

**SIXTH COMMITTEE**

**SUB-COMMITTEE 1 ON PRIVILEGES AND IMMUNITIES**

**DRAFT ANNEXES TO THE SUGGESTED REDRAFT OF THE PROPOSED CONVENTION ON THE  
PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES**

**(A/C.6/SC.4/W.10 - 8 October 1947)**

**NOTE**

The attached draft Annexes have been prepared by the Rapporteur of Sub-Committee 1 to provide a basis for discussion in the Sub-Committee. Their contents are not necessarily suitable to the needs of the Agencies concerned or those which the United Kingdom delegation would support after learning the views of those Agencies.

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UNITED NATIONS  
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/ANNEX I

ANNEX I

THE INTERNATIONAL LABOUR ORGANIZATION

In its application to the International Labour Organization the Convention shall operate subject to the following modifications:

1. The privileges and immunities specified in paragraphs (a), (b), (d), (e), (f) and (g) of Section 13 of the Convention shall apply to the employers and workers members (as well as to the other members) of the Governing Body of the International Labour Office, while exercising their functions and during their journeys to and from the place of meeting.
2. Sections 14, 15, 16 and 17 of the Convention shall apply to the employers and workers members (as well as to the other members) of the Governing Body of the International Labour Office, except that any waiver of the immunity of any such employer or worker member under Section 16 shall be by the Governing Body.
3. The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall be accorded to the Director-General and the Deputy Director-General of the International Labour Office.

## ANNEX II

### THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

In its application to the Food and Agriculture Organization of the United Nations (hereinafter called "the Organization") the Convention shall operate subject to the following modifications:

1. The privileges and immunities specified in Section 13 of the Convention shall apply to the Chairman of the Council of the Organization (as well as to the members of the Council) while exercising his functions and during his journeys to and from the place of meeting.
2. Sections 14, 15, 16 and 17 of the Convention shall apply to the Chairman of the Council of the Organization (as well as to the members of the Council) except that any waiver of the immunity of the Chairman under Section 16 shall be by the Council of the Organization.
3. The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall be accorded to the Director-General and the Senior Deputy Director-General of the Organization.

### ANNEX III

#### THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

In its application to the International Civil Aviation Organization (hereinafter called "the Organization") the Convention shall operate subject to the following modifications:

1. The privileges and immunities specified in Section 13 of the Convention shall apply to the President of the Council of the Organization (as well as to the members of the Council) while exercising his functions and during his journeys to and from the place of meeting.
2. Sections 14, 15, 16 and 17 of the Convention shall apply to the President of the Council of the Organization (as well as to the members of the Council.), except that any waiver of the immunity of the President under Section 16 shall be by the Council of the Organization.
3. The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall be accorded only to the Secretary-General of the Organization.

ANNEX IV

THE UNITED NATIONS EDUCATIONAL AND SCIENTIFIC AND  
CULTURAL ORGANIZATION

In its application to the United Nations Educational, Scientific and Cultural Organization (hereinafter called "the Organization") the Convention shall operate subject to the following modifications:

1. The privileges and immunities specified in Section 13 of the Convention shall apply to the President of the Conference and members of the Executive Board of the Organization (as well as to the representatives of members) while exercising their functions and during their journeys to and from the place of meeting.
2. Sections 14, 15, 16 and 17 of the Convention shall apply to the President of the Conference and members of the Executive Board of the Organization, except that any waiver of the immunity of the President or of a member of the Executive Board under Section 16 shall be by the Executive Board.
3. The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall be accorded to the Director-General and the Deputy Director-General of the Organization.

ANNEX V

THE INTERNATIONAL MONETARY FUND

In its application to the International Monetary Fund (hereinafter called "the Fund") the Convention shall operate subject to the following modifications:

1. The following shall be substituted for Section 7 of the Convention:

To the extent necessary to carry out the operations provided for in the Agreement establishing the Fund, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

2. The following shall be substituted for Section 9 of the Convention:

(i) The Fund, its assets, property, income ~~and~~ its operations and transactions authorized by the Agreement establishing the Fund, <sup>7</sup> shall be immune from all taxation and from all Customs duties. It is understood, however, that the Fund will not claim exemption from taxes which are, in fact, no more than charges for public utility services, and that articles imported under this exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

- (ii) No taxation of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held.

3. Article V of the Convention shall apply to members of the Board of Governors of the Fund and their alternates, except that any waiver of the immunity of a member of the Board or of an alternate shall be by the Board.

4. Article VI (other than Section 23) of the Convention shall apply to the Executive Directors of the Fund and their alternates (as well as to officials of the Fund), except that (i) paragraphs (b), (c) and (d) of Section 21 of the Convention shall not apply in relation to the State of which an Executive Director, an alternate, or an official of the Fund is a national, and (ii) any waiver of the immunity of an Executive Director or an alternate under Section 24 shall be by the ~~Executive Directors~~ <sup>7</sup> ~~Board of Governors~~ <sup>7</sup>.

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5. The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall not be accorded only to the Managing Director of the Fund.

ANNEX VI

THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

In its application to the International Bank for Reconstruction and Development (hereinafter called "the Bank") the Convention shall operate subject to the following modifications:

1. The following shall be substituted for Section 4 of the Convention:

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

2. The following shall be substituted for Section 7 of the Convention:

To the extent necessary to carry out the operations provided for in the Agreement establishing the Bank and subject to the provisions of that Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

3. The following shall be substituted for Section 9 of the Convention:

(a) The Bank, its assets, property, income (and its operations and transactions authorized by the Agreement establishing the Bank) shall be immune from all taxation and from all Customs duties. It is understood, however, that the Bank will not claim exemption from taxes which are, in fact, no more than charges for public utility services, and that articles imported under this exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country. The Bank shall also be immune for the collection or payment of any tax on duty.

(b) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest /thereon) by



thereon) by whomsoever held:

- (i) which discriminates against such obligation or security solely because it is issued by the Bank; or
  - (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.
- (c) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held:

- (i) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

4. Article V of the Convention shall apply to members of the Board of Governors of the Bank and their alternates, except that any waiver of the immunity of a member of the Board or of an alternate shall be by the Board.

5. Article VI (other than Section 23) of the Convention shall apply to the Executive Directors of the Bank and their alternates (as well as to officials of the Bank), except that: (i) paragraphs (b), (c) and (d) of Section 21 shall not apply in relation to the State of which an Executive Director of the Bank, an alternate, or an official of the Bank is a national: and (ii) that any waiver of the immunity of an Executive Director or an alternate under Section 24 shall be by the (Executive Directors) (Board of Governors).

6. The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall [not] be accorded [only] to the President of the Bank.

ANNEX VII

THE WORLD HEALTH ORGANIZATION

In its application to the World Health Organization (hereinafter called "the Organization") the Convention shall operate subject to the following modifications:

1. Article V of the Convention shall apply to persons designated to serve on the Board of the Organization, their Alternates and Advisers (as well as to the Representatives of Members) except that any waiver of the immunity of any such person under Section 16 shall be by the Board.
2. The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall be accorded to the Director General and the Deputy Director-General of the Organization.

ANNEX VIII

THE UNIVERSAL POSTAL UNION

In its application to the Universal Postal Union (hereinafter called "the Union") the Convention shall operate subject to the following modification:

The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall be accorded only to the Secretary-General of the Union.

ANNEX IX

THE INTERNATIONAL TELECOMMUNICATION UNION

In its application to the International Telecommunication Union (hereinafter called "the Union") the Convention shall operate subject to the following modification:

The privileges, immunities, exemptions and facilities referred to in Section 23 of the Convention shall be accorded only to the Secretary-General of the Union.

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