



General Assembly

Seventy-second session

Official Records

Distr.: General
10 November 2017

Original: English

Sixth Committee

Summary record of the 27th meeting

Held at Headquarters, New York on Thursday, 2 November 2017, at 10 a.m.

Chair: Mr. Gafoor (Singapore)

Contents

Tribute to the memory of the victims of the terrorist attack in New York on
31 October 2017

Agenda item 166: Report of the Committee on Relations with the Host Country

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

17-19387 (E)



Please recycle



The meeting was called to order at 10.10 a.m.

Tribute to the memory of the victims of the terrorist attack in New York on 31 October 2017

1. *At the invitation of the Chair, the Committee observed a minute of silence in memory of the victims of the recent terrorist attack in New York.*

Agenda item 166: Report of the Committee on Relations with the Host Country ([A/72/26](#))

2. **Mr. Korneliou** (Cyprus), speaking as Chair of the Committee on Relations with the Host Country and introducing the report of the Committee ([A/72/26](#)), 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, and the question of privileges and immunities; the security of missions and the safety of their personnel; the issuance and timeliness of issuance of entry visas to representatives of Member States; host country travel regulations; and banking issues. The Committee expected that those concerns would be duly addressed in accordance with applicable international law and in a spirit of cooperation. The report contained new recommendations and conclusions concerning, inter alia, the privileges and immunities applicable to the premises of permanent missions to the United Nations. He reiterated his personal commitment to addressing all issues raised in the Committee and, as stated in the recommendations and conclusions, encouraged Member States to avail themselves of his assistance as they deemed necessary.

3. **Mr. Chaboureau** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, Liechtenstein, the Republic of Moldova and Ukraine, expressed appreciation to the United States of America for its important service to the United Nations community in fulfilment of its responsibilities as host country under the Convention on the Privileges and Immunities of the United Nations and the Headquarters Agreement. The report of the Committee on Relations with the Host Country demonstrated that the Committee continued to provide an important forum for raising issues concerning the relationship between the host country and the United Nations community. The often practical issues dealt with by the Committee went to the heart of preserving the legal regime governing the status of the United Nations and the rights and obligations of diplomatic

agents. The European Union also appreciated the friendly spirit in which the Committee conducted its work and, in line with the recommendations and conclusions set out in its report, anticipated that all issues raised at the Committee's meetings would be settled in a spirit of cooperation and in accordance with international law.

4. **Mr. Musikhin** (Russian Federation) said that the reporting period had been marked by an unprecedented and flagrant violation by the host country of its obligation to respect the privileges and immunities of permanent missions to the United Nations, and specifically the immunities that applied to their premises. As a result, the Committee on Relations with the Host Country had been compelled to deal with the problem at every meeting since January 2017.

5. In late December 2016 the host country authorities had seized a property located in Upper Brookville, Long Island, New York State that had belonged to the Union of Soviet Socialist Republics from 1953 and had been reregistered to the Russian Federation in 1994. The property formed part of the premises of the Permanent Mission of the Russian Federation to the United Nations and, as such, had been used exclusively for official purposes, including as a residence for the staff of the Permanent Mission. For decades the United States authorities had recognized the privileges and immunities applicable to the property without raising any objections or concerns.

6. In a note dated 29 December 2016, the United States Department of State had informed his country's Permanent Mission that access to the property would be prohibited and that the property could no longer be used for diplomatic purposes, meaning the loss of its privileges and immunities. No explanation had been given besides a reference to local law. The Department of State had established a procedure under which written permission to visit the facility had to be obtained from its Office of Foreign Missions. The Permanent Mission had submitted some 20 requests for such permission, with a view to at least checking the property and ensuring that no emergency work was needed. The Department of State had rejected every request without explaining the reasons or indicating when such a visit could take place, thus denying the Permanent Mission any possibility of accessing its own property. The host country authorities therefore bore full responsibility for any damage that had already been caused to the property or that might be caused while the wrongfully imposed restrictions were in place, and also for any losses incurred in that connection. A request to hold a protocol event at the facility in May 2017 to mark Victory Day, as had been done for many years and to which a number

of Member State delegations were to be invited, had also been rejected. The host country's failure to comply with its obligations had created serious difficulties for the functioning of the Mission and amounted to an openly arbitrary and discriminatory approach driven by a general policy to intentionally worsen relations with the Russian Federation. It also constituted an abuse of the position of host country of the United Nations.

7. Since January 2017 his delegation had in good faith been urging the host country to resume the fulfilment of its international legal obligations and was grateful to the Committee on Relations with the Host Country for its close attention to the problem. Nonetheless, the unprecedented behaviour of the United States authorities had continued. In response, the Committee in its recommendations urged the host country to remove all restrictions on the premises of the Permanent Mission that were inconsistent with the relevant privileges and immunities, and to ensure respect for those privileges and immunities. His delegation expected the host country to cease its violations of international law and to provide assurances that they would not be repeated in the future. It called for strict compliance with the entire body of international legal norms that governed the privileges and immunities of facilities used for diplomatic purposes by the permanent missions of States Members of the United Nations, including the Headquarters Agreement and the relevant provisions of the Vienna Convention on Diplomatic Relations and other relevant instruments. The Committee must confirm that the abuse by the host country of its status was unacceptable, as was the imposition on permanent missions, their premises and other property of restrictions stemming from that country's view of its bilateral relations.

8. His delegation expected the host country authorities to rectify the situation as soon as possible; otherwise, a dangerous precedent would have been set for the United Nations as a whole. No Member State would henceforth be safe from a demand to vacate an office, residence or other premises of a permanent mission or from the prohibition of access to such premises or the sudden ejection of its staff. According to its report, the Committee would remain seized of the matter. His delegation understood that the Committee would work to resolve the situation concerning the premises in Upper Brookville until all unlawful restrictions were lifted. It was grateful to the Chair of the Committee for his active mediation and expected that the Secretary-General would also remain seized of the matter. The General Assembly, through the Sixth Committee and the Committee on Relations with the Host Country, should, with the assistance of the

Secretariat, strengthen the monitoring of compliance by the United States authorities with their obligations regarding the privileges and immunities of permanent missions, including their property and premises, in order to respond appropriately to any violations or abuses.

9. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said his delegation commended the host country's ongoing efforts and hoped that it would, in a spirit of cooperation and in accordance with international law, resolve all of the issues raised in the report of the Committee on Relations with the Host Country, including the concerns raised by the Government of the Russian Federation with regard to its premises. Under the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and other relevant international instruments, the premises of missions to the United Nations enjoyed the same inviolability as embassy buildings. Such issues were therefore best addressed in a spirit of amicability and openness to dialogue.

10. Several Governments, including his own, had been affected by significant delays in the issuance of visas for official delegations travelling to New York and in the renewal of visas, including for members of permanent missions to United Nations Headquarters. The former case was to some extent understandable, but no convincing excuse could be found for the latter. It was particularly regrettable that only some States were affected by those problems. Although it commended the host country's considerable efforts in that area, his delegation believed that it should do more to resolve the problem.

11. While it noted the comments made in the report, and while it appreciated the host country's efforts in that regard, his delegation believed that the Diplomatic Parking Programme stood in need of comprehensive review.

12. **Mr. Al Arsan** (Syrian Arab Republic) said that he welcomed the efforts of the host country to resolve the issues brought to its attention by the Committee on Relations with the Host Country. Officials at the Permanent Mission of the United States of America to the United Nations had been prepared to discuss those issues in a direct, professional and transparent manner. Significant progress had been made in overcoming many of the obstacles faced by the staff of some, but by no means all, permanent missions to the United Nations. Nevertheless, the Permanent Mission of the Syrian Arab Republic continued to be affected by the closure of personal accounts at certain banks in New York. In some cases, the banks had cited so-called sanctions against the Syrian Arab Republic and its citizens. In other cases, they had cited illogical requests for information made

by the Office of Foreign Assets Control of the United States Department of the Treasury regarding the private accounts of Syrian diplomats. His delegation believed that those circumstances had driven the banks to close the accounts of certain Syrian diplomats in order to avoid the futile disputes and aggravation caused by the repeated acts of interference of the Office of Foreign Assets Control, which could not be justified under international law.

13. Despite its complete respect for the principle of national sovereignty, his delegation believed that the host country should review the mechanism for granting visas to Syrian diplomats accredited to United Nations Headquarters in New York and the members of their families. Visas were issued for a period of six months and generally took at least one month to renew. That situation impeded the diplomats' ability to travel, fulfil their duties and attend conferences abroad. Such a rigid mechanism was unwarranted and inconsistent with the spirit of cooperation and flexibility that was expected of the host country. The United States authorities had also refused to grant work permits to the families of Syrian diplomats, without providing legal justification.

14. His delegation condemned the unilateral coercive measures imposed on Syria, which contravened the Charter of the United Nations and the relevant resolutions of the General Assembly. In any event, when his delegation had examined the instructions regarding the implementation of those measures issued by the Department of the Treasury from a strictly legal standpoint, it had found that those so-called sanctions expressly did not apply to Syrian diplomats or their families. Such obstacles clearly contravened the recommendations made in paragraph 89 (c) of the report of the Committee on Relations with the Host Country. His delegation had raised those concerns in an amicable and transparent spirit because it was confident that, given the genuine will to implement the relevant agreements without discrimination or restriction, the Government of the host country would be able to respect all of the privileges and immunities granted to diplomats.

15. His delegation fully supported the position of the Government of the Russian Federation in its ongoing negotiations with the host country regarding the violations of the privileges and immunities of the diplomatic premises of the Russian Federation in the United States. His delegation hoped that the recommendations made in paragraph 89 (e) of the report would be fully implemented. The Committee on Relations with the Host Country should seek to fulfil its objectives in a way that went beyond adopting an annual resolution, important though that practice might be.

16. **Ms. Guardia González** (Cuba) said that her country unequivocally rejected any violation of the immunity of diplomatic premises and agents and supported the adoption of all relevant measures aimed at preventing such violations. The treatment of diplomats and the diplomatic pouch was an extremely important issue, and it was vital for the authorities of the host country to honour the terms of the Headquarters Agreement and fulfil their obligations to safeguard the privileges and immunities of diplomats.

17. The policy of placing restrictions on the movements of Cuban diplomats and Cuban international civil servants accredited to the United Nations or working in the Organization was unjust, selective, discriminatory and politically motivated, and constituted a blatant violation of the host country's obligations under the Headquarters Agreement and customary norms of diplomatic law. The host country had still not taken practical steps to eliminate that arbitrary and unjustifiable measure, which prevented Cuban staff from travelling outside a 25-mile radius measured from Columbus Circle, New York, in contravention of the general rule on the free movement of diplomats, and should be lifted immediately.

18. Some of the concerns expressed by Member States had been repeated year after year owing to a lack of action by the host country to find practical solutions, in accordance with the Headquarters Agreement. The host country must take all appropriate steps within its power to fulfil its international obligations under the Vienna Convention on Diplomatic Relations.

19. **Mr. Kabir** (Bangladesh) said that the United States, as the host country of the United Nations, deserved appreciation for its efforts to facilitate the functioning of missions accredited to the Organization and for the facilities and logistical support provided to Member States, including during the high-level segment of the General Assembly. The overall protocol and security arrangements enabled all delegations to effectively participate in the Assembly's work.

20. The observance of the privileges and immunities of diplomats and mission properties was an obligation founded on international law. His delegation hoped that the Committee on Relations with the Host Country would continue its efforts to address reported violations of those privileges and immunities and find appropriate solutions in cooperation with the host country. Action should be taken to ensure the issuance of visas for high-level officials from capitals who were participating in important meetings at the United Nations and to address the occasional delays in the issuance or extension of visas for diplomats and other mission officials. His

delegation noted the ongoing concerns of many delegations about the fact that some banks in the host country, on various pretexts, did not allow diplomats to open accounts. Lastly, bilateral or political considerations should not affect the provision of support to Member States and observers.

21. **Mr. Nasimfar** (Islamic Republic of Iran) said that, although the Committee on Relations with the Host Country had been able to resolve several of the issues brought before it satisfactorily, it had failed to address other challenges in a timely manner. His delegation would therefore welcome any initiative aimed at increasing the Committee's effectiveness and improving its working methods. In its resolution 2819 (XXVI), the General Assembly had requested the Secretary-General to report to the Committee on Relations with the Host Country on the implementation of the Headquarters Agreement; such reporting had been discontinued in recent years and should be revived. The Secretary-General was a party to the Agreement and should ensure that its provisions were implemented consistently. Furthermore, while all Member States had a great interest in the work of the Committee, only a small portion of them were members of it.

22. His delegation urged the host country to remove the remaining travel restrictions and discriminatory regulations imposed on the staff of certain missions, including the issuance of single-entry visas, which hindered the proper functioning of those missions. His delegation was also concerned about the application of discriminatory secondary screening procedures to diplomats of certain nationalities at airports during the journey to and from New York and supported the recommendation of the Committee on Relations with the Host Country that the host country should take appropriate action with a view to maintaining respect for diplomatic privileges and immunities. Lastly, his delegation supported the Committee in urging the host country to address the alleged violations of the privileges and immunities applicable to the premises of the Permanent Mission of the Russian Federation, to remove any restrictions inconsistent with those privileges and immunities, and to ensure respect for all diplomatic privileges and immunities, including the inviolability of diplomatic premises.

23. **Mr. Li Yongsheng** (China) said that, over the past year, the Committee on Relations with the Host Country had played an important role in strengthening the host country's coordination and cooperation with permanent missions to the United Nations, facilitating the proper functioning of those missions and ensuring the enjoyment by them and their personnel of the relevant privileges, immunities and facilities. The host country

also deserved recognition for its long-standing support for and cooperation with the Committee and for all the facilities and assistance accorded to permanent missions, including that of China. As a member of the Committee, China remained committed to playing an active and constructive role in its work. China also hoped that the host country would continue to perform its duties in accordance with the Headquarters Agreement and pertinent international legal instruments, such as the Convention on the Privileges and Immunities of the United Nations and the Vienna Convention on Diplomatic Relations, and in line with the recommendations set out in the Committee's report.

24. **Ms. Argüello González** (Nicaragua) said that respect for diplomatic premises was crucial to the work of the missions accredited to the United Nations, as was compliance by the host country authorities with the Headquarters Agreement. The host country was also bound to adopt all necessary measures to meet its obligations under the Vienna Convention on Diplomatic Relations. The Convention on the Privileges and Immunities of the United Nations must also be properly implemented. Dialogue and respect within the framework of international law were vital for good diplomatic relations among States.

25. **Mr. Varankov** (Belarus) said that respect for the principle of diplomatic immunity, as set out in the Vienna Convention on Diplomatic Relations, was an essential requirement for the proper functioning of diplomatic missions and for the preservation of the established world order. The privileges and immunities of missions to international organizations, in particular the United Nations, and of the heads and staff of such missions, must also be respected.

26. The seizure of a property belonging to the Permanent Mission of the Russian Federation to the United Nations, the lifting of its immunities and the blocking of access to the property violated not only international law but also the national law of the United States with respect to property rights. The property had been used for the conduct of official diplomatic events, such as the annual Victory Day celebration, which representatives of Belarus had often attended, and also as the official residence of a number of families of staff members of the Mission. The inviolability of the premises was therefore guaranteed both by the immunity applicable to such premises and by the personal immunity of the staff living there. The restrictions imposed by one State on the other as a means of dealing with problems in their bilateral relations — restrictions that impacted the functioning of the latter State's permanent mission to an international organization — were incompatible with the Charter of

the United Nations, in particular Articles 1 and 2 thereof, and constituted interference by one State in the affairs of another. They could set a negative precedent: in future no mission would be safe from similar actions, not only in respect of places where staff members lived or where diplomatic events were held but also in respect of mission premises themselves. His delegation therefore called for the immediate lifting of the restrictions that had been imposed. The imposition of unilateral restrictive measures was a counterproductive step that caused relations to deteriorate. Problems in bilateral relations should be addressed exclusively at the bilateral level.

27. **Mr. Simonoff** (United States of America) said that his country was proud to serve as host to the United Nations and took that role and its obligations under the Headquarters Agreement very seriously. The Committee on Relations with the Host Country was a valuable forum in which to discuss issues relating to the presence of the dynamic diplomatic community in New York and to address its concerns. The host country greatly valued the Committee's cooperation and constructive spirit and appreciated the participation of numerous observer delegations in its meetings. The fact that non-members could participate in the Committee's meetings had helped make its deliberations open and more representative of the United Nations diplomatic community.

28. Between 1 January and 1 November 2017, the Host Country Section of the Permanent Mission of the United States to the United Nations had issued more than 4,400 visas to members of the diplomatic community. It looked forward to continuing to work closely with delegations over the following year.

29. Responding to the statement made by the representative of the Russian Federation, he said that the United States had conferred privileges and immunities on the Russian property in Upper Brookville pursuant to an arrangement dating back decades that did not form part of the country's obligations under the Headquarters Agreement or the Vienna Convention on Diplomatic Relations, to the extent that the Convention's provisions were incorporated implicitly by the provisions of the Headquarters Agreement. The United States had never considered the property to be part of the premises of the Permanent Mission of the Russian Federation to the United Nations. "Premises of the mission" was a term narrowly defined under article 1 (i) of the Convention as "the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission". Premises away from the mission were exceptional: under article 12 of the Convention,

the sending State could not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself was established. The United States had not given express consent to the Russian Federation to establish offices forming part of the Permanent Mission in Upper Brookville. The fact that the property was owned by the Russian Federation did not make it part of the "premises" of the Mission. It was not the case that all properties owned by the Russian Federation in the New York area and used by staff of the Mission for recreational purposes or receptions were considered "premises" of the Mission. In conclusion, the property did not fall within the scope of the Headquarters Agreement or the Vienna Convention. The matter should be left to the United States and the Russian Federation to address bilaterally in order to reach a mutually satisfactory solution.

30. The restrictions on private non-official travel of members of certain missions did not violate the Headquarters Agreement because they did not interfere with travel for official United Nations business. In line with the Headquarters Agreement, the United States provided mission members and delegations with unimpeded access to the Headquarters district. It was not required to permit all the individuals concerned to travel to other parts of the country unless they did so for official United Nations meetings or official United Nations business. Neither the Headquarters Agreement nor any other international agreement required the United States to permit travel to unofficial events or for recreational purposes.

31. **Mr. Musikhin** (Russian Federation) said that the representative of the United States had attempted to dispute the official status of part of the premises of the Permanent Mission of the Russian Federation to the United Nations. The note from the United States Department of State of 29 December 2016 concerning the imposition of restrictions on the Mission had itself recognized the privileges and immunities of the property in Upper Brookville: in addition to stating that the property could no longer be used for official purposes, it had also stated that, as of noon on 30 December 2016, the property would not enjoy any privileges and immunities previously made available to the premises. Thus the United States had acknowledged directly and in writing that the property had enjoyed the relevant privileges and immunities at the time of imposition of the unlawful restrictions.

32. The property had been acquired in 1953 by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations and the Mission's address had been indicated in the purchase deed. When

the property had been reregistered to the Russian Federation as the continuator State in 1994, the relevant documents had also indicated the Mission's address. The property had been used for official purposes as premises exclusively of the Permanent Mission, as the host country was well aware, since it had been informed of that fact in a note decades previously. Protocol events and internal meetings had been held there, and items belonging to the Mission and some of its documents had been stored there. The fact that the property had been used by staff of the Mission for recreational purposes outside working hours in no way contradicted its diplomatic status.

33. The United States representative had argued that the premises in question were away from United Nations Headquarters, which was at best an odd argument. First, that circumstance did not in itself mean that the property could not have diplomatic status. Second, the host country had been aware of it since 1953. Yet for all that time the property had been granted privileges and immunities without any objections or concerns being raised. The host country had not disputed in any way its use for official purposes by the Permanent Mission of the Russian Federation. Furthermore, the Consular Convention between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics of 1964 established that immovable property that was used for diplomatic purposes, including residences for personnel, was exempt from taxation. Accordingly, by exempting the property from taxes on the basis of that Convention, the host country had recognized its official status. Further, the diplomatic status of the Mission's premises derived from the circumstances of the acquisition and use of the property, which were well known to the host country.

34. The attempt by the United States representative to deny that the property in question had the status of premises of the Permanent Mission did not stand up to scrutiny. It was merely an attempt to justify the host country's unlawful behaviour after the fact.

The meeting rose at 11.25 a.m.