

ARTICLE 57

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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. The material included in this study of Article 57 is treated under the same general headings as those which appeared in the previous Repertory studies. Following the practice established in Supplement No. 1 to the Repertory, the question of the relationship between the United Nations and the International Atomic Energy Agency (IAEA) is discussed under this Article.

I. GENERAL SURVEY

2. The International Finance Corporation was brought into relationship with the United Nations on 20 February 1957 in accordance with the provisions of Article 57. The Convention for the Inter-Governmental Maritime Consultative Organization (IMCO) came into effect in 1958; the agreement between IMCO and the United Nations, which had

been approved 1/ by the General Assembly in 1948, at its third session, was ratified by the Assembly of IMCO on 13 January 1959 and thus came into force.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Relationship with the United Nations

The International Atomic Energy Agency

3. At its eleventh session, the General Assembly authorized 2/ the Advisory Committee on the Peaceful Uses of Atomic Energy, established under General Assembly resolution 810 (IX), to negotiate a draft agreement with the Preparatory Commission of the International Atomic Energy Agency (IAEA) to govern the relationship between the United Nations and IAEA. The agreement was to be based on the principles set forth in a study which had been prepared by the Secretary-General 3/ and was to be submitted for approval to the General Assembly at its twelfth session. In connexion with this action, the General Assembly welcomed the unanimous adoption of the Statute of IAEA 4/ by representatives of eighty-one States on 23 October 1956, and noted that the Statute authorized the Preparatory Commission of IAEA to negotiate a draft agreement with the United Nations.

4. A draft text of the agreement was approved on 24 June 1957, at a joint meeting of the Advisory Committee on the Peaceful Uses of Atomic Energy and the Preparatory Commission of IAEA. The agreement was then approved by the General Conference of IAEA, upon the recommendation of the Board of Governors, on 23 October 1957. At its twelfth session, the General Assembly approved 5/ the agreement, noting the exchange of letters relating to the interpretation of its article I, paragraph 1. 6/ The agreement came into force on that day, 14 November 1957.

5. The agreement had many provisions which were similar to those contained in the agreements concluded with the specialized agencies of the United Nations; 7/ however, it also had some distinctive features. The text of the agreement is reproduced in the annex to this study.

1/ G A resolution 204 (III); see also Repertory, vol. III, under Article 63, paras. 100-103, concerning the negotiation of this agreement.

2/ G A resolution 1115 (XI).

3/ See Repertory, Supplement No. 1, under Article 57, para. 23 and annex I.

4/ United Nations, Treaty Series, vol. 276, No. 3988, p. 3.

5/ G A resolution 1145 (XII).

6/ Letters were exchanged between the President of the Preparatory Commission of IAEA and the Secretary-General of the United Nations, agreeing to the deletion of the word "primarily" in the phrase "The United Nations recognizes the International Atomic Energy Agency ... as the agency, under the aegis of the United Nations as specified in this Agreement, primarily responsible for international activities concerned with the peaceful uses of atomic energy in accordance with its statute ..." (underscoring supplied). It was agreed that the record would state "With regard to paragraph 1 of Article I of the draft Agreement, it is noted that the Agency which is established for the specific purpose of dealing with the peaceful uses of atomic energy, will have the leading position in this field" (G A (XII), Annexes, a.i. 18, A/3620 and Add.1).

7/ An analysis of the agreements with the specialized agencies is contained in the study of Article 63 in the Repertory, vol. III, paras. 110-239.

- ** B. The mandatory character of Article 57
- ** C. Other inter-governmental organizations

ANNEX

AGREEMENT GOVERNING THE RELATIONSHIP BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL ATOMIC ENERGY AGENCY a/

The United Nations and the International Atomic Energy Agency,

Desiring to make provision for an effective system of relationship whereby the discharge of their respective responsibilities may be facilitated,

Taking into account for this purpose the provisions of the Charter of the United Nations and the statute of the Agency,

Have agreed as follows:

ARTICLE I

Principles

1. The United Nations recognizes the International Atomic Energy Agency (hereinafter referred to as the Agency) as the agency, under the aegis of the United Nations as specified in the present Agreement, responsible for international activities concerned with the peaceful uses of atomic energy in accordance with its statute, without prejudice to the rights and responsibilities of the United Nations in this field under the Charter of the United Nations.
2. The United Nations recognizes that the Agency, by virtue of its inter-governmental character and international responsibilities, will function under its statute as an autonomous international organization in the working relationship with the United Nations established by this Agreement.
3. The Agency recognizes the responsibilities of the United Nations, in accordance with the Charter, in the fields of international peace and security and economic and social development.
4. The Agency undertakes to conduct its activities in accordance with the Purposes and Principles of the Charter to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded world-wide disarmament and in conformity with any international agreements entered into pursuant to such policies.

ARTICLE II

Confidential information

The United Nations or the Agency may find it necessary to apply certain limitations for the safeguarding of confidential material furnished to them by their

a/ G A resolution 1145 (XII), annex.

members or others, and, subject to the provisions of article IX below, nothing in the present Agreement shall be construed to require either of them to furnish any information the furnishing of which would, in its judgement, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information.

ARTICLE III

Reports of the Agency to the United Nations

1. The Agency shall keep the United Nations informed of its activities. Accordingly it shall:
 - (a) Submit reports covering its activities to the General Assembly at each regular session;
 - (b) Submit reports, when appropriate, to the Security Council and to notify the Council whenever, in connexion with the activities of the Agency, questions within the competence of the Council arise;
 - (c) Submit reports to the Economic and Social Council and to other organs of the United Nations on matters within their respective competences.
2. The Agency shall report to the Security Council and the General Assembly any case of non-compliance within the meaning of article XII, paragraph C, of its statute.

ARTICLE IV

Report of the Secretary-General of the United Nations

1. The Secretary-General of the United Nations shall report to the United Nations, as appropriate, on the common activities of the United Nations and the Agency and on the development of relations between them.
2. Any written report circulated under paragraph 1 of the present article shall be transmitted to the Agency by the Secretary-General.

ARTICLE V

Resolutions of the United Nations

The Agency shall consider any resolution relating to the Agency adopted by the General Assembly or by a Council of the United Nations. Any such resolution shall be referred to the Agency together with the appropriate records. Upon request the Agency shall submit a report on any action taken, in accordance with the statute of the Agency, by it or by its members as a result of its consideration of any resolution referred to it under the present article.

ARTICLE VI

Exchange of information and documents

1. There shall be the fullest and promptest exchange between the United Nations and the Agency of appropriate information and documents.

2. The Agency, in conformity with its statute and to the extent practicable, shall furnish special studies or information requested by the United Nations.
3. The United Nations shall likewise furnish the Agency, upon request, with special studies or information relating to matters within the competence of the Agency.

ARTICLE VII

Reciprocal representation

1. The Secretary-General of the United Nations shall be entitled to attend and participate without vote on matters of common interest in sessions of the General Conference and of the Board of Governors of the Agency. The Secretary-General shall also be invited as appropriate to attend and participate without vote in such other meetings as the Agency may convene at which matters of interest to the United Nations are under consideration. The Secretary-General may, for the purposes of the present paragraph, designate any person as his representative.
2. The Director General of the Agency shall be entitled to attend plenary meetings of the General Assembly of the United Nations for purposes of consultation. He shall be entitled to attend and participate without vote in meetings of the committees of the General Assembly, and meetings of the Economic and Social Council, the Trusteeship Council and, as appropriate, their subsidiary bodies. At the invitation of the Security Council, the Director General may attend its meetings to supply it with information or give it other assistance with regard to matters within the competence of the Agency. The Director General may, for the purposes of this present paragraph, designate any person as his representative.
3. Written statements presented by the United Nations to the Agency for distribution shall be distributed by the Agency to all members of the appropriate organ or organs of the Agency. Written statements presented by the Agency to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ or organs of the United Nations.

ARTICLE VIII

Agenda items

1. The United Nations may propose items for consideration by the Agency. In such cases, the United Nations shall notify the Director General of the Agency of the item or items concerned, and the Director General shall include any such item or items in the provisional agenda of the General Conference or Board of Governors or such other organ of the Agency as may be appropriate.
2. The Agency may propose items for consideration by the United Nations. In such cases, the Agency shall notify the Secretary-General of the United Nations of the item or items concerned and the Secretary-General, in accordance with his authority, shall bring such item or items to the attention of the General Assembly, the Security Council, the Economic and Social Council or the Trusteeship Council, as appropriate.

ARTICLE IX

Co-operation with the Security Council

The Agency shall co-operate with the Security Council by furnishing it at its request with such information and assistance as may be required in the exercise of its

responsibility for the maintenance or restoration of international peace and security.

ARTICLE X

International Court of Justice

1. The United Nations will take the necessary action to enable the General Conference or the Board of Governors of the Agency to seek an advisory opinion of the International Court of Justice on any legal question arising within the scope of the activities of the Agency, other than a question concerning the mutual relationships of the Agency and the United Nations or the specialized agencies.
2. The Agency agrees, subject to such arrangements as it may make for the safeguarding of confidential information, to furnish any information which may be requested by the International Court of Justice in accordance with the Statute of the Court.

ARTICLE XI

Co-ordination

The United Nations and the Agency recognize the desirability of achieving effective co-ordination of the activities of the Agency with those of the United Nations and the specialized agencies, and of avoiding the overlapping and duplication of activities. Accordingly, the Agency agrees to co-operate, in accordance with its statute, in measures recommended by the United Nations for this purpose. Furthermore, the Agency agrees to participate in the work of the Administrative Committee on Co-ordination and, as appropriate, of any other bodies which have been or may be established by the United Nations to facilitate such co-operation and co-ordination. The Agency may also consult with appropriate bodies established by the United Nations */ on matters within their competence and on which the Agency requires expert advice. The United Nations, on its part, agrees to take such action as may be necessary to facilitate such participation and consultation.

ARTICLE XII

Co-operation between secretariats

1. The Secretariat of the United Nations and the staff of the Agency shall maintain a close working relationship in accordance with such arrangements as may be agreed upon from time to time between the Secretary-General of the United Nations and the Director General of the Agency.
2. It is recognized that similar close working relationships between the secretariats of the specialized agencies and the staff of the Agency are desirable and should be established and maintained in accordance with such arrangements as may be made between the Agency and the specialized agency or agencies concerned.

*/ Bodies such as the Scientific Committee on the Effects of Atomic Radiation and the Advisory Committee on the Peaceful Uses of Atomic Energy, which the Agency would consult through the Secretary-General and with his approval.

ARTICLE XIIIAdministrative co-operation

1. The United Nations and the Agency recognize the desirability of co-operation in administrative matters of mutual interest.
2. Accordingly, the United Nations and the Agency undertake to consult from time to time concerning these matters, particularly the most efficient use of facilities, staff and services and appropriate methods of avoiding the establishment and operation of competitive or overlapping facilities and services among the United Nations, the specialized agencies and the Agency, and with a view to securing, within the limits of the Charter of the United Nations and the statute of the Agency, as much uniformity in these matters as shall be found practicable.
3. The consultations referred to in the present article shall be utilized to establish the most equitable manner in which any special services or assistance furnished by the Agency to the United Nations or by the United Nations to the Agency shall be financed.

ARTICLE XIVStatistical services

The United Nations and the Agency, recognizing the desirability of maximum co-operation in the statistical field and of minimizing the burdens placed on national Governments and on organizations from which information may be collected, undertake to avoid undesirable duplication with respect to the collection, compilation and publication of statistics, and agree to consult with each other on the most efficient use of resources and of technical personnel in the field of statistics.

ARTICLE XVTechnical assistance

The United Nations and the Agency recognize the desirability of co-operation concerning the provision of technical assistance in the field of atomic energy. They undertake to avoid undesirable duplication of activities and services relating to technical assistance and agree to take such action as may be necessary to achieve effective co-ordination of their technical assistance activities within the framework of existing co-ordination machinery in the field of technical assistance, and the Agency agrees to give consideration to the common use of available services as far as practicable. The United Nations will make available to the Agency its administrative services in this field for use as requested.

ARTICLE XVIBudgetary and financial arrangements

1. The Agency recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations, the Agency and the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The Agency agrees to conform, as far as may be practicable and appropriate, to standard practices and forms recommended by the United Nations.
3. The Agency agrees to transmit its annual budget to the United Nations for such recommendations as the General Assembly may wish to make on the administrative aspects thereof.
4. The United Nations may arrange for studies to be undertaken concerning financial and fiscal questions of interest to the Agency and to the specialized agencies with a view to providing common services and security uniformity in such matters.

ARTICLE XVII

Public information

The United Nations and the Agency shall co-operate in the field of public information with a view to avoiding overlapping or uneconomical services and, where necessary or appropriate, to establishing common or joint services in this field.

ARTICLE XVIII

Personnel arrangements

1. The United Nations and the Agency agree to develop, in the interests of uniform standards of international employment and to the extent feasible, common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate the interchange of personnel in order to obtain the maximum benefit from their services.
2. The United Nations and the Agency agree:
 - (a) To consult from time to time concerning matters of common interest relating to the terms and conditions of employment of the officers and staff, with a view to securing as much uniformity in these matters as may be feasible;
 - (b) To co-operate in the interchange of personnel, when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;
 - (c) To co-operate, on such terms and conditions as may be agreed, in the operation of a common pension fund;
 - (d) To co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.
3. The terms and conditions on which any facilities or services of the Agency or the United Nations in connexion with the matters referred to in the present article are to be extended to the other shall, where necessary, be the subject of subsidiary agreements concluded for this purpose after the entry into force of the present Agreement.

ARTICLE XIXAdministrative rights and facilities

1. Members of the staff of the Agency shall be entitled, in accordance with such administrative arrangements as may be concluded between the Secretary-General of the United Nations and the Director General of the Agency, to use the United Nations laissez-passer as a valid travel document where such use is recognized by States parties to the Convention on the Privileges and Immunities of the United Nations.
2. Subject to the provisions of article XVIII above, the Secretary-General of the United Nations and the Director General of the Agency shall consult, as soon as may be practicable after entry into force of the present Agreement, regarding the extension to the Agency of such other administrative rights and facilities as may be enjoyed by organizations within the United Nations system.
3. The United Nations shall invite, and provide the necessary facilities to, any representative of a member of the Agency, representative of the Agency, or member of the staff of the Agency desiring to proceed to the United Nations Headquarters district on official business connected with the Agency, whether at the initiative of any organ of the United Nations, of the Agency or of the member thereof.

ARTICLE XXInter-agency and other agreements

The Agency shall inform the United Nations before the conclusion of any formal agreement between the Agency and any specialized agency or inter-governmental organization or any non-governmental organization enjoying consultative status with the United Nations, of the nature and scope of any such agreement, and shall inform the United Nations of the conclusion of any such agreement.

ARTICLE XXIRegistration of agreements

The United Nations and the Agency shall consult together as may be necessary with regard to the registration with the United Nations of agreements within the meaning of article XXII, paragraph B, of the statute of the Agency.

ARTICLE XXIIImplementation of the present Agreement

The Secretary-General of the United Nations and the Director General of the Agency may enter into such arrangements for the implementation of the present Agreement as may be found desirable in the light of the operating experience of the two organizations.

ARTICLE XXIIIAmendments

The present Agreement may be amended by agreement between the United Nations and the Agency. Any amendment so agreed upon shall enter into force on its approval by the General Conference of the Agency and the General Assembly of the United Nations.

ARTICLE XXIV

Entry into force

The present Agreement shall enter into force on its approval by the General Assembly of the United Nations and the General Conference of the Agency.