

Islamic Republic of

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Permanent Mission to the United Nations

**Statement by
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Before the Sixth Committee
74th Session of the United Nations General Assembly
on Agenda Item 165:
Report of the Committee on Relations with the Host Country
New York, 6 November 2019**

Mr. Chairman,

My delegation would like to thank Ambassador Mavroyianis of the Cypress, Chairman of the Committee on Relations with the Host Country for his efforts as well as presenting the report of the Committee and conclusions and recommendations therein, as contained in document A/74/26. we also thank Secretariat of the Committee for their support. My delegation align itself with the NAM statement under this agenda item.

The Committee on Relations with the Host Country is a forum in which a full range of pertinent issues concerning the relationship between the Host Country and the UN could be discussed. However, increasing number of the unresolved cases before the Committee, makes it clear that the mandate and power of the Committee does not match with its objectives.

The legal framework in which the United Nations operates is sufficiently firm and clear that leaves no space for any arbitrary interpretation. Article 105 of the UN Charter establishes the fundamental principles that the United Nations shall enjoy in the territory of its members. Such privileges are necessary for the fulfillment of its purposes and the representatives of Members and officials of the Organization shall enjoy such privileges and immunities that are necessary for the independent exercise of their functions. The 1946 Convention on the Privileges and Immunities of the United Nations (General convention), gives effects to Article 105 of the UN Charter and represents a binding legal framework needed for the independent function of the Organization. This Convention outlines the immunities and privileges accorded to the representatives of Member States accredited to the United nations and particularly in its section 11(g) confers full diplomatic privileges and immunities upon representatives, including temporary ones.

However, for a long time the Host Country of the United Nations instead of providing facilities and privileges needed for the normal work of the UN and its accredited Member Countries , has imposed restrictions on representatives of certain Member States as well as staff members of the UN Secretariat from certain nationalities in flagrant violation of its obligations

including Articles 100 and 105 of the UN Charter, General Convention, Headquarters Agreement and Vienna Convention on Diplomatic Relations . Recently the Host Country has expanded its restrictions on Iranian Mission extensively. These restrictions have affected the basic human right of the staff and their families and children as well as the normal functioning of our Mission.

Mr. Chairman,

Although the conclusions and recommendations of the Host Committee captures some of the concerns that my delegation raised during the Host Committee meetings, in general we are not satisfied with the conclusions and recommendations of the Host Committee, since they overlooked most of the serious problems.

We also note that the Committee in Paragraph K of its recommendations has declared its position regarding the travel restrictions and I quote “ Concerning travel regulations issued by the host country, the Committee takes seriously the more stringent travel restrictions imposed on two Missions and the statements of affected delegations that travel restrictions impede their ability to carry out their functions and negatively impact their families, urges again the host country to remove all remaining travel restrictions”. Furthermore, during the emergency meeting of the Host Committee, a few weeks ago, the UN Legal Counsel reiterated the long-standing position of the U.N pertaining these restrictions and I quote “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”.

It is also noteworthy that the Host Country which is itself member to the Host Committee and agreed adoption of this minimalistic recommendations, has not withdrawn yet its illegal notes, which imposed illegal restrictions, with serious effects on our Mission’s personnel and their families. In other words, the Host Country which always claims that it takes its responsibilities seriously, does not take its own words seriously. It joins to the consensus decisions of the Committee, with the prior intention of not observing them. The question is that why does the Host Country then join to the decision of the Host Committee? May be the Host Country believes that these recommendations do not create any legal or ethical obligations, and therefore are not binding to them and they need not to observe them. At least this has been the case in the past, and thus most of the recommendations and conclusions of the Host Committee, which incorporated in the General Assembly resolutions, are yet to be implemented. However, it is crystal clear that the obligations that the U.S are violating are of the binding nature and the Headquarters Agreement as well as the General Convention have previewed means to enforce these obligations including through binding decision of the International Court of Justice.

Mr. Chairman,

With respect to the conclusions and recommendations of the Host Committee my delegation would like to make the following comments:

First, the process of negotiation of the recommendations of the Committee have not been transparent enough in a way that the affected states have not been invited to this process. Therefore, it is not surprising that the conclusions and recommendations do not address the practical problems that the Iranian representatives to the UN and their families are facing. For example, it is silent about the problems of the Iranian visiting diplomats, the denial of waivers to Hospitals and

Universities, issuance of single-entry visas and its diverse effects on Iranian diplomats, secondary screening procedures and several other sufferings that could not be described by words.

Second, the recommendations failed to address the long standing and repeated requests of the General Assembly to improve the method of work of the Committee. Unfortunately, the Host Committee has not sufficient mandate and authority to resolve problems. The Committee dedicated at least a full session to explore possible structural reforms in this regard. However, none of the suggested proposals are included in the recommendations of the Committee.

Mr. Chairman,

My delegation is subjected to an unprecedented restriction; it seriously violates our rights as representatives of our State; it deprives us and our families from enjoying our human rights; it seriously impedes to represent effectively our country; it is illegal, inhumane and insulting and clearly indicates that the seat of the United Nations Headquarters has been abused as political leverage against my country.

I wholeheartedly appreciate all efforts made by the UN officials and their dedication to follow this issue. I must also sincerely thank all distinguished delegations who expressed their sympathy and solidarity with us. However, it is disappointing that no tangible progress is made so far.

Now, Iran's representatives who are on a temporary assignment are restricted to only three buildings in New York. Likewise, they cannot go to even a hospital when needed as there is none in the areas they are restricted to. Thus, even in the most urgent cases they need prior permission, the issuance of which – even if the request is accepted -- may take more than five business days according to the U.S. Mission's Note. It is important to underline that free choice of place of residence is ensured in the Headquarters Agreement. The Host Country by requiring us to submit the accommodation information of visiting diplomats to OFM to obtain approval has violated this important basic right. It is also noteworthy that article 105 of the UN Charter did not distinguish between temporary and permanent representatives.

Besides, the freedom of movement is denied from the Iranian Representatives which means the Host Country extremely limited our access to basic services. For example, most of the general doctors our staff refer to are located outside the designated area. It is important to underline that providing facilities and ensuring normal condition for our Mission is neither a favor nor optional.

The previously 25-mile radius travel restriction of our Mission's personnel and their families is now narrowed down to a less than three-mile radius in part of Manhattan and Queens - - a large portion of which is not residential and also lacks any facilities required for a decent life. In transitional period, the currently assigned diplomats are allowed to move only within 3 miles from their residential address and will be subjected to movement or should I name it "enforced displacement" to a new assigned area within few months. Such an enforced displacement will impose tremendous pressure particularly on children who have accustomed to their schools, friends and environment and again runs counter to the free choice of resident acknowledged in the Headquarters Agreement.

The Host Country has referred to the possibility of issuing waivers. Although this procedure is illegal and violates right to privacy, The Host Country in practice has refused to issue even a single waiver including for our students. The legal and ethical question here is whether the U.S State Department could deprive students from education or access to universities, whereas the Host Country has the obligation to accord them full diplomatic privileges?

It is obvious that these measures are solely designed to impose harassment and psychological pressure and ultimately cease the existence of our Mission in contravention of the very foundation of the United Nations, i.e. the sovereign equality of its Member States as well as the letter and spirit of the Headquarters Agreement.

Under the circumstances that the executive power in the U.S has opted the lawlessness and insists on that, the UN's options for administration of justice and preserving the rule of law are not too many. This case is not considering a private case to be pursued in the U.S courts. A Member State of the UN is precluded to exercise its rights and functions in breach of the Headquarters Agreement and General Convention. The Host Country has violated the UN Charter, General Convention, Headquarters Agreement and its obligations under Vienna Convention. Therefore, the existence of a dispute between the UN and the Host Country is unquestionable and almost four months of efforts to settle this dispute has now reached a deadlock.

Mr. Chairman,

Now, it is quite evident that it cannot be settled through negotiation. Therefore, according to Section 21 of the Headquarters Agreement, there remains only one option, i.e. the referral of the case to the arbitration. Accordingly, we urge the distinguished Secretary-General to enforce Section 21 of the Headquarters Agreement.

The other possibility provided by the General Convention in its Section 30 is to request an advisory opinion from the ICJ. Section 30 stipulates that "All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statue of the Court. The opinion given by the Court shall be accepted as decisive by the parties".

Mr. Chairman,

We recognize the outcome of the 18th NAM summit held in Baku in which leaders have resolved to present before the General Assembly an action oriented resolution with a view to ensure that delegations of Member State have the capacity to fully exercise their right of participation in multilateral meetings, as well as their diplomatic duties and official responsibilities in a proper manner.

Today every single Member State of the United Nations has a moral imperative to standup against these lawless procedures. This is essential for defending the UN and preserving the rule of law. If the United Nations do not react appropriately, the Host Country would increasingly misuse its position and infringe the rights of representatives of Member States for furtherance of its political agenda.

I thank you, Mr. Chairman.