

REPUBLIC OF CUBA
Permanent Mission to the United Nations
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(New York, 9 November 2021)

Mr. Chairman,

Cuba appreciates the analysis of the Report of the Committee on Relations with the Host Country, document A/76/26.

As members of the Committee, we are working towards ensuring that it addresses, in a timely manner, all the issues that emerge from the relations between the United Nations, the Member States and the Host Country.

It is regrettable that we are in a new session and that all delegations are still unable to carry out their functions before this Organization on an equal footing, due to the failure of the United States to comply with its obligations deriving from its role as Host Country.

It is also shameful that, two years after the adoption of resolution 74/195 by the United Nations General Assembly, this elapsed time has not been considered "reasonably short" by the Secretariat to submit to arbitration the disputes between the United Nations and the United States government concerning the interpretation and application of the Agreement regarding the Headquarters of the United Nations.

issue at hand,
for example: it arbitrarily imposes restrictions on the movement of diplomats from various countries and their families; delays and denies visas to access the headquarters of the Organization and participate in its work; unreasonably expels diplomats accredited to the Organization; seizes properties; opens diplomatic pouches; and prevents Member States from

In this regard, Cuba rejects the selective and arbitrary use of the Headquarters Agreement by the United States to prevent or restrict the participation of certain delegations in the work of the Organization, which is a flagrant violation of the principle of sovereign equality among all member states of the Organization.

In connection with the Report, we regret that the Committee's procedures allow the United States to be the judge of what it is a Party to and this becomes the chief obstacle for this Committee to be able to perform its work objectively and in accordance with the truth of what is discussed in it.

During the negotiation of the conclusions and recommendations of the Report, the Cuban delegation was open to examine reformulations of its proposals which could accommodate the concerns of all parties.

We express our deep disappointment that it was not possible to take as "language of compromise", textual citations from the Vienna Convention on Diplomatic Relations and other international instruments, or from general principles of international law of incontestable observance and recognition applicable *mutatis mutandi* to relations with the Host Country.

Such is the case of the refusal to mention Article 26 of the Vienna Convention on the freedom of movement of diplomats and the principle that the domestic law cannot be invoked to justify the breach of international law. It is also of great concern that no consensus was found on adding textual references to the Headquarters Agreement regarding the promptness with which visas should be issued.

As long as the Committee is not able to address situations with resoluteness, the Organization will not be able to ensure that its Member States participate and are represented on an equal footing, which is a violation of its founding Charter.

Mr. Chairman,

As an active member, Cuba is strongly determined to cooperate so that the decisions and recommendations of this important Committee are implemented with transparency and respect for its Member States, without discrimination, selectivity and in full respect(-7(or)14()-601n BT /F1 14)8(d)-4(pv(a

well as favoring the active participation of other Member States, whether or not impacted by the noncompliance of the Host Country.

The repeated and increasingly disproportionate violations committed by the Host Country, in shameful disregard of the rules of international law inherent to its obligations as the headquarters of the Organization and in blatant disrespect for the recommendations adopted in the Committee's reports, cannot continue to be allowed.

For my delegation, the reluctance of the United States to resort to a peaceful means of dispute settlement can only have one interpretation: its lack of will to reverse its non-fulfillment, its intention to continue abusing its status as host country and, consequently, its disrespect for multilateralism.

It is a moral, ethical and legal imperative for the Committee to recommend to the Secretary-General the peaceful settlement of any differences in the application and interpretation of the Agreement regarding the Headquarters, through which the profound existing differences can be legally resolved and the increasingly excessive violations by the Host Country can be brought to an end.