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C. (58) 262

Copy No. **61***23rd December, 1958.***CABINET****PRIVILEGES AND IMMUNITIES FOR THE NUCLEAR TESTS
SUSPENSION CONTROL ORGANISATION****MEMORANDUM BY THE SECRETARY OF STATE FOR FOREIGN AFFAIRS**

The United Kingdom Delegation to the current Geneva Conference on the suspension of nuclear tests have asked for urgent instructions on the privileges and immunities which they should seek for members of the control organisation. The immunities which the United States Government advocate, and which I agree are desirable, go further in one respect than those which we are entitled to grant to officials of organisations of which we are members under the provisions of the International Organisations (Immunities and Privileges) Act of 1950. Special legislation will therefore be necessary.

2. The background is as follows. It is clear that if the control organisation is to be able to work satisfactorily its staff must enjoy the privileges and immunities necessary to ensure that their work is not frustrated. The United Kingdom and United States Delegations are agreed that the essential provisions for this, like other details of the control organisation, should be included in the suspension agreement itself rather than left for later negotiation. They consider that it is most desirable that the privileges and immunities of the control organisation should in one respect be greater than those which we are entitled under the 1950 Act to grant, and have granted, to officials of other international organisations of which we are members. Under the 1950 Act the immunity of officials of such organisations is confined to immunity in respect of their official acts. But it is most desirable that officials of the Nuclear Tests Suspension Control Organisation who are performing functions of inspection in relation to an alleged violation of the agreement, or are on their way to perform such functions, should be immune from personal arrest on any grounds. Otherwise, the authorities in the Soviet Union, or in some other country which wished to conceal a violation of the suspension agreement, would be able to arrest inspectors on some trumped up charge (*e.g.*, in connection with some alleged minor traffic offence) and thus give themselves greater time to conceal the traces of their violation. The United Kingdom and United States Delegations have proposed that, in addition to such immunity from personal arrest, inspectors should be immune from seizure of their personal baggage, on the ground that these two immunities are normally linked in diplomatic usage and that although the seizure of personal baggage would not be as serious as personal arrest it could nevertheless easily be used to delay an inspection.

3. I consider that the above arguments are well founded, that the United Kingdom Delegation should be instructed to join the Americans in advocating the inclusion in the suspension agreement of the privileges and immunities suggested above, and that in the event of an agreement being reached we should be prepared to ask Parliament to pass the necessary legislation to cover this point. It is probable that legislation will in any case be necessary to enable us to fulfil other obligations arising from the proposed agreement (*e.g.*, survey for and the erection of a control post in the United Kingdom and the right of access for inspection teams to the site of any suspected violation).

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4. My colleagues should know that the United States Delegation at one time advocated the extension of immunity from personal arrest and seizure of personal baggage to all officials of the control organisation, and not only inspectors, on the grounds that this was desirable in order to prevent the Russians from undermining the morale of the staff of control posts in the Soviet Union by arrest and imprisonment on trumped up charges. The United States Government have, however, decided that such an extension, although desirable, is not essential, and that Congressional approval for it would be very difficult to secure. Nevertheless, if the Soviet Delegation should, contrary to our expectations, propose that all members of the control organisation should be granted such an immunity it would not be easy for us to oppose it, especially as full diplomatic immunities have in the past been granted by the countries concerned to the officials of control organisations set up under the auspices of the United Nations Organisation (e.g., the Neutral Nations Supervisory Commission in Korea).

5. It should be noted that even if we accept provisions of the kind proposed in paragraph 2 above, and legislate for them, they are very unlikely in practice to be required in this country to a significant extent. It is reasonably certain that there will not be more than one control post in the United Kingdom, and it is possible that there will be none. And the incidence of earthquakes or other suspicious circumstances in the United Kingdom is fortunately not such that visits by inspecting teams are likely to be frequent. We should therefore, I consider, without much risk of inconvenience, be prepared to do as much as the United States (where there are likely to be a number of control posts) to contribute to pressure on the Union of Soviet Socialist Republics to do no less.

Recommendation

6. I therefore recommend that the United Kingdom Delegation should be instructed to support the United States proposal that officials of the control organisation performing functions of inspection should be granted immunity from personal arrest and seizure of their personal baggage, in addition to the privileges and immunities normally granted to officials of international organisations; and that if this proposal is accepted by the Geneva Conference and an agreement reached, the necessary legislation should be introduced into Parliament with appropriate speed.

S. L.

*Foreign Office, S.W. 1,
22nd December, 1958.*