



United Nations

GENERAL ASSEMBLY

GENERAL

A/1171

1 December 1949

ORIGINAL: ENGLISH

Fourth session

Item 54 of the agenda

PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

Report of the Sixth Committee

Rapporteur: Mr. E. FERRER VIEYRA (Argentina)

1. The Secretary-General's report on the Privileges and Immunities of the United Nations was referred to the Sixth Committee by the General Assembly at its 224th plenary meeting on 22 September 1949.
2. On 29 November 1949, at its 211th meeting, the Sixth Committee examined this report (A/940, A/940/Add.1 and A/940/Add.2).
3. In the course of the discussion the following points were raised:
 - (a) The fact that certain Member States and, in particular, the host State, had not as yet acceded to the Convention on the Privileges and Immunities of the United Nations.
 - (b) The failure of Member States in certain instances to extend privileges and immunities to officials of the United Nations.
 - (c) The power of the United Nations to make regulations under Section 8 of the Headquarters Agreement for the purpose of establishing conditions in all respects necessary for the full execution of its functions.
 - (d) The attitude taken by the International Telecommunication Union in connexion with divergent provisions in the International Telecommunications Convention and the Convention on the Privileges and Immunities of the Specialized Agencies.
4. In replying to these questions on behalf of the Secretary-General, the Assistant Secretary-General for Legal Affairs pointed out:
 - (a) That the situation in regard to the General Convention could not be considered satisfactory since the General Assembly, in resolution 93 (I) of 11 December 1946, had stated that it was essential for the efficient exercise of the functions of the United Nations that the provisions of the Convention should be brought into force in all Member States.
 - (b) Pending the accession of the host State to the Convention, difficulties arising from time to time were dealt with in negotiations with

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the competent authorities of the United States of America, and in most cases a satisfactory solution had been reached. Among other things these negotiations, had related to the recognition of the laissez-passer as a valid travel document, even before the accession to the Convention by the United States.

(c) The Assistant Secretary-General further clarified the immunities of United Nations officials in the United States. He explained that the General Convention was not in force as far as the United States was concerned, but that the United States had enacted internal legislation (Public Law 291 of 1945) giving representatives of Foreign Governments in or to international organizations and officers and employees of such organizations certain privileges and immunities, including immunity from suit and legal process relating to acts performed by them in their official capacities and falling within their functions as such representatives, officers and employees. Therefore, there was a legal basis for immunity, in so far as officials were concerned, in the United States but this immunity was limited to official acts.

(d) With regard to section 8 of the Headquarters Agreement, he pointed out that any regulations set up by the United Nations would have precedence over local law. Since the United Nations had not as yet moved into its permanent Headquarters, the Secretary-General had not recommended any action by the General Assembly with regard to such regulations. However, the matter was being studied, and it was planned to submit a report containing the Secretary-General's suggestions at the next regular session of the General Assembly with respect to regulations to be set up under section 8 of the Headquarters Agreement.

5. The Committee discussed the contradiction between the terms of the International Telecommunications Convention and the terms of article IV, section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies. It was the sense of the Committee not to take action on the International Telecommunication Union's suggestion.

6. With reference to a request by the representative of Iran that the colour of the flag of the United Nations should be considered, it was stated on behalf of the Secretary-General that this matter would be studied.

7. Upon the proposal of the representative of Argentina, the Sixth Committee unanimously adopted the following draft resolution and recommends it for approval to the General Assembly:

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The General Assembly

Takes note of the Secretary-General's report presented in Documents A/940, A/940/Add.1 and A/940/Add.2.
