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Summary record of the 12th meeting

Held at Headquarters, New York, on Monday, 14 October 2019, at 3 p.m.

Chair: Mr. Mlynár (Slovakia)

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The meeting was called to order at 3.20 p.m.

Organization of work (continued)

1. **The Chair** said that to enable the Committee to take action on the rest of its programme of work following the decision taken at the 3rd meeting to proceed with only part of its programme of work (A/C.6/74/SR.3), the Bureau had recommended that more time be allowed for further consultations. He would therefore suspend the meeting so that delegations could try to find a path forward.

2. *The meeting was suspended at 3.25 p.m. and resumed at 4.35 p.m.*

3. **The Chair** said that the Bureau had devoted considerable time and effort to finding the best way forward and was determined to continue engaging with all delegations in informal consultations to address the issues that had been put on the table, on matters related to the work of the Committee on Relations with the Host Country. With that in mind, the Bureau had made two additional changes to the draft programme of work contained in document A/C.6/74/L.1/Corr.1. Firstly, the meeting on the afternoon of 15 October would be rescheduled from 3 p.m. to 4 p.m. in order to allow members who so wished to attend a meeting of the Committee on Relations with the Host Country at 3 p.m. Secondly, the agenda item "Report of the Committee on Relations with the Host Country" would be considered on 6 November, rather than on 11 November.

4. While bearing in mind the concerns expressed by the relevant delegations, the Bureau believed that the Committee now had a responsibility to proceed with the remainder of its programme of work as set out in document A/C.6/74/L.1/Corr.1, as orally amended. He hoped the Committee wished to proceed on that basis.

5. **Mr. Nasimfar** (Islamic Republic of Iran) said that, despite the high-level consultations and commitments received from the President of the General Assembly and other United Nations officials to follow up on the matter, his delegation was not aware of any developments regarding the issues it had raised. The host country was deliberately and arbitrarily preventing his delegation from performing its functions, and thus remained in breach of Article 105 of the Charter of the United Nations and its other obligations under diplomatic law. The crippling restrictions placed on members of his Permanent Mission and their families were solely intended to put the Mission out of existence, in violation of the foundational principle of the United Nations, namely the sovereign equality of all its Member States. Since the dispute arose from the bilateral relations between the United States and the

Islamic Republic of Iran, the Committee on Relations with the Host Country had no authority to resolve it. The only solution was for the Secretary-General to refer the matter to an arbitral tribunal or to ask the General Assembly to request an advisory opinion from the International Court of Justice. His delegation believed that it was important to uphold the rights of Member States and highlight the urgency of the issue. If the Sixth Committee remained indifferent to the lawless conduct of the host country, it would lose its *raison d'être*. His delegation wished to see the Sixth Committee function as normal, and it had put forward constructive proposals for that purpose. It was not, however, in a position to agree to the Committee taking action on its programme of work as a whole.

6. **The Chair** said that delegations could count on his commitment to continue working with all stakeholders, including the Secretary-General, the President of the General Assembly, the Under-Secretary-General for Legal Affairs and the Chair of the Committee on Relations with the Host Country, in order to address all pending issues and take all necessary steps. The Sixth Committee would in any event revert to the matter when discussing the report of the Committee on Relations with the Host Country, and at other stages whenever necessary.

7. **Mr. Al Arsani** (Syrian Arab Republic) said that the issue at hand was not a temporary one. For some years, his delegation and others had been raising the concern that the host country was denying visas to members of certain delegations on political grounds. Those concerns had been brought before the Committee on Relations with the Host Country, to no avail. Over the previous two years, the problem had worsened: the Government of the host country appeared to believe that it could use the location of United Nations Headquarters for leverage over States with which it had political differences. A sustainable solution now needed to be found so that all Member States could be fairly and equally represented.

8. His own delegation was one of seven or eight that had experienced difficulties with regard to the issuance of visas. Syrian diplomats at the United Nations were granted six-month single-entry visas, and renewal requests needed to be submitted three months in advance of expiry. For his own part, he had been unable to attend the funeral of his only nephew, who had been killed by a shell in Aleppo, because he would then have had to apply for a new visa from Amman, something that would have taken at least two months. Affected delegations were prohibited from travelling beyond a 25-mile radius from Columbus Circle, and staff members of the Permanent Missions of Cuba and the

Islamic Republic of Iran now faced even tighter restrictions. Some delegations were prevented from handling real estate transactions, opening bank accounts or purchasing from certain retailers.

9. The time had come to ensure that the host country complied with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. The dispute at hand clearly concerned the interpretation and application of the Agreement. In accordance with section 21 of the Agreement, the Secretary-General should therefore refer the issue to a tribunal of arbitrators or, failing that, ask the General Assembly to request an advisory opinion of the International Court of Justice.

10. At the 1st meeting of the Committee, the representative of the United States had cited the security interests of the United States as a reason for the restrictions. That statement was particularly unfortunate: it appeared to imply that diplomats from the States concerned posed a threat to her country's national security. Yet, the United States Secretary of State had earlier described the restrictions as a means of political pressure and had made no mention of security concerns. In any event, none of that altered the fact that the dispute had to do with the interpretation and application of the Headquarters Agreement.

11. While his delegation would not hamper the work of the Sixth Committee, and while it strongly supported the Chair and the Bureau, it believed that the problem could no longer be ignored. If the current trend persisted, the Committee might not be able to continue its work at future sessions.

12. **Ms. Guardia González** (Cuba) said that her delegation deplored the selective application of the Headquarters Agreement. It therefore supported the course of action suggested by the representative of the Islamic Republic of Iran, which would not prevent the Committee from fulfilling its functions. It urged members to attend the forthcoming meeting of the Committee on Relations with the Host Country, whether as members of that body or as observers, in order to hear a fuller analysis of the situation. The delegations concerned were not seeking special favours; they merely wanted their rights to be respected.

13. **Ms. Argüello González** (Nicaragua) said that the denial of visas to diplomats prevented their delegations from participating on an equal footing in the deliberations of the Sixth Committee. Her delegation urged the host country not to politicize the work of the Sixth Committee. It was committed to the principle of the sovereign equality of all States and believed that the

Committee was the preeminent forum for the discussion of legal issues.

14. **Ms. Pierce** (United States of America) said that the Sixth Committee was not the proper forum to address issues relating to visas. The delegation of Iran and other delegations had recognized that point, as they had requested a meeting with the Committee on Relations with the Host Country. The Sixth Committee should not engage in a parallel process or prejudge the outcome of that meeting.

15. The host country had engaged actively with the concerns raised by the Iranian delegation in order to ensure that the latter enjoyed the appropriate conditions to participate in the Sixth Committee's work. For that purpose, it had consulted with the Secretary-General, the Office of the President of the General Assembly, the Office of Legal Affairs and the Bureau of the Sixth Committee. It had also examined on a compressed timeline the specific concerns that had been raised with regard to the issuance of visas for Iranian delegates travelling to New York with a view to participating in the work of the General Assembly and its main committees. It hoped that the Iranian delegation would cooperate in bringing the matter to a close, rather than obstructing the work of the Committee. In order to do so, the Iranian delegation needed only accept the positive responses that had been delivered.

16. Although the Sixth Committee was not the appropriate forum to litigate the question, she felt compelled to clarify the nature and scope of the travel controls that had been introduced. Members of the Permanent Mission of Iran had free access to the area of Manhattan, stretching from East 86th Street to East 23rd Street, an area that included hospitals, public and private schools, universities, residential areas, shops, parks and restaurants. They also had free access to a large area of Queens that included such neighbourhoods as Astoria, Jackson Heights, Forest Hills, Woodside, Long Island City, Sunnyside, Elmhurst and North Corona. Many of the members of the Iranian mission already lived in those areas; others had a one-year transition period in which to move, during which time they would retain access to the areas around their current homes in addition to the areas just mentioned.

17. Her delegation therefore looked forward to the Committee agreeing by consensus to proceed with the rest of its programme of work.

18. **Mr. Kuzmin** (Russian Federation) said that the matter at hand was relevant not only to individual delegations, but to all Member States. His delegation was grateful for the efforts made by the Bureau and the Office of the President of the General Assembly.

However, the delegation of the Islamic Republic of Iran had not been able to confirm that the visas had been issued. His own delegation had faced similar difficulties: it had yet to receive 18 visas, and none had been issued in the previous week. A translator who would have translated the statements of his delegation into English had also been denied a visa. In addition, host country authorities had illicitly taken possession of property belonging to the Russian Federation. His delegation also continued to be subject to travel restrictions. It was not requesting special treatment; it merely hoped that the host country would properly fulfil its duties under the Headquarters Agreement. All members of the United Nations should be united in ensuring that the Agreement was respected.

19. It was his understanding that the delegation of the Islamic Republic of Iran was not in a position to support the Bureau's recommendation. For the first time in many years, the Committee found itself without consensus and faced the delicate choice of either continuing the consultations or putting the programme of work to a vote. The delegation of the Islamic Republic of Iran had shown as much flexibility as possible, and his own delegation was also prepared to compromise and be constructive. Moreover, all delegations seemed committed to taking decisions by consensus. The representative of the United States, too, had referred to the need for a consensus decision. The forthcoming meeting of the Committee on Relations with the Host Country would provide an opportunity for the host country delegation to propose a compromise or give a positive signal. He therefore suggested postponing the decision until such a time as the Bureau deemed appropriate.

20. **Mr. Al Arsani** (Syrian Arab Republic) said that he supported the proposal made by the representative of the Russian Federation. It was essential to ensure that any solution to the problem was permanent and sustainable and enabled all delegations to participate on an equal footing and enjoy the same privileges and immunities. The host country had a responsibility to refrain from making such immunities conditional on its relations with other States. He urged all delegations to attend the meeting of the Committee on Relations with the Host Country as observers in order to offer their support.

21. **Mr. Nasimfar** (Islamic Republic of Iran) said that he also supported the proposal made by the representative of the Russian Federation. The members of his Permanent Mission were in New York to represent their country in the deliberations of the United Nations, rather than to see the city. Their privileges were enshrined in the Charter of the United Nations and were directly linked to the purposes of the Organization. The

measures just described by the representative of the United States went beyond travel controls: they limited the movements of diplomats within the city. For his own part, he was no longer able to see his doctor or access his medical records.

22. He wondered whether, in the light of the statement made by the representative of the United States, the restrictions initially imposed on visiting diplomats had now been lifted. Under those restrictions, visiting delegations had free access to only three buildings in the city. During the high-level segment of the General Assembly, the Minister for Foreign Affairs of the Islamic Republic of Iran had not been authorized to visit the Permanent Representative of his country, who was in hospital just a few blocks away. The Headquarters Agreement had been concluded not in order to inflict suffering, but to make the host country responsive and accountable. He hoped that the United Nations would defend its integrity and legal personality against such an affront.

23. **Mr. Liu Yang** (China) said that the frank nature of the current debate gave cause for careful reflection. His delegation would continue to support the Sixth Committee's tradition of consensus-building. It was an encouraging sign that, although members had expressed diverging points of view, all had shown a constructive attitude and a commitment to consensus. Under the current circumstances, it would not be appropriate to put the programme of work to a vote. Instead, it would be useful to await the outcome of the meeting of the Committee on Relations with the Host Country.

24. **Mr. Al Hassan** (Oman) said that his delegation deplored both the situation of certain delegations and the fact that the work of the Sixth Committee was being held hostage. It was in favour of allowing more time for consultations in order to preserve the Committee's tradition of making decisions by consensus.

25. **Mr. Chaboureau** (Observer for the European Union) said that the European Union strongly supported the efforts made by the Chair and the Bureau to resolve the situation. The work of the Sixth Committee should take place in a spirit of multilateralism and should allow Member States to come together to foster transparency and trust. Consensus-building was an important part of that process, and putting the programme of work to a vote would call into question a well-established practice of the Sixth Committee. His delegation wished to draw attention to the obligations set forth in the Headquarters Agreement and the need to ensure that all parties were able to perform their functions. It encouraged members to raise any concerns at the forthcoming meeting of the Committee on Relations with the Host Country.

26. **Mr. Guerra Sansonetti** (Bolivarian Republic of Venezuela) said that his delegation supported the proposal made by the representative of the Russian Federation: consultations should continue so that the Sixth Committee could take action on its programme of work by consensus.

27. **Mr. Bondiuk** (Ukraine) said that the Sixth Committee needed to move forward and take action on the programme of work as a whole. Concerns regarding host country affairs should be addressed in the Committee on Relations with the Host Country or in the Sixth Committee under the relevant agenda item.

28. **The Chair** said that, in view of the positions expressed and the importance of consensus, the Sixth Committee would remain seized of the issue. He invited delegations to engage in further informal consultations and would spare no effort in responding to the concerns of all parties.

The meeting rose at 5.35 p.m.