

STATEMENT BY MR. SUKDEO PASWAN, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 150 – REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY AT THE SIXTH COMMITTEE OF THE 63<sup>RD</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON NOVEMBER 14, 2008



Mr. Chairman,

We thank the Chairperson of the Committee on Relations with the Host Country for presenting the Report of the Committee.

The Committee on Relations with the Host Country provides a useful forum for addressing issues relating to the functioning of Missions of Member States and for enabling their representatives to perform their functions without hindrance.

This year the Committee had examined a number of problems related to question of security of missions and safety of their personnel, acceleration of

immigration and customs procedures, entry visas issued by host country, transportation and other matters raised by interested delegations. The open and transparent exchange of views in this forum helped in addressing these issues in a spirit of cooperation and in accordance with international law.

We appreciate the host country's commitment to fulfill its obligations under the Convention on the Privileges and Immunities of the United Nations and the Host Country Agreement, to accord facilities to missions accredited to the United Nations to ensure their smooth functioning.

Mr. Chairman,

India had brought to the attention of the Committee the issue of property taxes being imposed by the City of New York on diplomatic premises used by Permanent Mission of India to the United Nations to house its diplomats. The issue is presently being pursued in New York Courts.

In a very short judgment in February this year, the New York District Court held that the Vienna Convention on Consular Relations and the Vienna Convention on the Diplomatic Relations support the City of New York's position that the residential exception from taxes is limited to "residence of the Head of Mission" and not others. The Government of India has filed an appeal with the Court of Appeals against this order of the District Court.

Nevertheless, we continue to believe that under international laws and Vienna Convention on Diplomatic Relations, my government, being a sovereign, is immune from the jurisdiction of US Courts and is not liable to pay property tax in respect of the portion of the building of the Permanent Mission owned by it and occupied by its diplomats for residential purposes.

We understand that many Permanent Missions are facing a similar problem. We hope that the host country will devote urgent attention to the matter and remove the ambiguity in its laws so as to ensure that it grants to the UN Member States and their staff the same privileges as are granted to other diplomats accredited to it. This is also a requirement under the Headquarters Agreement between the UN and the United States.

On immigration and customs procedures, we recognize that the host country has a right to monitor and control entry into its territory and to adopt the requisite security measures it deems necessary. This has to be balanced, on the one hand, with the right of delegations to participate in the work of the UN and, on the other, to ensure that delegations do not misuse their privileges and immunities. Nevertheless, security and immigration officials must also be made

aware of the privileges and immunities enjoyed by diplomats and their families with a view to maintaining respect for them.

We welcome the steps taken to address the parking problems of diplomatic missions and hope that the residual issues in this respect, including the request for parking slots by the Indian Mission, would also be addressed soon.

In conclusion, we commend the Host Country for taking all the complaints seriously and making efforts to address them promptly.

Thank You Mr. Chairman

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