



OFFICE OF THE MAYOR
NEW YORK CITY COMMISSION FOR THE UNITED NATIONS,
CONSULAR CORPS AND PROTOCOL
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MARJORIE B. TIVEN
COMMISSIONER

Angela Kane
Under-Secretary-General
Department of Management
The United Nations
New York, NY 10017

September 8, 2008

Dear Under-Secretary-General Kane:

I write in response to your July 25, 2008 letter to U.S. Ambassador Zalmay Khalilzad, and to express the City's profound disappointment that the United Nations, notwithstanding its repeated promises over the last year and a half, has failed to complete the building separation project. As a result, the City has no choice but to suspend public schools visits to the United Nations.

First, a few corrections to certain statements in your July 25, 2008 letter are in order. In early 2006, the City approached the United Nations to discuss the urgent need for fire and building safety inspections at the Headquarters. The United Nations was initially unwilling even to allow inspections or even to grant the City's first responders access to its building plans. After several months of negotiations, the United Nations agreed to fire and building inspections of the Headquarters in its letter to the City, dated June 29, 2006.

In the following six months the Fire Department (FDNY) and Department of Buildings staff conducted a full fire and public safety inspection of the entire Headquarters, a facility consisting of seven buildings that had not been substantially updated since their construction in the 1950s. The troubling results of the inspection were 866 fire and building safety code violations, notice of which were delivered to the United Nations on January 22, 2007. While many of the 866 violations have since been corrected, the City remains concerned that some of the most serious building corrections have either been delayed or put off indefinitely because the United Nations views them, as you stated in your July 25, 2008 letter, as "neither reasonable nor financially prudent for various reasons."

Specifically, the City remains unsatisfied with (1) the United Nations' refusal to compartmentalize within the Secretariat building, after promising for more than a year that it would complete this critical item; and (2) the United Nations' failure to install building separations in the second and third sub-levels, despite repeated commitments that all separations would be "complete" by July of this year. I have enclosed a letter from Department of Buildings

Manhattan Borough Commissioner, Christopher Santulli, confirming the United Nations' deficiencies with regard to building separation.

The lack of compartmentation continues to create additional risk for the many employees who will be present in the Secretariat for -- at least -- several more months to come. When the United Nations, in its May 12, 2008 letter, announced its complete reversal on the year-long plan with respect to compartmentation, then Under-Secretary-General Alicia Bárcena solicited recommendations from the City on how the United Nations could at least partially compensate for this significant omission. The FDNY requested, among other things, that the United Nations cancel its public tours, a recommendation that the United Nations has thus far continued to reject.

The United Nations then proposed, in a letter from Assistant Secretary-General Adlerstein dated June 3, 2008, that it confine tours to avoid the Conference Building. This would purportedly keep visitors in a relatively safer area of the complex, since the United Nations claimed that "we have already made code compliant and separated [the Conference building] from both the General Assembly and the Secretariat by two-hour fire-rated walls." When the Department of Buildings inspected on July 9th, August 4th, and August 8th, however, the City discovered that this statement was simply untrue. The Department of Buildings confirmed that the separation project was still incomplete, meaning that the United Nations had violated the terms of its own proposal.

The failure to install separations in the second and third sub-levels is a source of notable concern. As you are aware, the currently undivided corridors on these levels run below nearly the entire United Nations Headquarters, and they would facilitate the quick spread of smoke and fire in the event of an incident. We understand from your architects that these separations were not installed because they were viewed as part of the compartmentation project, and once the United Nations decided that compartmentation was too costly, the sub-level separations were deemed unnecessary, despite the United Nations' earlier and repeated promises to the contrary. The City does not share this view. When the United Nations vowed to "complete" building separations by July 2008, the City reasonably believed that meant the United Nations would install all the separations indicated on the plans submitted to the City by the United Nations. Anything less constitutes a violation of the United Nations' pledge to complete this item in a timely manner.

The City must also respond to accusations that we misunderstood a purported June 3, 2008 agreement between the City and the United Nations. Given that the United Nations has ceased direct communications with the City on fire and building safety matters, there could have been no agreement between our institutions. Insisting on communications through a third party on a topic as serious as fire and building safety unsurprisingly creates opportunity for confusion and misunderstanding.

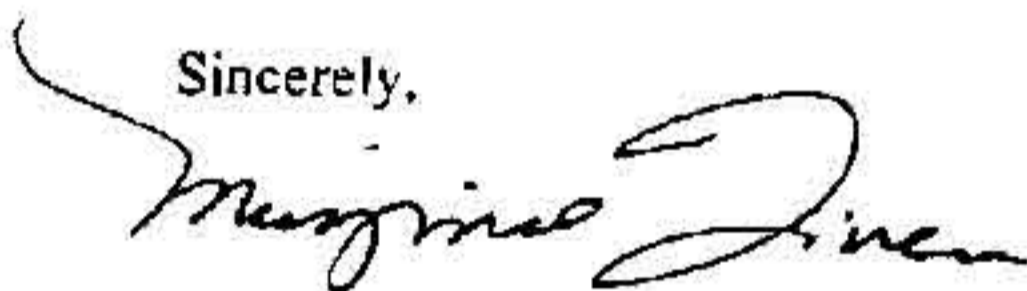
You have also requested that "if the Host City inspectors agree that the work is completed in the agreed upon areas of the United Nations, the Host Country and Host City must confirm that the [Compartmentation and Separation] Project, and all other safety investments made by the UN this past year, are complete, and that there are no longer any public safety issues."

The City, of course, cannot certify that the compartmentation and separation project is complete when the United Nations has foregone compartmentation entirely due to financial considerations, and has only partially completed the building separations. As the Secretariat building occupants are currently at an unnecessarily heightened risk, this certainly qualifies as an outstanding public safety concern. Nor can the City affirm that "there are no longer any public safety issues" when many of the original 866 violations remain uncorrected, which we understand will be the case until the proposed completion of the Capital Master Plan several years from now.

We must also note that the City views any violation of the fire and building safety codes as a public safety issue, regardless of whether the violation applies to an area open to visitors rather than an area accessible only to employees. It is not within the United Nations' discretion (or the City's) to assign different values to the lives of tourists in the Headquarters' public areas, versus the lives of United Nations employees and business visitors in the high-rise Secretariat building.

A true commitment to fire and building safety by the United Nations requires an active and ongoing effort to work with the City on a permanent basis. At the May 5, 2008 Capital Master Plan Groundbreaking, the United Nations publicly agreed to adhere to the City's fire and building safety codes on a voluntary basis. If the United Nations intends to follow this pledge, we expect there will be a continuing dialogue between the City and the United Nations on this issue. As always, my office remains ready to work with the United Nations on this matter.

Sincerely,



Marjorie B. Tiven
Commissioner

cc: Hon. Zalmay Khalilzad, Ambassador
United States Mission to the United Nations

Hon. Patrick F. Kennedy, Under Secretary for Management
United States Department of State

Hon. Alejandro Wolff, Ambassador
United States Mission to the United Nations

Michael Adlerstein, Assistant Secretary-General and
Executive Director for the Capital Master Plan
The United Nations