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Agenda item 171

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Solomon **Korbieh** (Ghana)

I. Introduction

1. The item entitled “Report of the Committee on Relations with the Host Country” was included in the provisional agenda of the seventy-fifth session of the General Assembly pursuant to Assembly resolution [74/195](#) of 18 December 2019.
2. At its 2nd plenary meeting, on 18 September 2020, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 9th, 10th, 15th and 19th meetings, on 22 and 23 October and on 10 and 19 November 2020. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records.¹
4. For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country ([A/75/26](#)).
5. At the 9th meeting, on 22 October, the Chair of the Committee on Relations with the Host Country introduced the report of that Committee.

II. Consideration of draft resolution [A/C.6/75/L.2](#)

6. At the 15th meeting, on 10 November, the representative of Cyprus, also on behalf of Bulgaria, Canada, Costa Rica and Côte d’Ivoire, introduced a draft resolution entitled “Report of the Committee on Relations with the Host Country” ([A/C.6/75/L.2](#)).
7. At the 19th meeting, on 19 November, the Committee adopted draft resolution [A/C.6/75/L.2](#) without a vote (see para. 8).

¹ [A/C.6/75/SR.9](#), [A/C.6/75/SR.10](#), [A/C.6/75/SR.15](#) and [A/C.6/75/SR.19](#).



III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,¹

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,² the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,³ the Vienna Convention on Diplomatic Relations⁴ and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Headquarters Agreement,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Recognizing also that the Headquarters Agreement provides that it shall be construed in the light of its primary purpose to enable the United Nations at its headquarters in the United States, fully and efficiently, to discharge its responsibilities and fulfil its purposes,

Emphasizing that the Convention on the Privileges and Immunities of the United Nations does not distinguish between permanent and visiting representatives,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 194 of its report;

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which cannot be subject to any restrictions arising from the bilateral relations of the host country, are in the interest of the United Nations and all Member States, takes seriously the increasing number of concerns raised by permanent missions regarding the normal performance of their functions, notes that the Committee expresses its readiness to effectively address them and expects that all issues raised at its meetings that remain unresolved will be duly settled expeditiously, in a spirit of cooperation and in accordance with international law, requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions, and urges the host country to continue to take appropriate action, such as the training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities and, if

¹ *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 26 (A/75/26).*

² Resolution 22 A (I).

³ See resolution 169 (II).

⁴ United Nations, *Treaty Series*, vol. 500, No. 7310.

violations occur, to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

3. *Recalls* the privileges and immunities applicable to the premises of the permanent missions to the United Nations enjoyed under international law, in particular the instruments listed in paragraph 194 (a) of the report of the Committee, and the obligations of the host country to observe such privileges and immunities, takes note of the alleged ongoing violations thereof by the host country and of the repeated concerns expressed thereon, urges the host country to remove without delay any restrictions applied to the premises of a Permanent Mission inconsistent with those privileges and immunities, and in that regard to ensure respect for such privileges and immunities, expresses concern regarding the lack of resolution of these matters, remains seized of these matters, and anticipates that they shall be duly addressed in a spirit of cooperation and in accordance with international law;

4. *Also recalls* that, prior to the institution by the host country of any proceedings that require any person referred to in article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including representatives of a Member State, to leave the host country, article IV, section 13 (b) (1) of the Headquarters Agreement, inter alia, requires the host country to consult with the Member State, the Secretary-General or other principal executive officer, as appropriate, and considers that, given the seriousness of any such measure being exercised by the host country, the consultation should be meaningful;

5. *Notes* the problems experienced by some permanent missions to the United Nations in connection with the implementation of the Parking Programme for Diplomatic Vehicles,⁵ and notes that the Committee shall remain seized of the matter, with a view to continuing to maintain the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

6. *Strongly urges* the host country to remove all remaining travel restrictions imposed by it on staff of certain missions and staff members of the Secretariat of certain nationalities, and in this regard is concerned about the more stringent travel restrictions that continue to affect the permanent and visiting representatives of two Missions, including the non-lifting of the requirement for staff of one mission to relocate, while noting the steps taken by the host country to temporarily defer the relocation of affected staff due to the coronavirus disease (COVID-19) pandemic, and the statements of affected delegations that travel restrictions impede their ability to carry out their functions, restrict their access to services and their choice of residence and negatively impact their families, and notes the long-standing positions of affected States, of the Secretary-General as set out in the statement of the Legal Counsel, in document [A/AC.154/415](#), according to which, inter alia, “there is no room for the application of measures based on reciprocity in the treatment accorded to permanent missions accredited to the United Nations in New York”, and of the host country;

7. *Recalls* article IV of the Headquarters Agreement, notes the concerns expressed by some delegations concerning the denial and delay of entry visas to representatives of Member States, and further notes that the Committee remains seized of an increasing number of entry visa-related issues raised at its meetings, and stresses that these issues should be duly resolved in a spirit of cooperation and in accordance with international law, including the Headquarters Agreement;

8. *Expresses serious concern* regarding the non-issuance of entry visas to certain representatives of certain Member States, in particular to delegates

⁵ [A/AC.154/355](#), annex.

participating in the work of the Main Committees at the seventy-fourth session of the United Nations General Assembly, and regarding the denial of a visa to a Foreign Minister of a Member State, emphasizes the importance of the full participation of all delegations in the work of the United Nations, and takes note of the statements of the Legal Counsel at the 297th and 298th meetings of the Committee, reiterating his statement at the emergency, 295th, meeting of the Committee, set out in document [A/AC.154/415](#), where he confirmed that the legal position regarding the host country's obligations with respect to the issuance of visas to persons covered by the Headquarters Agreement remains unchanged from that which was provided by the then Legal Counsel to the Committee in 1988, set out in document [A/C.6/43/7](#), according to which, inter alia, "the Headquarters Agreement makes it clear that there is an unrestricted right of persons mentioned in section 11 to enter the United States for the purpose of proceeding to the Headquarters district";

9. *Expects* the prompt issuance by the host country of entry visas to all representatives of Member States and members of the Secretariat pursuant to article IV, section 11, of the Headquarters Agreement, in a timely manner, to enable persons assigned as members of permanent missions or recruited to serve in the Secretariat to take up their assignments as promptly as possible and to enable representatives of Member States to travel to New York on United Nations business, and notes that the Committee anticipates that the host country will continue to enhance efforts, including visa issuance, to facilitate the participation of representatives of Member States in other United Nations meetings, as appropriate;

10. *Notes* that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States since the time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings, and invites the host country to inform the Committee, as appropriate, of efforts to address such difficulties, and also notes that the Committee calls upon the host country to review its differing processes of granting visas to the personnel of certain missions, with particular attention to single-entry visas, with a view to ensuring that delegations are able to participate fully in the work of the United Nations;

11. *Notes with concern* the difficulties experienced by some permanent missions to the United Nations in obtaining suitable banking services, and welcomes the continued efforts of the host country to facilitate the opening of bank accounts for those permanent missions;

12. *Stresses* the need for the permanent missions and the United Nations to benefit from appropriate banking services, anticipates that the host country will continue to assist the permanent missions accredited to the United Nations and their staff in obtaining such services, and notes the assurances given by the representative of the host country at the online informal meetings of the Committee on 13 August and 17 September 2020 that impediments to the banking operations of one mission have been lifted, and stresses the importance of effectively enabling the affected mission to expeditiously transfer funds to its bank account;

13. *Expresses its appreciation* for the efforts made by the United States Mission to the United Nations, including to respond to requests from the diplomatic community in the challenging circumstances over recent months caused by the COVID-19 pandemic, and expects that the issues raised at the meetings of the Committee will be resolved in a spirit of cooperation and in accordance with international law, including the Headquarters Agreement;

14. *Affirms* the importance of the Committee being in a position to fulfil its mandate and meet on short notice to deal with urgent and important matters concerning the relations between the United Nations and the host country, and in that

connection requests the Secretariat and the Committee on Conferences to accord priority to requests from the Committee on Relations with the Host Country for conference-servicing facilities for meetings of that Committee that must be held while the General Assembly and its Main Committees are meeting, without prejudice to the requirements of those bodies and on an “as available” basis;

15. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country at various levels in order to resolve the issues raised in the report of the Committee on Relations with the Host Country, and to more actively engage in the work of the Committee with a view to ensuring the representation of the interests concerned, in accordance with General Assembly resolution 2819 (XXVI), and in this regard takes note of the statements of the Legal Counsel at the emergency, 295th, meeting of the Committee, as set out in document A/AC.154/415, and also at its online informal meeting on 17 September 2020, recalls that serious consideration should be given to taking steps under section 21 of the Headquarters Agreement if the issues raised in the report of the Committee on Relations with the Host Country were not resolved in a reasonable and finite period of time, and recommends to the Secretary-General to now consider and take any appropriate steps under section 21 of the Headquarters Agreement;

16. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI) and, in this framework, to continue to consider additional appropriate measures to enhance the work of the Committee and its effectiveness and to make recommendations in its report to the Assembly at its seventy-sixth session;

17. *Decides* to include in the provisional agenda of its seventy-sixth session the item entitled “Report of the Committee on Relations with the Host Country”.