
STATEMENT BY MR. DINESH CHANDRA YADAV, MEMBER OF PARLIAMENT, ON
AGENDA ITEM 161 – REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST
COUNTRY AT THE SIXTH COMMITTEE OF THE 65TH SESSION OF THE UNITED
NATIONS GENERAL ASSEMBLY ON NOVEMBER 11, 2010

Madam Chairperson,

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

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 examined a number of problems raised by interested delegations on 'acceleration of immigration and custom procedures', 'entry visas issued by the host country', and 'security of missions and safety of their personnel', 'question of privileges and immunities', 'transportation' and other matters. The open and transparent exchange of views in this forum helped in addressing the issues in question in a spirit of cooperation and in accordance with international law.

Madam Chairperson,

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 the Permanent Mission of India to the United Nations to house its diplomats. The issue is presently being pursued in New York Courts.

I am pleased to inform this Committee that while an appeal from the decision of the District Court's decision was pending, the United States Department of State issued a Notice pursuant to the Foreign Missions Act, designating as a "benefit" under the Act an exemption from real property taxes on property owned by foreign governments and used to house the staff of permanent missions to the United Nations or the Organization of American States or of consular posts. The Notice states that the benefit determination preempts all inconsistent state and local laws, and also applies to all property taxes that "have been or will be assessed," on such property.

In a historic 3-0 judgment on 17 August 2010, the United States Court of Appeals for the Second Circuit held that the Notice issued by the Department of State was a lawful exercise of the Department's authority under the Foreign Missions Act, and that the Notice operates in this case to render Appellants exempt from the property taxes imposed by the City, and so nullifies the City's existing tax liens against Appellants.

Madam Chairperson,

We thank the Host Government for their active cooperation. Issuance of the Notification is in accordance with international law, the Headquarters Agreement between the UN and the United States, and the Vienna Convention on Diplomatic Relations. We look forward to the continued support and active involvement of the Department of State as the City of New York has decided to go in appeal to the United States Supreme Court against the judgment of the Court of Appeals.

Nevertheless, we continue to believe that under international law and the Vienna Convention on Diplomatic Relations, my government, being a sovereign, 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 again urge the host country to do its utmost to resolve the situation that has arisen from a

given interpretation of its law. As a friendly country, India does not wish to be seen agitating on such issues in US courts.

Madam Chairperson,

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 the delegations to participate in the work of the United Nations in a timely manner and on the other to ensure that the delegations do not misuse their privileges and immunities.

As regards entry visas, we support the Committee's recommendation that the host country enhance its efforts to ensure their issuance in a timely manner to enable representatives of Member States to attend official meetings in a timely manner.

We welcome the steps taken by the host country to address the parking problems of diplomatic missions through the efficient implementation of the Parking Program for Diplomatic Vehicles and hope that the remaining issues in this respect, including the request for change of allotted parking slots allotted to our Mission, would be addressed soon.

Thank you, Madam Chairperson.

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