

SIXTH COMMITTEE

FIRST REPORT OF THE SUB-COMMITTEE ON
PRIVILEGES AND IMMUNITIES

RAPPORTEUR = MR. W.E. BECKETT (U.K.)

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1. On 24 January 1946, Committee 6 appointed a Sub-Committee¹ to consider Chapter 7 of the Report of the Preparatory Commission. The Sub-Committee was invited to present a preliminary report on the most appropriate methods of implementing the provisions of Article 105 of the Charter. The Sub-Committee met on 25 January, and after having elected a Chairman: H.E. M. Guerrero (El Salvador); a Vice-Chairman, Professor Krylov (U.S.S.R.) and Rapporteur, Mr. Beckett (U.K.), examined the respective advantages of:

- (a) the Assembly making recommendations; and
- (b) the Assembly proposing conventions to the Members of the United Nations.

Both these courses are mentioned in Article 105 of the Charter as possible alternatives.

2. The Sub-Committee agreed without reservation to request Committee 6 to recommend that the General Assembly should propose to the Members of the United Nations a general convention which would determine the details of application of paragraphs 1 and 2 of Article 105 of the Charter. This suggestion does not prejudice the separate question of the conclusion of a special convention with the State on the territory of which the seat of the United Nations will be situated.

¹ The Sub-Committee consists of the representatives of the following Members: Australia, Belgium, Bolivia, China, Cuba, Czechoslovakia, Denmark, El Salvador, Egypt, France, Poland, United Kingdom, United States of America, U.S.S.R., Yugoslavia.

3. There were three main reasons for the conclusion of the Sub-Committee. In the first place it was thought that the immunities necessary for the fulfilment of the purposes of the Organization and the independent exercise of their functions by its officials and by the representatives of Members should be laid down in a manner which was as precise as possible. Secondly, that the method should be adopted which would be likely to lead to the greatest uniformity in application; and thirdly that the procedure should be such as best to facilitate the passing by Members of the necessary domestic legislation. All these three reasons pointed to the adoption of a convention as the best course. The procedure of recommendations in itself suggests some indefinity of content as well as latitude in application. Further, a convention is more usual, as well as in general a more satisfactory basis, upon which Governments can approach their respective legislatures in order to obtain any legislative action which may be necessary. Certain members of the Committee, and amongst them some representing Federal States, stressed their view that a convention adopted by the General Assembly would be the method best calculated to facilitate legislation.
4. The adoption of a convention would not exclude the possibility of the adoption in addition of recommendations upon particular points which were not fully dealt with in the convention. This possibility is merely alluded to, in case in the course of later discussion it is thought desirable to deal with particular points in this way. It should not be supposed that the Sub-Committee have yet come to the conclusion that it would be necessary or desirable to have such additional recommendations.
5. The general convention on immunities and privileges of the United Nations is in a sense a convention between the United Nations as an Organization on the one part and each of its Members

individually on the other part. The adoption of a convention by the Assembly would therefore at one and the same time fix the text of the convention and also import the acceptance by the United Nations as a body on their side of that text. On the other hand, each of the Members individually would only accept and become bound by the convention when it had deposited its formal instrument of accession or ratification, a step which the Member would only take after it had fulfilled such requirements as its constitution prescribed.
