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H. Q. Agreement 1953

7 May 1953

Interoffice memorandum. Status of Headquarters

(C. A. Stavropoulos, Principal Director in charge of the Legal Dept.

- to D.H.)



## INTEROFFICE MEMORANDUM

FILE NO. \_\_\_\_\_

DATE 7 May 1953

TO: Mr. Dag Hammarskjold, Secretary-General.

FROM: C. A. Stavropoulos, Principal Director in charge of the  
Legal Department. *C. A. Stavropoulos*

SUBJECT: Status of Headquarters.

1. In your conversation with President Eisenhower you will presumably have an opportunity to refer to the crucial importance, in the political relations between the United Nations and the United States, of a mutually satisfactory outcome to the current negotiations concerning the right of access to the Headquarters District. It would naturally not be feasible to enter into points of law, and so I shall confine myself here to an outline of the basic issues.

2. The United States has now claimed that it may on security grounds exclude individuals from transit to the Headquarters District. From the United Nations point of view the key question in the negotiations reduces itself to a simple enquiry as to whether the United States Government really intends to acquire a right of control over who should or who should not come to the United Nations Headquarters. The current discussions have not advanced far enough for me to have been able to test out the United States Delegation on that point, but it is very difficult for me to believe that they could admit any such intention. Obviously, if you could obtain any expression from the President to the contrary, it would be of very great value to the Organization. For if the United States Government does not claim the right to regulate access to the Headquarters, their whole case for denying visas to individuals according to their own decision collapses. On the other hand, an assertion in the broad language used by the United States Representative in the Economic and Social Council, that the United States reserves the right to protect its security, would in fact leave all provisions in the Headquarters Agreement conferring immunities on the United Nations Headquarters subject to unilateral revocation on security grounds. The least it could mean would be a right to deny visas to delegates, staff members, press correspondents, and any other persons having official business with the United Nations.

3. The Legal Department has no doubt of its ability to prove conclusively before an arbitral tribunal -- if the dispute should come to that -- that there is a clear right of access to the Headquarters and its immediate vicinity for classes of persons having business with the United Nations. The assertion by the United States Government that it ever made a reservation on this point is a quite recent development. It

may therefore be useful for your information to note the main elements on the political side of our case (leaving legal arguments for later consideration).

(a) The Headquarters Agreement was unanimously approved by both the Senate and the House of Representatives in a Republican (80th) Congress, under the initiative of the late Senator Vandenberg, the Republic foreign affairs leader. The relevant committee reports on the authorizing Resolution in both Houses make quite clear that the Congress intended that there should be no interference with transit to or from the Headquarters, even if this involved a conflict with immigration legislation. Congress confined itself on this point to making plain that the immigration laws were not altered as to the entry of aliens into United States territory other than the Headquarters District.

(b) The United States Representative in the General Assembly, at the time of its approval of the Agreement, indicated that no reservation was involved.

(c) In the first several years of application of the Headquarters Agreement, the United States had never asserted a reservation. United States Delegates are in fact on record as formally stating that their Government had "never questioned" the very right of access which is now contested.

(d) The congressional reports on the subject have specifically recognized that the United States has two authorized methods for protecting its security -- both provided under the terms of the Agreement itself. One is to grant restricted visas, valid only for transit to and from the Headquarters and sojourn in its immediate vicinity; the other is an agreed procedure for deportation in cases of abuse of the privileges of residence.

4. We can give every assurance to the United States of our willingness to make arrangements with them, as provided by the Agreement, for the control of persons whose visas are restricted to the Headquarters District and its immediate vicinity. What we cannot do is to recognize that the United States has reserved a right on security grounds to deny access to the Headquarters to persons otherwise entitled to transit thereto. That would be tantamount to acknowledging a unilateral authority on the part of the United States to revoke on similar security grounds any right enjoyed by the United Nations under the Agreement.

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C. A. Stavropoulos, Principal Director in charge of the  
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