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Summary record of the 1st meeting

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Chair: Mr. Mlynár (Slovakia)

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

Organization of work

1. **The Chair** drew attention to the allocation of agenda items to the Committee, as contained in document [A/C.6/74/1](#), and to the note by the Secretariat entitled “Organization of work” ([A/C.6/74/L.1](#) and [A/C.6/74/L.1/Corr.1](#)), in particular paragraphs 7 to 12 concerning the establishment of working groups.

2. **Mr. Nasimfar** (Islamic Republic of Iran) said that his delegation was opposed to the Committee considering its programme of work at the current juncture, owing to the serious violations committed by the host country that were preventing his delegation from being able to participate fully in the proceedings of the Main Committees of the General Assembly, including the Sixth Committee. It therefore proposed that the meeting be adjourned to allow for consultations with a view to addressing those violations.

3. The host country had failed to issue visas in time to any of the members of the delegation representing his country in the meetings of the Sixth Committee or to any of the 58 diplomats who would have accompanied the President and the Minister for Foreign Affairs of the Islamic Republic of Iran at the high-level meetings held at the start of the current session of the General Assembly, depriving Iran of the ability to participate fully in those meetings. The host country had further illegally confined visiting Iranian diplomats to just three buildings in New York – United Nations Headquarters, the building housing the Permanent Mission of the Islamic Republic of Iran, and the residence of the Permanent Representative – requiring them to request waivers for hotel accommodations, in flagrant violation of the Headquarters Agreement. In the past two months, the host country had also issued two notes in which it set out unprecedented restrictions on the staff of the Permanent Mission, restricting their movements to within a three-mile radius of their current residential address, thereby limiting their freedom of movement, denying them access to basic services and depriving them of a normal life. The host country had also rejected all requested waivers to access universities, doctors, hospitals and medical records, jeopardizing the staff’s fundamental human rights, thus violating the Preamble to the Charter of the United Nations and depriving them of their right to medical privacy, in violation of United States law. The host country had violated its obligations under the Charter of the United Nations, including under Article 105, having jeopardized the independent exercise by the Permanent Mission of its functions by refusing to allow its delegates to come to New York, by linking the movement of Iranian diplomats to bilateral

issues, and by subjecting its staff to harassment through the imposition of crippling, humiliating and inhumane restrictions.

4. The United Nations had been established not for the powerful or the privileged, but on the basis of sovereign equality of its Member States, as reaffirmed in Article 2 of the Charter, which also required all Members to fulfil in good faith the obligations assumed by them in accordance with the Charter. By failing to fulfil its obligations towards his delegation, the host country had thus deprived the Islamic Republic of Iran of the benefits resulting from membership in the United Nations.

5. The General Assembly had reaffirmed in many resolutions that the status of permanent missions, which were accredited to the United Nations, not the host country, meant that they could not be inserted into bilateral conflicts between the sending States and the host country, nor could they be subject to undue restrictions. The unlawful measures being taken against his delegation signified that United Nations Headquarters was being used for political leverage against his country. Every single Member State had a moral imperative to stand up against those restrictions, as it was the only way to defend the United Nations and preserve the rule of law. Proceeding with consideration of the programme of work without addressing the extraordinary situation of his delegation would signal a disregard for the Charter.

6. His delegation would withdraw its opposition to the consideration of the programme of work if the host country withdrew the aforementioned notes and the illegal restrictions it had imposed. If the host country was of the view that the restrictions were in compliance with the Headquarters Agreement, then the Secretary-General could refer the dispute to an arbitral tribunal for a final decision or to the International Court of Justice for an advisory opinion, as provided in the Headquarters Agreement and in the Convention on the Privileges and Immunities of the United Nations. His Government would comply fully with the decision of the tribunal or the Court. It had indeed written to the Secretary-General twice requesting that he take action on the matter in accordance with section 21 of the Headquarters Agreement.

7. Hosting the United Nations was a privilege and granting diplomatic privileges and immunities, including issuing visas promptly, was not a favour but a responsibility of the host country. The Islamic Republic of Iran was asking for nothing more than its rights under the Charter, the Headquarters Agreement and other relevant international instruments.

8. **Mr. Al Arsan** (Syrian Arab Republic) said that since the start of the current session of the General Assembly, relations with the host country had deteriorated considerably. In the Committee on Relations with the Host Country, his delegation had repeatedly acknowledged the professionalism of the representatives of the Permanent Mission of the host country and expressed its appreciation for the work done by the local authorities during the opening of the current session. It wished to point out, however, that the source of the problems with the host country was not New York but Washington, D.C. Indeed, the United States Department of State had decided to impose restrictions on the representatives of certain countries, including his own. For example, it had not granted accreditation to the Minister for Foreign Affairs of the Syrian Arab Republic, the head of his country's high-level delegation to the current session of the General Assembly, thus preventing him from enjoying diplomatic immunity or protection. The Minister had been forced to walk through the streets of New York from his hotel to United Nations Headquarters during the high-level segment of the General Assembly, because his vehicle was searched both at his hotel and at the entrance to United Nations Headquarters each time he tried to use it.

9. Under sections 11, 12 and 13 of the Headquarters Agreement, the host country had an obligation to facilitate access by the representatives of all permanent missions to the United Nations without any restrictions or conditions and irrespective of the diplomatic or political relations existing between the host country and any other Member State. Furthermore, United States laws did not apply to the situations contemplated in sections 11 and 12 of the Agreement.

10. While his delegation was not seeking confrontation and wished to see the work of the Committee move forward, it supported the position of the delegation of the Islamic Republic of Iran, in light of the principle of sovereign equality of States. Furthermore, although his country faced restrictions imposed by the host country, it continued to believe that justice and equality were guaranteed under the Charter for all Member States, without exception, politicization or double standards.

11. **Ms. Guardia González** (Cuba) said that all Member States had the legitimate right, as affirmed in the Charter of the United Nations, to participate on an equal footing and without discrimination in the work of the General Assembly, including that of the Sixth Committee. Cuba had been affected on numerous occasions in the past and at present by the selective and arbitrary application of the Headquarters Agreement by

the United States, in its capacity as host country, which had impeded or delayed the granting of visas and of access to members of certain delegations, thereby putting them on an unequal footing in negotiations in the Main Committees.

12. It was a matter of profound concern that the host country had repeatedly failed to comply with the Headquarters Agreement, particularly with sections 12, 13 and 27, relating to the issue of access to United Nations Headquarters in New York, and with the Vienna Convention on Diplomatic Relations. Although the affected Member States had repeatedly communicated their concerns at the delayed granting of visas by the host country through the appropriate channels, no solution had been found.

13. Member States should reject the selective and arbitrary application of the Headquarters Agreement by the United States to impede the participation of certain delegations and to interfere in the composition of the delegations representing the Member States in United Nations meetings. Such behaviour constituted an attack on multilateralism and on the ability of the General Assembly and its Main Committees to carry out their work. As the Sixth Committee was the forum for examining pressing issues of international law, every effort should be made to find a solution that would allow the Committee to begin its work in a timely manner and not be held hostage to political agendas.

14. **Ms. Matos Juárez** (Bolivarian Republic of Venezuela) said that it was troubling that Member States had had to prevent the Committee from proceeding with the consideration of its programme of work in an effort to compel the host country to comply with its obligations under the Headquarters Agreement. The Secretary-General should ensure that all Member States were placed on an equal footing and that the balance between the United Nations and the host country was preserved, pursuant to the Headquarters Agreement and the Charter. A solution needed to be found promptly so that the Committee could proceed with its important work.

15. **Mr. Kim In Ryong** (Democratic People's Republic of Korea) said that the failure by the host country to issue visas to members of the delegation of the Islamic Republic of Iran was very troubling. The selective and arbitrary application of the Headquarters Agreement aimed at impeding or delaying access to United Nations Headquarters by the representatives of a Member State was an unacceptable violation of the Headquarters Agreement and also of the principle of fair and equitable treatment of the representatives of Member States, as provided in the Charter. All Member States had the

legitimate right to participate on an equal footing and without discrimination in the work of the General Assembly. His delegation fully supported the proposal put forward by the delegation of the Islamic Republic of Iran.

16. **Ms. Argüello González** (Nicaragua), expressing her delegation's solidarity with the delegations affected by the host country's arbitrary measures, said that it was regrettable that the Committee had been unable to proceed with the consideration of its programme of work because of non-compliance by the United States with its obligations under the Headquarters Agreement. By not granting visas to delegates to facilitate their participation in the Committee's deliberations, the host country was violating the right of Member States to participate on an equal footing and without discrimination in the proceedings. The host country should resolve the situation, so as to avoid further delaying the work of the Committee, the preeminent forum for addressing pressing issues of international law, and eroding multilateralism.

17. **Mr. Kuzmin** (Russian Federation), expressing his delegation's solidarity with the affected delegations, said that the United States Government had no basis for unilaterally blocking representatives of Member States from attending United Nations events or for imposing any other restrictions on them. By choosing whether to issue visas, or not, the host country had essentially given itself the right to decide the composition of national delegations.

18. The Permanent Mission of the Russian Federation had suffered for years from such arbitrary treatment, which had been extended to include the high-level officials accompanying the Minister for Foreign Affairs during the week of high-level meetings at the start of the current session of the General Assembly. His delegation had brought the matter to the attention of the Committee on Relations with the Host Country, but no satisfactory solution had been found. He asked the Secretariat and the Bureau to put an end to the practice whereby one State could block other States from taking part in the work of the United Nations with impunity.

19. **Mr. Leal Matta** (Guatemala) said that the concerns expressed by certain delegations in the current meeting and at an earlier organizational meeting pertained to bilateral matters. The Committee on Relations with the Host Country should find a lasting solution to the concerns. The Sixth Committee was a multilateral forum and could not postpone its consideration of the important items on its agenda for an administrative, rather than a substantive, reason. Holding up the consideration of the programme of work

set a poor precedent and constituted a misuse of the resources allocated to the Committee.

20. **Mr. Osman** (Pakistan) said that the Islamic Republic of Iran had registered genuine concerns and urged the host country to respect the letter and the spirit of the Headquarters Agreement.

21. **Ms. Pierce** (United States of America) said that her Government took its obligations under the Headquarters Agreement seriously. Any concerns in that regard should be raised in the Committee on Relations with the Host Country, which had met days earlier to discuss the issues raised at the current meeting and would meet again soon. The Sixth Committee would also have the opportunity to debate the topic when it considered the report of the Committee on Relations with the Host Country.

22. The Permanent Mission of the United States had informed the Permanent Mission of the Islamic Republic of Iran a few days earlier that the majority of the requested visas were ready to be processed in Vienna. The United States Embassy in Vienna had also notified the Iranian diplomats in Vienna of that fact and stood ready to issue visas for travellers whose travel dates were imminent.

23. The travel control measures currently in place neither restricted nor impeded travel to or from the United Nations Headquarters district and were therefore fully in compliance with the Headquarters Agreement. The Headquarters Agreement did not provide for the unrestricted right to reside or travel anywhere in the United States, especially where such travel could pose a hazard to the security interests of the United States. The measures had been adopted following a review at the highest level of her Government, taking into account its responsibilities under the Headquarters Agreement. Her delegation stood ready to consult further with the Chair and others so that the Committee could continue its important work on a consensus basis.

24. **Mr. Nasimfar** (Islamic Republic of Iran) said that even if the visas had been cleared for processing, the diplomats would still be required to undergo interviews before the visas could be issued, in violation of international law and the Headquarters Agreement. There were no guarantees that the host country would issue the visas and if it did issue them, it was unclear when that would occur. The host country had an obligation to issue the visas and to do so under appropriate terms that did not effectively imprison diplomats in three buildings. The host country should also make clear which facilities could be accessed by the diplomats, including hospitals in the event of an emergency.

25. Diplomats had a right to a free choice of a place of residence under diplomatic law and the Headquarters Agreement and no distinction had been made in Article 105 of the Charter between temporary and permanent representatives. The host country was once more in violation of the Headquarters Agreement by requiring visiting diplomats to seek approval of their accommodations from the United States Office of Foreign Missions. Diplomats subjected to such restrictions could not participate in United Nations meetings on an equal footing.

26. The measures employed to deny his delegation its rights were an affront to the United Nations system. The United Nations needed to defend its integrity and legal personality. If the host country was unable to take its responsibilities seriously, the Member States should consider holding their meetings elsewhere.

27. **The Chair** said that, as requested by the representative of the Islamic Republic of Iran, he would like to adjourn the meeting in order to allow for consultations aimed at addressing the concerns raised. However, he proposed that the Committee first take decisions on a number of administrative tasks under the current agenda item prior to the adjournment.

28. *It was so decided.*

29. **The Chair**, referring to agenda item 75, “Responsibility of States for internationally wrongful acts”, said it was his understanding that, in accordance with General Assembly resolution [71/133](#), the Committee wished to establish a working group, to be chaired by Ms. de Souza Schmitz (Brazil), to examine, with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles proposed by the International Law Commission, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency.

30. *It was so decided.*

31. **The Chair**, referring to agenda item 80, “Diplomatic protection”, said it was his understanding that, in accordance with General Assembly resolution [71/142](#), the Committee wished to establish a working group, to be chaired by Mr. Molefe (South Africa), to examine the question of a convention on diplomatic protection or other appropriate action on the basis of the articles on diplomatic protection and also to identify any difference of opinion on the articles, and that the working group would be open to all States Members of

the United Nations or members of specialized agencies or of the International Atomic Energy Agency.

32. *It was so decided.*

33. **The Chair**, referring to agenda item 84, “The scope and application of the principle of universal jurisdiction”, said it was his understanding that, in accordance with General Assembly resolution [73/208](#), the Committee wished to establish a working group, to be chaired by Mr. Guillermet-Fernandez (Costa Rica), to continue its consideration of the item, and that the working group would be open to all States Members of the United Nations and relevant observers to the General Assembly.

34. *It was so decided.*

35. **The Chair**, referring to agenda item 109, “Measures to eliminate international terrorism”, said it was his understanding that, in accordance with General Assembly resolution [73/211](#), the Committee wished to establish a working group, to be chaired by Mr. Perera (Sri Lanka), with a view to finalizing a 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. The working group would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency.

36. *It was so decided.*

37. **The Chair** drew attention to the proposed timetable for the Committee’s work, contained in paragraphs 3 to 6 of the note by the Secretariat entitled “Organization of work” ([A/C.6/74/L.1](#) and [A/C.6/74/L.1/Corr.1](#)), and to the revised overall programme of work of the Committee, circulated to delegations before the opening of the session. He encouraged sponsors of requests for observer status in the General Assembly, under agenda items 166 to 174, to submit their proposed draft resolutions by 14 October 2019.

38. In accordance with established practice, the proposed programme of work would be applied with flexibility in the light of the progress made by the Committee, which would take action on draft resolutions as soon as they were ready for adoption. He encouraged sponsors and coordinators of draft resolutions to use the e-deleGATE portal to circulate texts of draft resolutions as early as possible and to submit them for processing in good time, preferably no later than one week after the completion of the debate of the Committee on each item or the completion of the

work of the relevant working group, as the case might be. The taking of action on draft resolutions would always be announced, in advance, in the *Journal of the United Nations*. When the Committee had exhausted the list of speakers or could not proceed with a discussion of an item on its agenda, and conference services were still available, it would begin consideration of the next item on its agenda. In that connection, delegations and coordinators were encouraged to make use of any unutilized time from any plenary and working group meetings to hold informal consultations on the draft resolutions. He took it that the Committee wished to proceed accordingly.

39. *It was so decided.*

40. **The Chair** said that he was adjourning the meeting early in order to allow for consultations aimed at addressing the concerns raised by the representative of the Islamic Republic of Iran.

The meeting rose at 11.20 a.m.