

21. The position of the Legal Counsel that there was no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations remained undisputable. His delegation welcomed the recommendation of the Committee on Relations with the Host Country that the Secretary-General take appropriate steps under section 21 of the Headquarters Agreement, as several years of negotiations between the Secretariat and the host country had failed to bring about any

fundamental change in the latter's discriminatory application of the Agreement. In that regard, his delegation wished to draw the Committee's attention to a joint letter dated 31 August 2021, in which a group of countries had highlighted the problem. The Secretary-General had the discretion and the duty to trigger the dispute settlement mechanism set out in section 21, in implementation of two consecutive resolutions of the General Assembly, to preserve the credibility, independence and functionality of the Organization.

22. *Mr. García López (Spain), Vice-Chair, took the Chair.*

23. **Mr. Altarsha** (Syrian Arab Republic) said that diplomacy, dialogue and pluralism allowed the international community to work together in a spirit of international understanding and cooperation. It was therefore important to create favourable conditions for delegations and permanent missions to the United Nations to be in a position to perform their functions properly. Acting as host country was thus a considerable responsibility which the Government of the United States should endeavour to fulfil in the optimal way, while fully respecting the diplomatic privileges and immunities enshrined in the Vienna Convention on Diplomatic Relations and the Convention on the Privileges and Immunities of the United Nations and refraining from imposing any restrictions arising from its bilateral relations with any given State.

24. The Legal Counsel had made it clear that the Headquarters Agreement could not be applied in a discriminatory manner, and that there was no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations in New York. Yet for several years, the Government of the host country had persisted in imposing unlawful restrictions on the representatives of numerous Member States, including those of his Permanent Mission. Staff members of the Permanent Mission of the Syrian Arab Republic and their families continued to receive single-entry visas valid for a period of six months that often took several months to renew. That situation created obstacles to professional and personal travel, even for emergency reasons, such as bereavement. The Government of the host country blamed the delays on the coronavirus disease (COVID-19) pandemic, but its conduct had begun several years before the outbreak of the pandemic. His delegation therefore urged the Chair and members of the Committee on Relations with the Host Country to press the Government of the host country to issue multiple-entry visas with longer periods of validity, as was the practice for other permanent missions. That practice

would, moreover, relieve the pressure on officials responsible for issuing and renewing visas.

25. Since 2017, officials at the Permanent Mission of the Syrian Arab Republic and members of their families had been subjected to a 25-mile-radius travel restriction. That situation was particularly difficult for family members, who were penalized and denied freedom of movement solely because they belonged to the family of a diplomat. The invocation of security concerns as a motive for the restriction violated the privileges and immunities enshrined in the relevant international instruments and marked a departure from the norms of respectful diplomatic interaction. His delegation had not been granted any humanitarian exceptions, and most requests for such exceptions from other permanent missions had been rejected.

26. His delegation welcomed the recommendation contained in the report of the Committee on Relations with the Host Country (A/76/26) that the Secretary-General should take any appropriate steps under section 21 of the Headquarters Agreement. That was the last remaining option; a reasonable and finite period of time had now elapsed. The Government of the host country had delayed the issuance of visas, unjustifiably expelled accredited diplomats, confiscated property and real estate, impeded the transit of diplomatic bags and taken a lax approach to the safety and security of visiting delegations. It had prevented certain permanent missions from opening bank accounts, which they needed in order to fulfil their financial obligations to the Organization and retain their right to vote.

27. The time had come for the Committee on Relations with the Host Country to bring an end to such violations. The Government of the host country should respect the rules of international law, the norms of diplomatic conduct and that Committee's recommendations. It should refrain from arbitrarily using its position as host country to harm diplomats or restrict the movements and dignified lives of their spouses and children.

28. **Mr. Gala López** (Cuba) said that the members of the Committee on Relations with the Host Country worked to ensure that the Committee addressed all of the issues brought to its attention in a timely manner. It was regrettable that a new session was under way and yet certain delegations remained unable to carry out their functions vis-à-vis the Organization on an equal footing with others as a result of the failure of the United States to fulfil its host country obligations. It was also troubling that, although two years had elapsed since the adoption of General Assembly resolution 74/195, the Secretariat had not considered that time "reasonable and finite" to justify submitting to arbitration the disputes



between the United Nations and the Government of the United States relating to the interpretation and application of the Headquarters Agreement.

29. The United States was committing a number of violations of the relevant agreements, including arbitrarily imposing restrictions on the movement of the diplomats of some countries and their families, and delaying and denying visas to allow diplomats to enter the Headquarters district in order to participate in the work of the United Nations. The United States was also unjustifiably expelling accredited diplomats, seizing properties, violating diplomatic bags and preventing Member States from opening bank accounts and conducting transactions to fulfil their financial commitments, resulting, in some cases, in Member States losing their right to vote.

30. The testimonies contained in the report of the Committee on Relations with the Host Country (A/76/26) reflected the host country's disregard for international norms, disrespect for sovereign Member States and open abuse of power by using its status as host country in pursuit of its own political agenda. Cuba rejected the selective and arbitrary use of the Headquarters Agreement by the Government of the United States aimed at impeding or limiting the participation of particular delegations in the work of the Organization, in flagrant breach of the principle of the sovereign equality of all Member States.

31. It was regrettable that the procedures of the Committee on Relations with the Host Country allowed the United States to be a judge in a matter to which it was a party, a situation that constituted the main impediment to that Committee carrying out its work objectively. In the negotiations on the conclusions and recommendations of the report, his delegation had shown the willingness to consider reformulations of its proposals that would accommodate the concerns of all parties. It was deeply disappointing that delegations had been unable to agree to include, as "compromise, wording", references from the Vienna Convention on Diplomatic Relations and other international instruments, or from undisputed and recognized general principles of international law that applied, *mutatis mutandis*, to relations with the host country.

32. Specifically, the Committee had not agreed to cite article 26 of the Vienna Convention, concerning freedom of movement of diplomats, or the principle that domestic law could not be invoked to justify a breach of international law. It was also extremely worrying that it had been impossible to agree to add references to the Headquarters Agreement relating to the prompt issuance of visas. So long as the Committee was incapable of

addressing the situations decisively, the Organization would be unable to ensure the equal participation and representation of its Member States, in violation of its founding Charter.

33. The repeated and ever more disproportionate violations committed by the host country, in shameful disregard for the rules of international law, must not be allowed to continue. The Committee on Relations with the Host Country had a moral, ethical and legal duty to recommend that the Secretary-General activate a procedure for the peaceful settlement of any dispute relating to the application or interpretation of the Headquarters Agreement. That was the only way to legally resolve the deep divisions that existed and to bring an end to the increasingly disproportionate violations by the host country.

34. **Mr. Xu Chi** (China) said that his delegation supported the adoption by consensus of the annual report of the Committee on Relations with the Host Country, and expected that all parties would continue to demonstrate a spirit of cooperation and respect, and reach consensus on the text of the draft resolution under the current agenda item. As the report made clear, the issues relating to visas and travel restrictions had been dragging on for some time, affecting the normal participation of the Member States concerned in the work of the Organization. It was time to properly resolve those issues in line with international law, including the Charter and the Headquarters Agreement. The host country should listen attentively to the concerns of the relevant missions, fulfil its obligations in good faith, and avoid imposing visa and travel restrictions based on bilateral relations and political considerations. In the event that a visa was refused, the applicant should be informed as soon as possible of any additional documents required, or of the reason for the refusal.

35. His delegation also noted with concern that as a result of unilateral sanctions, certain Member States were unable to pay their assessments, and were consequently at risk of losing their voting rights in the Organization, which would seriously impede their participation in the work of the United Nations, as well as the normal functioning of the Organization itself. That issue had been raised multiple times in meetings of the Committee on Relations with the Host Country and included multiple times in its reports. The host country had no right to impede the full participation of any Member State in the work of the United Nations, irrespective of its bilateral relations. The countries concerned and the Secretariat should make joint efforts to resolve the issues as soon as possible.

36. His delegation appreciated the efforts by all parties, including the Chair of the Committee on Relations with the Host Country and the Secretariat, to facilitate the resolution of the long-standing issues. In the meantime, however, it was worth noting that section 21 of the Headquarters Agreement provided methods and steps for dispute settlement, which should be applied when a dispute had gone unresolved for a long period. The purpose of section 21 was to settle disputes in line with the law, uphold the legitimate rights of Member States and ensure equal participation in the work of the United Nations, all of which were in the overall interest of the Organization.

37. **Mr. Pérez Ayestarán** (Bolivarian Republic of Venezuela) said that respect for the sovereign equality of States was fundamental to the ability of the United Nations to fully and effectively discharge the responsibilities that were set out in its founding Charter. However, the Government of the United States of America, in keeping with its supremacist and hegemonic tradition, was openly and systematically violating that basic principle of international law, using its role as host country to advance its national interests. There were many illustrations of that Government's scorn for international law and its commitments under the Headquarters Agreement, including its illegal imposition of cruel and inhuman economic, commercial and financial embargos, and of restrictions on movement; obstruction of the timely issuance of visas; violation of the immunity of diplomatic property; and creation of obstacles to banking for certain delegations.

38. Although those issues had been discussed for years in the Committee on Relations with the Host Country, no comprehensive and lasting solution had been found. The arbitrary actions of the Government of the United States were not taken against the entire membership of the United Nations, but were rather aimed in a selective manner at a group of countries with which that Government had bilateral political differences. For instance, the United States Government had imposed restrictions on movement on representatives of the Bolivarian Republic of Venezuela and was deliberately denying that country access to its sovereign resources deposited in bank accounts under United States jurisdiction. Through such actions, the United States was seeking to limit the exercise of the rights and privileges of Venezuela within the Organization, including the country's right to participate with a voice and a vote in the intergovernmental processes of the General Assembly.

39. His delegation regretted that many of those issues were not adequately reflected in the draft resolution on the agenda item, as a consequence of the negative

approach of the delegation of the United States, in its effort to dilute the wording of the draft resolution and create the impression that progress had been made on those issues. His delegation hoped that the situation would soon be rectified and that the States affected by the aggressive acts would be allowed to participate in the consideration of the recommendations that were to be included in the annual report of the Committee on Relations with the Host Country. Involving those States would be a concrete step in the right direction, and would enhance the credibility and transparency of that Committee's work.

40. In that connection, his delegation called on the Committee on Relations with the Host Country to fulfil its critical role of ensuring the full implementation of the letter and spirit of the Headquarters Agreement. It also called on the Secretariat to participate more actively in the work of that Committee, including by providing timely and meaningful information on progress made in its discussions on all those issues with the relevant authorities of the host country. Moreover, and in view of the importance of ensuring that Member States could fully and effectively fulfil their diplomatic responsibilities and other official functions, his delegation called on the host country to remove, completely and expeditiously, without obstacles or delays, any impediment that might limit the rights and privileges of delegations accredited to the Organization.

41. If tangible results were not achieved in a reasonable and finite period of time, section 21 of the Headquarters Agreement should be activated without delay. Only thus would it be possible to clarify the scope of the Agreement and prevent the Government of the United States from continuing its flagrant breaches of the Agreement; only thus would Member States ensure the integrity of and respect for the Headquarters Agreement, as well as the equal and non-discriminatory treatment of all delegations, irrespective of any bilateral differences that might exist.

42. **Mr. Leonidchenko** (Russian Federation) said that for more than four years, his delegation had experienced problems arising from the host country's non-fulfilment of its responsibilities under the Headquarters Agreement, including the systematic denial of entry visas for representatives of the Russian Federation and personnel of its Permanent Mission, the confiscation of diplomatic property, in violation of international legal norms on privileges and immunities, and restrictions on movements. The non-issuance of visas and restrictions on movement also affected nationals of the Russian Federation who were employed by the Secretariat, some of whom had been selected to work in the Secretariat but had been unable to enter the United States to begin

work. Such treatment was equivalent to declaring those individuals *persona non grata*. His delegation was counting on the Secretary-General, who had previously expressed his firm opposition to the designation of United Nations personnel as *persona non grata*, to adhere to the same principle in view of the discriminatory actions of the United States in respect of United Nations personnel who were Russian nationals.

43. Despite the recommendations of the Committee on Relations with the Host Country and the General Assembly, and contacts between the Secretariat and the host country authorities, the issues facing his delegation had not been resolved. The systematic and public nature of the violations by the host country was indicative of its unwillingness to rectify the situation. His delegation called upon the Secretary-General to promptly activate a procedure under section 21 of the Headquarters Agreement, as recommended by the Committee on Relations with the Host Country, as it was the only option left to resolve the issues before the Committee. As in 2017, when the United Nations had failed to react in a coherent manner after a group of representatives of the Permanent Mission of the Russian Federation accredited to the United Nations had been expelled, the continuing lack of progress was undermining the authority of the Committee on Relations with the Host Country and the Organization as a whole, as it was contrary to the key principles of non-discrimination and sovereign equality.

44. **Ms. Grosso** (United States of America) said that the staff of the Host Country Section of the Permanent Mission of the United States to the United Nations had been working overtime during the COVID-19 pandemic, providing assistance to many permanent mission members and keeping the United Nations community informed about rapidly changing policies and guidance. The United States was pleased that meetings of important United Nations bodies had resumed in person, albeit with a more limited presence.

45. Senior United States officials had been deeply engaged throughout 2021 with the Committee on Relations with the Host Country, representatives of interested States and the Office of Legal Affairs with a view to addressing the concerns that some delegations had raised, and significant progress had been achieved. Noting the concerns raised by a number of delegations about the more restrictive travel controls applied to one mission, her Government had reversed that policy, easing the applicable restrictions. It had further streamlined its procedures and redoubled efforts to issue visas to diplomats accredited to the United Nations and their families. For the current session of the General Assembly, the vast majority of visas had been issued in

a timely manner and there was no serious concern that any delegation had lacked sufficient representation.

46. The report of the Committee on Relations with the Host Country contained the position of her Government with regard to the issues raised during Committee meetings, and she would not recapitulate it at the current meeting. Senior United States officials remained in constructive dialogue with the Office of Legal Affairs, including through several in-person meetings held in Washington, D.C., and New York in 2021, which had already yielded tangible results. In view of that, and the recent progress on the most central issues, calls for more formal dispute resolution were inappropriate and unjustified.

47. Her delegation was pleased that the Committee on Relations with the Host Country had once again adopted the recommendations and conclusions contained in its report by consensus, following intensive negotiations. Hopefully, the Sixth Committee would continue its practice of folding the recommendations of the Committee on Relations with the Host Country into its own resolution, and adopting that resolution by consensus. Her Government was honoured to have the privilege of hosting United Nations Headquarters in New York and did not take its responsibilities lightly. In its capacity as host country, the United States had a special responsibility towards each and every international civil servant at the United Nations.

#### **Agenda item 111: Measures to eliminate international terrorism (continued)**

##### *Oral report of the Chair of the working group on measures to eliminate international terrorism*

48. **Mr. Molefe** (South Africa), presenting the report on behalf of the Chair of the working group, said that, pursuant to General Assembly resolution [75/145](#), the Committee had decided at its 1st meeting, held on 5 October 2021, to establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as discussions on the item included in its agenda by General Assembly resolution [54/110](#) concerning the question of convening a high-level conference under the auspices of the United Nations. Pursuant to paragraph 9 of General Assembly resolution [51/210](#) and consistent with past practice, the working group was open to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. In keeping with its established practice, the working group had decided that members of the Bureau of the Ad Hoc Committee established by resolution [51/210](#), to the extent of their availability,



would continue to act as Friends of the Chair during the meetings of the working group.

49. The working group had had before it the report of the Ad Hoc Committee on its sixteenth session (A/68/37), which contained as annex I the preamble and articles 1, 2 and 4 to 27 of the draft comprehensive convention on international terrorism prepared by the Bureau, incorporating the various proposals contained in document A/C.6/65/L.10, and written proposals in relation to the outstanding issues surrounding the draft comprehensive convention, contained in the report as annex II. The working group had also had before it a letter dated 1 September 2005 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General (A/60/329), and a letter dated 30 September 2005 from the Permanent Representative of Egypt to the United Nations addressed to the Chair of the Sixth Committee (A/C.6/60/2). The Chair had also drawn the attention of the working group to the previous year's oral report by the Chair of the working group, contained in document A/C.6/75/SR.17.

50. The working group had held two virtual meetings, on 14 and 19 October 2021, respectively, convened against the backdrop of the plenary debate at the 1st, 2nd, 3rd and 4th meetings of the Committee, held on 5, 6, 7 and 8 October 2021. The working group had adopted its work programme and had held its discussions in the framework of informal consultations.

51. At its meeting on 19 October, the working group had adopted a proposed recommendation, based on paragraphs 25 and 26 of resolution 75/145, that the Committee, at the seventy-seventh session of the General Assembly, should establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as discussions on the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations. In the recommendation, the working group also recognized the valuable dialogue and efforts of Member States towards resolving any outstanding issues, and encouraged all Member States to redouble their efforts during the intersessional period. The recommendation would form part of the technical rollover of the draft resolution on the agenda item.

52. During the informal consultations held on 14 October 2021, the coordinator of the outstanding issues had provided an overview of the work undertaken over the years and an update on the status of negotiations regarding the outstanding issues surrounding the draft comprehensive convention. Work had proceeded on the general understanding that further consideration would

be given to all written amendments and proposals that were on the table, together with all other written and oral proposals, in future discussions, including on outstanding issues. Attention had also been drawn to the proposal by the Bureau contained in document A/68/37, and to the informal non-paper prepared by the former coordinator on a possible way to overcome differences on the outstanding issues relating to the draft comprehensive convention and comments had been invited thereon.

53. Delegations had reiterated their commitment to the negotiation and successful conclusion of a comprehensive convention. While reaffirming long-standing positions and preferences for proposals they had made, several delegations had expressed their continued interest in remaining engaged in the efforts of the working group to reach a solution to the outstanding issues. Delegations had highlighted the need to revitalize the current process, and in particular to distinguish the discussions on the current agenda item from the review of the United Nations Global Counter-Terrorism Strategy. Some delegations had emphasized the need for a clear definition of terrorism, which should encompass new and emerging threats, given the changing nature of the concept of terrorism. Some delegations had also noted the need to ensure that such a definition should distinguish terrorism from the right of peoples fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right to self-determination, while other delegations had observed that any definition that was not based on clear principles or that seemed to justify terrorism was unacceptable.

54. Accordingly, it had been suggested that agreeing on the basic principle before convening a high-level conference would help to advance the process. Some delegations had expressed support for the convening of a high-level conference as a way to help to resolve outstanding issues, while other delegations had noted that such a conference should only be convened once there was agreement on the draft comprehensive convention. Some delegations had emphasized that the draft comprehensive convention should not contribute to the fragmentation of international law and should be consistent with existing legal regimes, in particular international humanitarian law. The view had been expressed that the draft comprehensive convention should not cover military actions of Member States. The coordinator of the outstanding issues had once again indicated his availability and willingness to continue working during the intersessional period, in an inclusive, open and transparent manner, and had invited all to continue to share their views on a possible way forward.

55. During the informal consultations held on 19 October 2021, the working group had considered the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response to terrorism in all its forms and manifestations. The proponents of the proposal had reiterated its continued relevance, while also emphasizing the need to distinguish the discussion on the present agenda item from the review of the United Nations Global Counter-Terrorism Strategy. While some delegations had reiterated their support for convening a high-level conference, others had expressed the view that, without first achieving consensus on the draft comprehensive convention, it would be premature to hold such a conference. Concern had been expressed regarding the inability of the United Nations to reach agreement on the draft comprehensive convention.

56. On behalf of the Chair of the working group, he encouraged delegations to continue working with the coordinator of the outstanding issues relating to the draft comprehensive convention during the intersessional period.

57. **The Chair** said he took it that the Committee wished to take note of the report of the Chair of the working group on measures to eliminate international terrorism.

58. *It was so decided.*

*The meeting rose at 11.35 a.m.*