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PREPARATORY COMMISSION OF THE UNITED NATIONS

COMMITTEE 5:

SUB-COMMITTEE ON PRIVILEGES AND IMMUNITIES

Report from the Sub-Committee to Committee 5

The question of privileges and immunities arises in a general manner as between the Organization and each of its members, and in a special manner as between the Organization and the country in which the seat is established.

Your sub-committee envisages, therefore, two arrangements -

- (a) A general arrangement to which all members of the Organization will be parties, and
- (b) A special arrangement as between the Organization and the host state.

In the view of your sub-committee the special arrangement should be confined to those matters which are particular to the position as between the Organization and the host state, leaving for the general agreement, to which the host state would be a party, all those matters which affect all members of the Organization and where the differences between the obligations of the host state and those of other members is one of degree and not of kind.

2. It was apparent at the outset of our work that unless there was some collaboration for the purpose of dividing the field, there would be considerable overlapping between the work of this sub-committee and the sub-committee of Committee 8, which has been entrusted with the duty of considering arrangements between the host state and the Organization. By means of exchanges of views between representatives of the two sub-committees agreement in principle on the division of the work was reached, namely (a) as regards the general arrangement, your sub-committee should have

the primary responsibility for dealing with those matters which were covered by Chapter V of the Report of the Executive Committee and had primarily a legal character, whereas the sub-committee of Committee 8 should have the primary responsibility for those matters of a practical character which were not covered by this Chapter; (b) as regards the special arrangements (i.e. between the host state and the Organization) the sub-committee of Committee 8 should have the primary responsibility for making proposals, though, insofar as their proposals involved legal matters, your sub-committee would consider them if they were communicated to it, in order to assist so far as they could by drafts, comments and suggestions.

3. While trying to cover as completely as possible the range of privileges and immunities which seem to be necessary for the fulfilment of the purposes of the Organization, your sub-committee has excluded from its proposals those privileges and immunities, the granting of which would involve for the Members of the United Nations administrative or legislative inconveniences which would outweigh by far the benefit which the Organization would receive from them. This observation applies particularly to certain possible exemptions from taxation.
