

REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS

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Volume IV

ARTICLE 57

CONTENTS

Text of Article 57	<i>Paragraphs</i>
Introductory note.....	1 – 2
I. General survey.....	3 – 5
II. Analytical summary of practice.....	6 – 8
A. Relationship with the United Nations.....	6
Agreement with the World Tourism Organization.....	6
**B. The mandatory character of Article 57	
C. Other intergovernmental organizations.....	7 – 8
The International Criminal Court.....	7 – 8

ARTICLE 57

TEXT OF ARTICLE 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

INTRODUCTORY NOTE

1. In this study, the same major headings as those used in previous *Supplements* have been retained. There were no new developments or significant practice under section B., “The mandatory character of Article 57”, of the Analytical Summary of Practice.
2. Certain issues, though closely related to the provisions of Article 57, are not dealt with here in order to prevent the duplication of material contained in other studies. Thus, with respect to the General Assembly or the Economic and Social Council’s initiating negotiations for the creation of new specialized agencies, it is advisable to refer to the study on Article 59. Attention should also be given to the study on Article 63 for discussion on negotiations and entering into agreements with specialized agencies, and to the study on Article 70 for discussion concerning arrangements for representation by specialized agencies in the deliberations of the Economic and Social Council, and vice versa. While this study includes a discussion of special arrangements made by the Economic and Social Council with non-United Nations intergovernmental organizations, the study for Article 70 also discusses the practice of the United Nations with regard to the general participation of these organizations.

I. GENERAL SURVEY

3. Following the pattern of previous *Supplements*, the present study deals with the establishment of relations between the United Nations and the specialized agencies, as provided under Article 57.¹ Relations with other intergovernmental organizations not defined as “specialized agencies” of the United Nations are also dealt with briefly in this study, although the United Nations Charter contains no provision for establishing relations with intergovernmental organizations other than the specialized agencies as provided for in Articles 57 and 63.² The United Nations, as noted in the *Repertory* and previous *Supplements*, however, has developed various practices with respect to those other organizations. These practices range from whether a formal relationship agreement similar to that with a specialized agency is

¹ As noted in the *Repertory*, an apparent ambiguity exists in the text of Article 57. While Article 57(1) refers to “various *specialized agencies*, established by intergovernmental agreement... [which] shall be brought into relationship with the United Nations . . .”; Article 57(2) suggests that the term “specialized agencies” is applicable *only after* this said relationship with the United Nations has been established. Despite this ambiguity, the practice has been to regard as “specialized agencies” only those organizations brought into relationship with the United Nations through agreements concluded in accordance with Article 63. *See: United Nations Conference on International Organization*, vol. 10, pp. 272-273, doc. 861, II/3/5 (1), para. 12 (b), and vol. 8, pp. 82-83, doc. 924, II/12, para. 12 (b), and the *Repertory*, under Article 57, note 1, and its *Supplements*, under Article 57.

² However, as stated by the United Nations Conference on International Organization, Article 57 “is not intended to preclude the Economic and Social Council from negotiating at its discretion, subject to the approval of the General Assembly, agreements bringing other types of intergovernmental agencies into relationship with the Organization.” This is in line with the United Nations Conference on International Organization’s understanding of the Article’s intended purpose “to provide for agreements sufficiently flexible to enable satisfactory arrangements to be worked out on the basis of need and experience”; *United Nations Conference on International Organization*, vol. 10, pp. 272- 273, doc. 861, II/3/5 (1), para. 12 (b), and vol. 8, pp. 82-83, doc. 924, II/12, para. 12 (b).

concluded with the intergovernmental organization concerned,³ to whether working arrangements more akin to inter-secretariat ones are made,⁴ or to whether a hybrid of the former two types of practices is followed.⁵

4. During the period under review, the World Tourism Organization entered into an agreement with the United Nations in order to become a specialized agency under Article 57.
5. The relationship established between the United Nations and the International Criminal Court is briefly addressed under Section C., “Other intergovernmental organizations”, of the Analytical summary of Practice.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Relationship with the United Nations

AGREEMENT WITH THE WORLD TOURISM ORGANIZATION

6. On 11 March 2004, the General Assembly adopted, without a vote, resolution 58/232, approving an agreement between the United Nations and the World Tourism Organization concerning the recognition of the World Tourism Organization as a specialized agency of the United Nations. This was done in consideration of resolution 2003/2 of the Economic and Social Council, of 10 July 2003, to which a draft agreement had been annexed.⁶

****B. The mandatory character of Article 57**

C. Other inter-governmental organizations

INTERNATIONAL CRIMINAL COURT

7. On 13 September 2003, the General Assembly adopted, without a vote, resolution 58/318,

³ These types of organizations with the potential to become a specialized agency or analogous organization are generally discussed under Part A. “Relationship with the United Nations” of the Analytical Summary of Practice. See *Supplement No. 1 and 2*, under Article 57, particularly the sections of the study dealing with the International Atomic Energy Agency (IAEA); and *Supplement No. 5*, under Article 57, particularly the section of the study dealing with status of the World Tourism Organization (WTO) before 2003. On the latter point, *see also infra*, paras 6-8.

⁴ These types of organizations are generally discussed under Section C., “Other inter-governmental organizations”, of the Analytical Summary of Practice and also under Article 70. The arrangement with the Council of Europe is such an example. *See also Supplement No. 4*, under Article 70, paras. 3 - 4.

⁵ These types of organizations are generally discussed under Section C., “Other inter-governmental organizations”, of the Analytical Summary of Practice and also under Article 70. *See Supplement No. 5*, particularly the section of the study dealing with International Criminal Police Organization (INTERPOL), and *Supplement No. 6*, particularly the sections of the study dealing with the University of Peace.

⁶ For some indications regarding the provisions of this Agreement, *see* the study on Article 63 in this *Supplement of the Repertory*.

which established cooperation between the International Criminal Court and the United Nations. By this resolution, the Assembly approved⁷ the draft Relationship Agreement between the United Nations and the International Criminal Court;⁸ decided that the Relationship Agreement would be applied provisionally pending its formal entry into force;⁹ and also decided that all expenses resulting from the provision of services, facilities, cooperation and any other support rendered to the International Criminal Court or the Assembly of States Parties to the Rome Statute of the International Criminal Court, including under any arrangements that may be otherwise agreed under article 10 of the Relationship Agreement, that may accrue to the United Nations as a result of the implementation of the Relationship Agreement, shall be paid in full to the Organization.¹⁰

8. The Relationship Agreement defined the terms under which the International Criminal Court and the United Nations would be brought into relationship.¹¹ In addition to general provisions concerning the purposes, principles and the obligation of cooperation and coordination,¹² the agreement addresses a number of questions relating to the institutional relationship¹³ as well as cooperation and judicial assistance¹⁴.

⁷ See Para. 1.

⁸ See document A/58/874, annex.

⁹ See Para. 2.

¹⁰ See Para. 3.

¹¹ See Article 1.

¹² See Articles 1 to 3.

¹³ See Articles 4 to 14.

¹⁴ See Articles 15 to 20.