
PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

REPORT OF THE SIXTH COMMITTEE TO THE GENERAL ASSEMBLY

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

The General Assembly, at its sixteenth Plenary Meeting held on 19 January 1946, referred to the Sixth Committee for consideration and report Chapter VII, of the Report of the Preparatory Commission, (Privileges, Immunities and Facilities of the United Nations). In fulfilment of this task, the Sixth Committee has the honour to submit to the General Assembly the following documents concerning the privileges and immunities of the United Nations:-

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. (Annex 1)
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. (Annex 2)
3. A resolution on the privileges and immunities of the International Court of Justice. (Annex 3)
4. A resolution on the co-ordination of the privileges and immunities of the United Nations and the specialized agencies. (Annex 4)
5. A resolution relating to the insurance against third party risks of motor-cars of the Organization and of members of the staff. (Annex 5)

6. A resolution 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. (Annex 6)

All these documents, before being submitted to the Sixth Committee have been dealt with very carefully by a sub-committee, presided over by H.E. J.G. Guerrero (El Salvador).

They call only for certain short comments.

The discussion of the General Convention on privileges and immunities was particularly exhaustive and thorough. The text now submitted to the General Assembly was approved unanimously, but on paragraphs (b) and (c) of Section 18 the United States Delegate made reservations on the grounds that the right to exempt United States nationals from taxation and from national service obligations was a prerogative of the Congress of the United States.

The Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republic Delegations made reservations with regard to Section 19(c) and Section 30 on the grounds that these items raised constitutional problems on which the most representative bodies in their countries had to be consulted.

The Delegate for Argentina stated that his government might have to make reservations regarding Section 18(c) and Section 30, but he had not been able to receive instructions on this matter.

Other delegates stressed the importance of these provisions and urged those delegations who had made them to do their utmost to secure that their Governments should ultimately be able to fall in with the view of the majority on these questions.

Further, in connection with Section 9, the Committee desired to place on record that the words "rates and taxes on mails" did not cover free postage.

In the case of the resolution referred to above under 2, namely the special convention with the United States of America, the United States Delegation stated that, in view of the fact that the draft convention was being adopted as a basis of discussion for the purpose of negotiations with the competent authorities of the United States, they considered that the United States Delegation should take no part in the discussion and the vote on this matter.

Appendix 2 of the special convention with the United States is the same as the General Convention, except that it has been put in a bilateral form, and therefore reservations to the General Convention naturally apply to the corresponding provisions of this Appendix.

In connection with the resolution referred to above under 6, it should be explained that the Committee considered that, in principle, this resolution dealt with a matter which was rather within the scope of the Fifth Committee (Administrative and Budgetary) than of the Sixth Committee. The matter had originally been brought before the Committee with a view to its being included in the draft General Convention, and at the time when the 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 of the Sixth Committee, which was then dealing with the matter, that it would no longer be possible for the Fifth Committee to propose such a recommendation. Consequently the Committee approved the view of the sub-committee that the recommendation might in the circumstances be forwarded to the General Assembly by the Sixth Committee.

The Sub-Committee on privileges and immunities examined another proposal submitted by the Advisory Group of Experts on

administrative and budgetary matters, made 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 Sixth Committee places himself at the disposal of the General Assembly to give any explanations with regard to particular provisions of the text submitted to the General Assembly that the General Assembly may desire.

ANNEX I

The Sixth Committee after having examined the respective advantages, as methods of implementing the provisions of Article 105 of the Charter, of the General Assembly, (a) making recommendations or (b) proposing conventions to the members of the United Nations, recommends to the General Assembly to propose to the Members of the United Nations as general convention on the privileges and immunities of the United Nations of which the text is annexed hereto. The Sixth Committee recommends that the General Assembly adopt the following resolution:

THE GENERAL ASSEMBLY approves the annexed convention on the Privileges and Immunities of the United Nations and proposes it for accession by each Member of the United Nations.

**CONVENTION ON THE PRIVILEGES AND IMMUNITIES
OF THE UNITED NATIONS**

WHEREAS Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and

WHEREAS Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for

the independent exercise of the functions in connection with the Organization

CONSEQUENTLY the General Assembly by a Resolution adopted on approved the following Convention and proposes it for accession by each Member of the United Nations.

ARTICLE I

JURIDICAL PERSONALITY

SECTION 1 The United Nations shall possess juridical personality.

It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

ARTICLE II

PROPERTY, FUNDS AND ASSETS

SECTION 2 The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

SECTION 3 The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

SECTION 4 The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

SECTION 5 Without being restricted by financial controls, regulations or moratoria of any kind,

- (a) the United Nations may hold funds, gold or currency

of any kind and operate accounts in any currency;

(b) The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

SECTION 6

In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

SECTION 7

The United Nations, its assets, income and other property shall be:

(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

SECTION 8

While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes, on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been

charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III

FACILITIES IN RESPECT OF COMMUNICATIONS

SECTION 9 The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

SECTION 10 The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

THE REPRESENTATIVES OF MEMBERS

SECTION 11 Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;
- (g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

SECTION 12 In order to secure for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

SECTION 13 Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

SECTION 14 Privileges and immunities are accorded to the representatives

of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

SECTION 15 The provisions of Section 11, 12 and 13 are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.

SECTION 16 In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V

OFFICIALS

SECTION 17 The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

SECTION 18 Officials of the United Nations shall:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks

forming part of diplomatic missions to the Government concerned;

(f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

SECTION 19

In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

SECTION 20

Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

SECTION 21

The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

- SECTION 22 Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded :
- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
 - (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
 - (c) inviolability for all papers and documents;
 - (d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

SECTION 23 Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII

UNITED NATIONS LAISSEZ-PASSER

SECTION 24 The United Nations may issue United Nations laissez-passers to its officials. These laissez-passers shall be recognized and accepted as valid travel documents, by the authorities of Members, taking into account the provisions of Section 25.

SECTION 25 Applications for visas (where required) from the holders of United Nations laissez-passers, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

SECTION 26 Similar facilities to those specified in Section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passers, have a certificate that they are travelling on the business of the United Nations.

SECTION 27 The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passers on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

SECTION 28 The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII

SETTLEMENT OF DISPUTES

SECTION 29 The United Nations shall make provisions for appropriate modes of settlement of :

- (a) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;
- (b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

SECTION 30 All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE

SECTION 31 This convention is submitted to every Member of the United Nations for accession.

SECTION 32 Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

SECTION 33 The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

SECTION 34 It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

SECTION 35 This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

SECTION 36 The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

ANNEX II

The Sixth Committee recommends that the General Assembly adopt the following resolution:-

1. The General Assembly authorizes the Secretary-General (with the assistance of a committee composed of persons appointed by the governments of Australia, Belgium, Bolivia, China, Cuba, Egypt, France, Poland, United Kingdom, U.S.S.R.) to negotiate with the competent authorities of the United States of America the arrangements required as a result of the establishment of the seat of the United Nations in the United States of America.
2. The following draft convention is transmitted by the General Assembly to the Secretary-General for use in these negotiations as a basis of discussion.
3. The Secretary-General shall report to the General Assembly the results of these negotiations.
4. Any agreement apart from purely temporary agreements with the competent authorities of the United States resulting from these negotiations shall be subject to approval by the General Assembly before being signed on behalf of the United Nations.

CONVENTION BETWEEN THE UNITED NATIONS AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA

(This draft has been prepared on the assumption that there will be no private persons living within the zone containing the seat of the United Nations).

THE UNITED NATIONS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Desiring to conclude a convention for the purpose of carrying out the Resolution adopted by the General Assembly....., to establish the seat of the United Nations in..... and to regulate questions arising as a result thereof:

Have appointed as their plenipotentiaries for this purpose:

The United Nations
Secretary-General

The Government of the
United States of America

Who have agreed as follows:-

ARTICLE I

DEFINITIONS

SECTION 1. In this convention:-

- (a) the expression "zone" means the area referred to in Section 2 including any additions to it;
- (b) the expression "law of the United States of America" includes federal, state, and local laws, however designated;
- (c) the expression "Government of the United States of America" includes a state or a competent state authority wherever the context so requires;
- (d) the expression "courts of the United States of America" includes federal and state courts;
- (e) the expression "United Nations" means the International Organization established by the Charter of the United Nations.

ARTICLE II

THE UNITED NATIONS ZONE

SECTION 2 The seat of the United Nations shall be the area situated and marked pink on the map which forms Annex 1. Additions may be made later to this area in accordance with the provisions of Section 8.

SECTION 3 The Governments of the United States of America undertakes, on the entry into force of this convention, to cause to be vested in the United Nations possession immediately and full ownership as soon as possible of all land in the zone as shown in Appendix 1 and of all buildings situated thereon at the time of transfer.

SECTION 4 The Government of the United States of America shall be responsible for expropriating and compensating so far as necessary and as soon as possible all interests in land and buildings conveyed to the United Nations.

SECTION 5 Having regard to Section 4, the United Nations shall pay to the United States of America a fair price for any land and buildings conveyed to the United Nations. The amount so payable shall be credited to the United States of America in the accounts of the United Nations and shall be set off, during such period as may be fixed, against contributions due from the United States of America. In default of agreement, this price and this period shall be determined by an expert selected by the President of the International Court of Justice.

SECTION 6 The United Nations shall have exclusive rights over the subsoil of land conveyed to it, and in particular the right to make constructions underground and to obtain therefrom supplies of water. It shall not, however, have the right to exploit minerals.

SECTION 7 The United Nations may establish in the zone any type of installation which it deems necessary for the purpose of its work, and in particular may establish its own radio telegraph sending and receiving stations, including broadcasting, teletype, and telephoto services. The United Nations shall make arrangements with the International Telecommunications Union with regard to wavelengths and other similar matters.

SECTION 8 The Government of the United States of America shall, at the request of the Secretary-General acting in pursuance of a resolution of the General Assembly, cause to be vested in the United Nations possession immediately and full ownership as soon as possible over such further land as may be required for the purpose of constructing an airport, railway station, or radio telegraphic station or for such

other purposes as may be required by the United Nations. The provisions of Sections 4, 5 and 6 shall apply to land so conveyed.

SECTION 9 In the event of the land conveyed in accordance with Section 8 not being contiguous to the remainder of the zone, the Government of the United States of America shall guarantee unimpeded communication and transit between parts of the zone.

ARTICLE III

LAW AND AUTHORITY IN THE ZONE

SECTION 10 The zone, including the air space above it and the subsoil below it, shall be inviolable.

SECTION 11 Save as otherwise provided in this convention, the zone shall be under the control and authority of the United Nations.

SECTION 12 Without prejudice to the generality of Section 11, the Government of the United States of America renounces jurisdiction over any matters relating to entry into the zone and to the conditions under which persons may remain or reside there, and over any matters relating to the construction or removal of buildings in the zone.

SECTION 13 Officers or officials of any authority in the territory of the United States of America, whether administrative, judicial, military, or police, shall not enter the zone to perform any official duties therein except with the permission of and under conditions agreed by the Secretary-General. The service of legal process, including the seizure of private property, shall take place within the zone under conditions approved by the Secretary-General.

SECTION 14 Without prejudice to the provisions which are contained in Appendix II and subsequently in the General Convention referred to in Section 32, and which relate to the immunities of officials of the United Nations and of the representatives of Members, the United Nations shall not permit the zone to become a refuge either for persons who are avoiding arrest under the law of the United States

of America or are required by the Government of the United States of America for extradition to another country, or for persons who are endeavouring to avoid service of legal process.

SECTION 15 Subject to Section 16, the law of the United States of America shall apply within the zone, and in particular the ordinary civil and criminal law.

SECTION 16 The United Nations may enact regulations making provision of an administrative character for the zone. Any such regulation shall prevail over any provisions in the law of the United States of America which are inconsistent with it. It is agreed that within the zone the protection afforded by the Constitution of the United States to personal liberty and to the basic human freedoms of expression and worship shall not be lessened, and no form of racial discrimination shall be permitted.

SECTION 17 The courts of the United States of America shall, without prejudice to any provisions of Appendix II and subsequently of the General Convention referred in Section 32, have jurisdiction over acts done and transactions taking place in the zone, in the same manner as they have over similar acts and transactions taking place outside the zone.

SECTION 18 The courts of the United States of America, when dealing with cases arising out of or relating to acts done or transactions taking place in the zone, shall take cognizance of the regulations enacted by the United Nations under Section 16, though they shall not be obliged to inflict penalties for infraction of such regulations unless the Government of the United States of America has agreed to these regulations before the infraction was committed.

ARTICLE IV

COMMUNICATIONS AND TRANSIT TO AND FROM THE ZONE

SECTION 19 The Government of the United States of America shall guarantee at all times adequate means of communication to and from the zone

through the territory of the United States of America, for the passage of persons, the transmission of postal correspondence and telegrams, and the transport of goods required for use and consumption in the zone.

SECTION 20 Representatives of Members, irrespective of the relations existing between their Government and the Government of the United States of America, officials both of the United Nations and of the specialized agencies, and the families of these representatives and officials, shall at all times enjoy the right of unimpeded and safe transit through the territory of the United States of America to and from the zone.

SECTION 21 The accredited representatives of news agencies, whether press, radio, or films, and of non-governmental organizations recognized by the United Nations for the purpose of consultation, shall also enjoy the rights referred to in Section 20.

SECTION 22 Immigration and other regulations, in force in the United States of America, regarding the entry and residence of foreigners, shall not be applied in such a manner as to interfere with the rights referred to in Sections 20 and 21. Visas required by the persons referred to in those Sections shall be granted without charge, without delay, and without requirement of personal attendance for the issue of the visa.

SECTION 23 The Government of the United States of America shall give or cause to be given facilities for the issue of visas to, and for the use of the available means of transport by, persons coming from abroad (other than those referred to in Sections 20 and 21) who desire to visit the zone. The Secretary-General of the United Nations and the Government of the United States of America shall, at the request of either of them, enter into discussion with regard to the application of this Section.

SECTION 24 The provisions of this Article shall not prevent the Government of the United States of America from taking precautions in the interests of national security, provided that such precautions shall not have the effect of interfering with the rights referred to in Sections 19, 20 and 21.

ARTICLE V

RESIDENT REPRESENTATIVES TO THE UNITED NATIONS

SECTION 25 Persons accredited to the United Nations by Members as resident representatives and their staffs, whether residing inside or outside the zone, shall be recognized by the Government of the United States of America as entitled on its territory to the same privileges and immunities as that Government accords to the diplomatic envoys accredited to it, and the staffs of these envoys.

ARTICLE VI

POLICE PROTECTION OF THE ZONE

SECTION 26 The Government of the United States of America shall cause to be provided on the boundaries of the zone such police protection for the zone as is required, and shall be responsible for ensuring that the tranquillity of the zone is not disturbed by the unauthorized entry of bodies of persons from outside or by disturbances in its immediate vicinity.

SECTION 27 If so requested by the Secretary-General, the Government of the United States of America shall cause to be provided a sufficient number of police to perform duties inside the zone for the preservation of law and order therein, and for the removal of persons who have committed or are suspected of having committed or of being about to commit offences, including infractions to the administrative regulations of the United Nations.

ARTICLE VII

PUBLIC SERVICES FOR AND THE AMENITIES OF THE ZONE

SECTION 28

The Government of the United States of America will exercise all the powers which it possesses to ensure that the zone shall be supplied on equitable terms with the necessary public services (including electricity, water, gas, post, telephone, telegraph, drainage, collection of refuse) and that these services shall not be interrupted. In case of any interruption or threatened interruption of any of these services, the Government of the United States of America will consider the needs of the zone as being of equal importance with the essential services of the United States Government itself. Consequently in that event it will take all those steps which it would take in case of interruption or threatened interruption of these services to the essential Departments of the United States Government to ensure that the work of the United Nations is not prejudiced.

SECTION 29

The Government of the United States of America shall be responsible for ensuring that the amenities of the zone are not prejudiced and the purposes for which the zone is required are not obstructed by any use made of the land in its vicinity.

ARTICLE VIII

MATTERS RELATING TO THE OPERATION OF THIS CONVENTION

SECTION 30

The Secretary-General and the Government of the United States of America shall settle by agreement the channel or channels through which shall be conducted correspondence relating to the application of the provisions of this convention and to other questions affecting the zone. If the Secretary-General so requests, the Government of the United States of America shall appoint a special representative for the purpose of liaison with the Secretary-General.

SECTION 31 In so far as the fulfilment of this convention requires co-operation and action by any state or other non-federal authority of the United States of America, the Government of the United States will conclude with that state or authority such agreements as are necessary for this purpose. The conclusion of these agreements, together with the enactment of any necessary legislation by the United States and by the State, shall be completed before the notice is given which is required under Section 35 to be given by the Government of the United States of America before this convention enters into force.

ARTICLE IX

RELATION BETWEEN THIS CONVENTION AND THE GENERAL CONVENTION

SECTION 32 Until the Government of the United States of America becomes a party to the General Convention relating to the Privileges and Immunities of the United Nations, the provisions of Appendix II shall apply between the United Nations and the Government of the United States of America. Thereafter, those provisions shall be replaced by the provisions of the General Convention, which shall continue in force so long as the present convention remains in operation.

SECTION 33 The provisions of this convention shall be complementary to the provisions of the General Convention and, until the Government of the United States of America becomes a party to the General Convention, to the provisions of Appendix II.

SECTION 34 In so far as any provision of this convention and any provision of the General Convention (or of Appendix II as the case may be) relate to the same subject matter, the two provisions shall wherever possible be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this convention shall prevail.

ARTICLE X
FINAL PROVISIONS

SECTION 35 This convention, having already been approved by a Resolution of the General Assembly, shall enter into force as soon as the Government of the United States of America notifies the Secretary-General that it has all the powers necessary to fulfil the provisions of the convention. The Government of the United States of America shall take every possible step to enable it to give this notification as soon as possible, and in any case not later than

SECTION 36 This convention shall remain in force so long as the seat of the United Nations is maintained in the territory of the United States of America.

SECTION 37 The seat of the United Nations shall only be removed from the territory of the United States of America if the United Nations should so decide.

SECTION 38 If the seat of the United Nations is removed from the territory of the United States of America, the Government of the United States of America shall pay to the United Nations an equitable sum for the land in the zone and for all buildings and installations thereon. An expert nominated by the President of the International Court of Justice shall decide, in default of agreement between the parties, what sum is equitable, having regard to

- (a) the then value to the United States of America of the land, buildings and installations; and
- (b) the cost incurred by the United Nations in acquiring the land and in erecting the buildings and installations.

SECTION 39 Any difference between the United Nations and the Government of the United States of America concerning the interpretation or application of this convention or of any supplementary agreement or agreement which is not settled by negotiation shall be referred to the arbitration of an umpire appointed for the purpose by the President of the International Court of Justice.

SECTION 40: Either party may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of the proceedings referred to in Section 39. Pending the receipt of the opinion of the Court, an interim decision of the umpire shall be observed by both parties. Thereafter the umpire shall render a final decision, having regard to the opinion of the Court.

APPENDIX II

ARTICLE I

JURIDICAL PERSONALITY

SECTION 1 The United Nations shall possess juridical personality.

It shall have the capacity :

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

ARTICLE II

PROPERTY, FUNDS AND ASSETS

SECTION 2 The United Nations its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as, in any particular case it has expressly received immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

SECTION 3 The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial or legislative action.

SECTION 4 The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

SECTION 5 Without being restricted by financial controls, regulations or moratoria of any kind

- (a) the United Nations may hold funds gold or currency of any kind and operate accounts in any currency;
- (b) the United Nations shall be free to transfer its funds, gold or currency, between the United States of America and any other state, and from one place to another within the United States of America, and to convert any currency held by

it into any other currency.

SECTION 6

In exercising its rights under Section 5 above the United Nations shall pay due regard to any representations made by the Government of the United States, in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

SECTION 7

The United Nations, its assets, income and other property shall be :

(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the United States of America except under conditions agreed with the Government of the United States of America;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

SECTION 8

While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the United Nations is making important purchases for official use of property on which such duties or taxes have been charged or are chargeable, the Government of the United States of America will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III

FACILITIES IN RESPECT OF COMMUNICATIONS

SECTION 9 The United Nations shall enjoy in the territory of the United States of America for its official communications treatment not less favourable than that accorded by the Government of the United States of America to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

SECTION 10 The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

THE REPRESENTATIVES OF MEMBERS

SECTION 11 Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, be accorded by the Government of the United States of America the following privileges and immunities :

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage and in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;
- (b) Inviolability for all papers and documents;
- (c) The right to use codes and to receive papers or correspondence by courier or in sealed bags.

- (d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;
- (e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions to the Government of the United States;
- (f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also
- (g) Such other privileges, immunities and facilities, not inconsistent with the foregoing, as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

SECTION 12 In order to secure for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

SECTION 13 Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in the United States of America for the discharge of their duties shall not be considered as periods of residence.

SECTION 14 Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

SECTION 15 The provision of Sections 11, 12 and 13 may not be invoked against the authorities of the United States of America;

- (a) by a national of the United States of America
- (b) by a representative of the United States of America
- (c) by a representative of another Member, when that Member has waived the immunity in question.

SECTION 16 In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers technical experts and secretaries of delegations.

ARTICLE V

OFFICIALS

SECTION 17 The Secretary-General will specify the categories of officials to which the provisions of this Article and Articles VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Government of the United States of America.

SECTION 18 Officials of the United Nations shall :

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government of the United States of America;
- (f) be given, together with their spouses and relatives dependent on them the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

SECTION 19

In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

SECTION 20

Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

SECTION 21 The United Nations shall co-operate at all times with the appropriate authorities of the United States of America to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

SECTION 22 Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded :

- (a) Immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions to the Government of the United States of America.

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

SECTION 23 Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII

UNITED NATIONS LAISSEZ-PASSER

SECTION 24 The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by the authorities of the United States of America, taking into account the provisions of Section 25.

SECTION 25 Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

SECTION 26 Similar facilities to those specified in Section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

SECTION 27 The Secretary-General, Assistant Secretary-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

SECTION 28 The provisions of this Article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter provide for it.

ARTICLE VIII

SETTLEMENT OF DISPUTES

SECTION 29 The United Nations shall make provision for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;
- (b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

ANNEX III

The Sixth Committee has examined the question of the privileges and immunities to be accorded to the members of the International Court of Justice, the agents, counsel and advocates of parties before the Court in accordance with the provisions of Articles 19, 32 (para 8) and 42 (para 1) of the Statute, as well as the privileges and immunities to be accorded to the Registrar and other officers of the Court, and recommends that the General Assembly adopt the following resolution:

1. THE GENERAL ASSEMBLY, with a view to ensuring that the International Court of Justice shall enjoy the privileges, immunities and facilities necessary for the exercise of its functions and the fulfilment of its purposes, in the country of its seat and elsewhere, invites the members of the Court at their first Session to consider this question and to inform the Secretary-General of their recommendations.
2. THE GENERAL ASSEMBLY decides that the question of the privileges and immunities of the Court shall be considered as soon as possible after the receipt of the recommendations of the Court.
3. THE GENERAL ASSEMBLY recommends that, until further action has been taken, the rules which have been applied to the Permanent Court of International Justice should be observed by Members in relation to the International Court of Justice.

ANNEX IV

The Sixth Committee records its agreement with the recommendations of the Preparatory Commission of the United Nations concerning the desirability of a unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialized agencies, and recommends that the General Assembly adopt the following resolution:

THE GENERAL ASSEMBLY considers that there are many advantages in the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialized agencies.

While recognizing that not all specialized agencies require all the privileges and immunities which may be needed by others, and that certain of these may, by reason of their particular functions, require privileges of a special nature which are not required by the United Nations itself, the General Assembly considers that the privileges and immunities of the United Nations should be regarded, as a general rule, as a maximum within which the various specialized agencies should enjoy such privileges and immunities as the appropriate fulfilment of their respective functions may require, and that no privileges and immunities which are not really necessary should be asked for.

THEREFORE THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL to open negotiations with a view to the re-consideration in the light both of the General Convention adopted by the United Nations and of the considerations above, of the provisions under which the specialized agencies at present enjoy privileges and immunities.

ANNEX V

The Sixth Committee recommends that the General Assembly adopt the following resolution:

It has been found that a frequent source of difficulty is road accidents in which motor cars, owned or driven by persons possessing immunity from legal process, are involved.

It is the intention of the United Nations to prevent the occurrence of any abuse in connection with privileges, immunities and facilities granted to it under Articles 104 and 105 of the Charter and the general convention on privileges and immunities, which determines the details of the application of these articles.

THEREFORE THE GENERAL ASSEMBLY instructs the Secretary-General to ensure that the drivers of all official motor cars of the United Nations and all members of the staff, who own or drive motor cars, shall be properly insured against third party risks.

ANNEX VI

The Sixth Committee considered a proposal from the Advisory Group of Experts on Administrative and Budgetary Matters, to the effect that an Article should be included in the General Convention providing for the preservation of the accrued pension rights of persons who, at the time that they enter the service of the United Nations, have held official positions in the territories of Members. The Sixth Committee did not consider that a provision on these lines could be included in the Convention. The Committee were, however, of the opinion that the substance of the proposal was of great importance for the purpose of facilitating the recruitment of suitable personnel for the staff of the United Nations, especially in the earlier years. Consequently the Sixth Committee proposes that the matter should be the subject of a Recommendation, which this Committee felt competent to make, seeing that the matter had been referred to it, although in principle it might be maintained that the subject fell more properly within the scope of the Committee on Administrative and Budgetary questions (Fifth Committee).

Accordingly, the Fifth Committee recommends that the General Assembly adopt the following resolution:

In order to facilitate the engagement, as members of the staff of the United Nations, of persons who have accrued pension rights as officials, either of the central government of Members, or of subordinate governmental or other administrative authorities within the territory of Members, it is desirable that arrangements should be made to secure that accrued pension rights are not lost when such persons accept posts on the staff of the United Nations,

by way either of transfer or of secondment.

THEREFORE, THE GENERAL ASSEMBLY RECOMMENDS THAT:

After such discussion with the Secretary-General as may be necessary to settle details the governments of Members adopt such legislative or administrative measures as may be required to preserve such pension rights.
