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Forty-second session  
FIFTH COMMITTEE  
Agenda item 122 (b)

PERSONNEL QUESTIONS: RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF  
OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND  
RELATED ORGANIZATIONS

Australia, Bahamas, Belgium, Canada, Colombia, Costa Rica,  
Denmark, Fiji, Finland, France, Germany, Federal Republic of,  
Greece, Iceland, Ireland, Italy, Jamaica, Netherlands, New  
Zealand, Norway, Portugal, Samoa, Sierra Leone, Solomon  
Islands, Spain and Sweden: draft resolution

Respect for the privileges and immunities of officials of the United  
Nations and the specialized agencies and related organizations

The General Assembly,

Recalling that, under Article 100 of the Charter of the United Nations, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities,

Recalling that, under Article 105 of the Charter of the United Nations, all officials of the Organization shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Recalling the Convention on the Privileges and Immunities of the United Nations, 1/ the Convention on the Privileges and Immunities of the Specialized

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1/ Resolution 22 A (I).

Agencies, 2/ the Agreement on the Privileges and Immunities of the International Atomic Energy Agency and the United Nations Development Programme Standard Basic Assistance Agreements,

Recalling also General Assembly resolution 76 (I) of 7 December 1946, in which the General Assembly approved the granting of the privileges and immunities referred to in the provisions of articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully the laws and regulations of Member States,

Mindful of the responsibilities of the Secretary-General to safeguard the functional immunity of all United Nations officials,

Mindful also of the importance in this respect of the provision by Member States of adequate and timely information concerning the arrest and detention of staff members and, more particularly, their granting of access to them,

Bearing in mind the wider considerations of the Secretary-General to guarantee United Nations officials minimum standards of justice and due process,

Reaffirming its previous resolutions, in particular resolution 41/205 of 11 December 1986,

1. Takes note with concern of the report submitted by the Secretary-General 3/ on behalf of the Administrative Committee on Co-ordination and of a number of developments therein, in particular those regarding new cases of arrest and detention and those regarding previously reported cases under this category;

2. Takes note with concern of the information provided by the Secretary-General in his report regarding other questions involving the status, privileges and immunities of officials;

3. Also takes note with concern of the restrictions on duty travel of officials as indicated in the report;

4. Deplores the growing number of cases where the functioning, safety and well-being of officials have been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals;

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2/ Resolution 179 (II).

3/ A/C.5/42/14.

5. Also deplores the increasing number of cases in which the lives and well-being of officials have been placed in jeopardy during the exercise of their official functions;
6. Calls upon all Member States to respect scrupulously the privileges and immunities of all officials of the United Nations, specialized agencies and related organizations and to refrain from any acts that would impede such officials in the performance of their functions, thereby seriously affecting the proper functioning of the Organization;
7. Calls upon all Member States currently holding under arrest or detention officials of the United Nations, specialized agencies and related organizations, as spelled out in the Secretary-General's report, to enable the Secretary-General or the executive head of the organization concerned to exercise fully their right of functional protection inherent under the relevant multilateral conventions and bilateral agreements, in particular that of immediate access to detained staff members;
8. Calls upon all Member States otherwise impeding officials of the United Nations, specialized agencies and related organizations in the proper discharge of their duties to review those cases and to co-ordinate efforts with the Secretary-General or the executive head of the organization concerned to resolve each case with all due speed;
9. Calls upon the staff of the United Nations and the specialized agencies and related organizations to comply with the obligations resulting from the Staff Regulations and Rules of the United Nations, in particular regulation 1.8, and from the equivalent governing the staff of the other agencies;
10. Calls upon the Secretary-General to use all such means as are available to him to bring about an expeditious solution of the cases still pending, referred to in the report;
11. Calls upon the Secretary-General, as chief administrative officer of the United Nations, to continue personally to act as the focal point in promoting and ensuring the observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations by using all such means as are available to him;
12. Urges the Secretary-General to give priority, through the United Nations Security Co-ordinator and his other special representatives, to the reporting and prompt follow-up of cases of arrest, detention and other possible matters relating to the security and proper functioning of officials of the United Nations and the specialized agencies and related organizations;
13. Requests the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to review and appraise the measures already taken to enhance the proper functioning, safety and protection of international civil servants and to modify them where necessary.