

ARTICLE 57

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TEXT OF ARTICLE 57

1. The various specialized agencies, established by inter-governmental 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. The present study deals with the establishment of relations between the United Nations and the specialized agencies, as provided under Article 57. ^{1/} It also deals with the question of relations with other inter-governmental organizations not defined as specialized agencies. It does not enter into certain questions closely related to the provisions of Article 57, such as co-ordination by the United Nations of the policies and activities of the specialized agencies, under Article 58; the initiation of negotiations for the creation of new specialized agencies, under Article 59; negotiations and entering into agreements with specialized agencies and co-ordination of their activities by the Economic and Social Council, under Article 63; obtaining of reports from the specialized agencies by the Council, under Article 64; and arrangements for representation of the specialized agencies in the deliberations of the Council, under Article 70. Since these questions are dealt with in detail in this Repertory under the appropriate Articles, the present study is limited to an examination of the essential and distinguishing elements of Article 57, namely, the basic question of relationship of the specialized agencies with the United Nations, the mandatory character of the Article and relations with inter-governmental organizations of a character similar to that of the specialized agencies. Cross-references to studies on other Articles are given where appropriate.

^{1/} Note should be taken of an apparent verbal difficulty in the text of Article 57. Paragraph 1 refers to organizations established by inter-governmental agreement and having wide international responsibilities in certain fields as "specialized agencies" to be brought into relationship with the United Nations, whereas paragraph 2 suggests that only after this relationship has been established does the term "specialized agencies" apply. Despite this ambiguity, it has been the practice to consider as specialized agencies only those organizations which have been brought into relationship with the United Nations through agreements concluded in accordance with the provisions of Article 63.

I. GENERAL SURVEY

2. Eleven specialized agencies have been brought into relationship with the United Nations on the date indicated below, in accordance with the provisions of Article 63. They are the International Labour Organisation (ILO), 14 December 1946; the Food and Agriculture Organization of the United Nations (FAO), 14 December 1946; the United Nations Educational, Scientific, and Cultural Organization (UNESCO), 14 December 1946; the International Civil Aviation Organization (ICAO), 13 May 1947; the International Bank for Reconstruction and Development (Bank), 15 November 1947; the International Monetary Fund (Fund), 15 November 1947; the Universal Postal Union (UPU), 1 July 1948; the World Health Organization (WHO), 2/ 10 July 1948; the International Refugee Organization (IRO), 3/ 18 November 1948; 4/ the International Telecommunication Union (ITU), 1 January 1949; and the World Meteorological Organization (WMO), 20 December 1951.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Relationship with the United Nations

3. Article 57 (1) provides that the various specialized agencies "established by intergovernmental agreement" and "having wide international responsibilities in economic, social ... and related fields" are to be brought into relationship with the United Nations. The Economic and Social Council has applied this provision with regard to thirteen organizations, of which two have not yet been established. 5/ At its first session, negotiations were initiated by the Council "with certain inter-governmental agencies with a view to bringing them into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter", 6/ namely, ILO, FAO, UNESCO, the Bank and the Fund. At its second session, negotiations were initiated by the Council for the purpose of bringing the Provisional International Civil Aviation Organization "into relationship with the United Nations", 7/ and at its third session, the Council directed the Secretary-General to initiate conversations with the Interim Commission of WHO "for the purpose of preparing an agreement to be negotiated" by the Council. 8/ Negotiations were further initiated by the Council, at its fourth session, with UPU and ITU, for the purpose of bringing them "into relationship with the United Nations", 9/ and at its sixth session, with IRO or its Preparatory Commission, with WMO, with the International Trade Organization (ITO) 10/ or its Interim Commission, and with the Inter-Governmental Maritime Consultative Organization

2/ Negotiations for the creation of this agency were initiated by the United Nations. See in this Repertory under Article 59.

3/ See footnote 2 above.

4/ On 1 March 1952 IRO went into liquidation as reported to the Economic and Social Council in the fourth and final report of that Organization (E S C (XIV), Annexes, a.i. 18, p. 1, E/2211).

5/ For details of entering into agreements with these organizations, see in this Repertory under Article 63 (1).

6/ E S C resolution 1/11, E S C (I), annex 8, pp. 171 and 172.

7/ E S C resolution 2/7, E S C (II), annex 14, pp. 395-398.

8/ E S C resolution 14 (ITI).

9/ E S C resolution 35 (IV).

10/ Not yet established.

(IMOC) 11/ or its Preparatory Committee, "for the purpose of bringing these agencies into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter". 12/

B. The mandatory character of Article 57

4. The mandatory character of Article 57 was emphasized by the Preparatory Commission in its report to the General Assembly. In submitting its observations on relationships with specialized agencies, the Preparatory Commission considered that "Article 57 of the Charter makes it mandatory upon the United Nations and its Members to undertake to bring into relationship with it the various specialized agencies established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields. This undertaking applies not only to existing agencies of this character, but also to those which may hereafter be established". 13/

C. Other inter-governmental organizations

5. In its report to the General Assembly, the Preparatory Commission observed that the Economic and Social Council might, "at its discretion, negotiate agreements with the competent authorities, bringing into relationship such other inter-governmental agencies, including those of a regional character, as are not considered as being within the definition of Article 57 but which it is considered desirable to bring into relationship". 14/ The Preparatory Commission further suggested 15/ that the number of inter-governmental agencies might be reduced by (i) liquidation and transfer of some or all functions to a specialized agency; (ii) liquidation and assumption of functions by appropriate United Nations commissions or committees; or (iii) merger with another inter-governmental agency. 16/

6. In its consideration of the question of these other inter-governmental organizations, the Economic and Social Council has been prompted by a desire to avoid "possible duplication or dispersion of effort" between them, on the one hand, and the United Nations and the specialized agencies, on the other; 17/ in order to achieve this aim, the Council has examined, from time to time, both the relationship which might be established between these organizations and the United Nations or the specialized agencies and their possible termination, absorption or integration into

11/ Not yet established.

12/ E S C resolution 130 (VI).

13/ Report of the Preparatory Commission of the United Nations, PC/20, 23 Dec. 1945, chapter III, section 5, para. 2.

14/ Ibid. See also Documents of the United Nations Conference on International Organization, vol. 10, p. 269, doc. 861, II/3/55 (1) wherein it was stated that Article 57 should not be regarded as precluding 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."

15/ Report of the Preparatory Commission of the United Nations, PC/20, 23 Dec. 1945, chap. III, section 5, para. 4.

16/ See in this Repertory under Articles 58 and 63 (2), regarding the avoidance of duplication of effort.

17/ E S C resolution 171 (VII).

the United Nations or the specialized agencies. In this connexion, the Council at its ninth session, requested the Secretary-General to submit to it periodically a list of inter-governmental organizations as revised from time to time. 18/

7. It is to be noted that the inclusion of an inter-governmental organization in the Council's list does not confer on it any status of relationship either with the United Nations or with the specialized agencies. The Council has not established or initiated the establishment of formal relations with these organizations. However, both the Council and the General Assembly have invited observers from international regional organizations to attend their sessions. 19/ Informal representation, as well as the exchange of information and documents, has been provided in the case of a number of inter-governmental organizations under inter-secretariat working arrangements, such as those agreed upon between the Secretary-General of the United Nations and the Secretary-General of the Council of Europe.

8. The terms of reference of each of the regional economic commissions of the Council contain a general provision under which the respective commission "may invite representatives of any inter-governmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to that agency or organization, following the practices of the Economic and Social Council". 20/

9. Mention might also be made of the authorization of the Council to the Secretary-General, in connexion with the Expanded Programme of Technical Assistance, "in consultation with the specialized agencies concerned, to enter into negotiations with the appropriate officers of inter-governmental regional organizations engaged in the development of technical assistance programmes" and the indication by the Council that it contemplated, "when more experience is available to examine the advisability of establishing other forms of relationship between the United Nations and the specialized agencies on the one hand, and the regional organizations on the other." 21/

18/ E S C resolution 262 Q (IX). See also E S C resolutions 128 B (VI) and 171 (VII). The latest edition of the list to be issued, as reviewed and revised by the Council at its fifteenth session, 676th meeting, on 2 April 1953, contains information regarding sixty inter-governmental organizations. (See annex).

19/ Observers of the League of Arab States and Organization of American States have been thus invited. See also in this Repertory under Article 70.

20/ E S C resolutions 36 (IV) relating to ECE and 37 (IV) relating to ECAFE. In resolution 106 (VI) relating to ECLA, the Commission "may invite observers from such other inter-governmental organizations as it may consider desirable in accordance with the practices of the Council".

21/ E S C resolution 222 B (IX).

ANNEX

List of Inter-Governmental Organizations

At its 676th meeting, on 2 April 1953, the Council reviewed and revised the List of Inter-Governmental Organizations, which now consists of the following:

I. Regional political organizations (with economic and social activities)

- (1) Organization of American States
- (2) Organization of Central-American States
- (3) Council of Europe
- (4) Brussels Treaty Organization
- (5) League of Arab States

II. Economic aid and technical assistance

- (6) Organization for European Economic Co-operation
- (7) Council for Mutual Economic Aid
- (8) Caribbean Commission
- (9) South Pacific Commission
- (10) Consultative Committee on Economic Development in South and South East Asia
- (11) Council for Technical Co-operation in South and South East Asia
- (12) Commission for Technical Co-operation in Africa South of the Sahara

III. Finance, trade and commodities

- (13) Bank for International Settlements
- (14) Contracting Parties to GATT
- (15) International Exhibition Bureau
- (16) International Materials Conference
- (17) International Union for the Protection of Industrial Property
- (18) International Union for the Publication of Customs Tariffs
- (19) International Cotton Advisory Committee
- (20) International Rubber Study Group
- (21) International Sugar Council
- (22) International Tin Study Group
- (23) International Wheat Council
- (24) International Wool Study Group
- (25) International Wine Office

IV. Communications and transport

- (26) Central Office for International Transport by Rail
- (27) International Conference for Technical Uniformity on Railways
- (28) International Hydrographic Bureau
- (29) Central Commission for the Navigation of the Rhine
- (30) Danube Commission
- (31) International Commission of the Cape Spartel Light
- (32) Inter-American Radio Office

V. Agriculture, food, fisheries and forestry

- (33) International Commission of Agricultural Industries
- (34) International Office of Epizootics

- (35) International Seed-Testing Association
- (36) International Sericulture Commission
- (37) European Plant Protection Organization
- (38) Inter-American Institute of Agricultural Sciences
- (39) Commonwealth Agricultural Bureaux
- (40) International Institute of Refrigeration
- (41) Institute of Nutrition of Central America and Panama
- (42) Permanent International Bureau of Analytical Chemistry of Human and Animal Foods
- (43) International Council for the Exploration of the Sea
- (44) International Whaling Commission
- (45) Indo-Pacific Fisheries Council
- (46) International Commission for the Scientific Exploration of the Mediterranean Sea
- (47) General Fisheries Council for the Mediterranean

VI. Arts, sciences and education

- (48) International Unions for the Protection of the Rights of Authors and their Literary and Artistic Works
- (49) Pan-American Institute of Geography and History
- (50) International Bureau of Weights and Measures
- (51) International Bureau of Education

VII. Health, hygiene and medicine

- (52) Pan-American Sanitary Organization
- (53) International Committee of Military Medicine and Pharmacy

VIII. Human rights, social welfare and migration

- (54) Inter-Governmental Committee for European Migration
- (55) International Central Office for the Control of the Liquor Traffic in Africa
- (56) International Institute of the Unification of Private Law
- (57) International Relief Union
- (58) Inter-American Indian Institute
- (59) American International Institute for the Protection of Childhood
- (60) Inter-American Commission of Women