

GENERAL
ASSEMBLYASSEMBLEE
GENERALE

ORIGINAL: ENGLISH

SIXTH COMMITTEE[Second] REPORT OF THE SUB-COMMITTEE ON
PRIVILEGES AND IMMUNITIES

Rapporteur: Mr. W.E. Beckett (United Kingdom)

The Sub-Committee was composed of representatives of the following Delegations:-

Australia	El Salvador
Belgium	France
Bolivia	Poland
Canada	Soviet Union
China	United Kingdom
Cuba	United States of America
Czechoslovakia	Yugoslavia
Denmark	

H.E. J.G. Guerrero (El Salvador) was elected as Chairman, Professor Krylov (U.S.S.R.) as Vice-Chairman, and Mr. W.E. Beckett (United Kingdom) as Rapporteur. Mr. Read (Canada) Rapporteur of Committee 6 attended the meetings of the Sub-Committee.

The Sub-Committee held several meetings, and has the honour to submit to the Legal Committee the following documents:-

1. A resolution relating to the adoption of the General Convention on Privileges and Immunities of the United Nations, to which the text of the convention is annexed. ✓
2. A resolution relating to negotiations with the competent authorities of the United States of America concerning the arrangements required as a result of the establishment of the seat of the United Nations in the United States, together with a draft convention to be transmitted as a basis of discussion for these negotiations.

3. A draft recommendation on the privileges and immunities of the International Court of Justice.
4. A draft recommendation on the co-ordination of the privileges and immunities of the United Nations and the specialized agencies.
5. A draft recommendation relating to the insurance against third party risks of motor-cars of the Organization and of members of the staff.
6. A draft recommendation relating to arrangements to be made so that officials of Members who are transferred or seconded for service with the United Nations should not lose their accrued pension rights by reason of such transfer or secondment.

The above documents call for certain short comments.

The draft General Convention on privileges and immunities was submitted to a most thorough discussion in the Sub-Committee. There are two provisions with regard to which certain delegates were obliged to make reservations in the Sub-Committee because they had not received final instructions at the time of the close of the Sub-Committee's proceedings.

This observation applies to Section 18 para (c) and to Section 30.

Further, in connection with Section 44, the Sub-Committee desired to place on record that the words (in the fifth line of that Section) "rates and taxes on mails" did not cover free postage.

In connection with the recommendation referred to above under No. 6, it should be explained that the Sub-Committee consider that, in principle, this recommendation dealt with a matter which was rather within the scope of the Administrative and Budgetary Committee (Fifth Committee) than of Committee 6. The matter had originally been brought before the Sub-Committee with a view to its being included in the draft General Convention, and at the time when the

Sub-Committee came to the conclusion that it could only become the subject of a recommendation, it was pointed out by the representatives of the Advisory Group of Experts on administrative and budgetary matters, who brought the matter before the Sub-Committee, that it would no longer be possible for the Administrative and Budgetary Committee to propose a recommendation on the matter. Consequently the Sub-Committee considered that the recommendation might in the circumstances be forwarded by the legal committee.

The Sub-Committee examined another proposal submitted by the Advisory Group of Experts on administrative and budgetary matters, with a view to exempting all members of the staff of the Organization "from taxation on retirement benefits and exempting their beneficiaries from taxation on death benefits, either in the form of a lump sum or benefits paid by the Organization to widows and orphans".

The Sub-Committee decided, without prejudice to this question being taken up and considered separately at a later stage, that a provision to this effect should not be included in the General Convention.

The Rapporteur of the Sub-Committee places himself at the disposal of the legal committee to give any explanations with regard to particular provisions that the Committee may desire.

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