

ARTICLE 63

Table of Contents

	<u>Paragraphs</u>
Text of Article 63	
Introductory Note	1 - 2
I. General Survey	3 - 4
A. Conclusion of the agreements with the specialized agencies . .	3 - 4
** B. Terms of the agreements with the specialized agencies	
** C. Review of implementation of the agreements with the specialized agencies	
II. Analytical Summary of Practice	5 - 43
A. The negotiation of, and the entering into, agreements with the specialized agencies	5 - 8
1. The Inter-Governmental Maritime Consultative Organization .	5
2. The International Finance Corporation	6 - 8
B. Terms of the agreements with the specialized agencies	9 - 30
1. Authority	11
2. Recognition of status and competence	12
** 3. Membership	
4. Reciprocal representation	13
5. Proposal of agenda items	14
6. Recommendations	15
7. Exchange of information and documents	16
** 8. Public information	
9. Assistance to the Security Council	17
10. Assistance to the Trusteeship Council	18
** 11. Non-Self-Governing Territories	
12. Relations with the International Court of Justice	19
** 13. Headquarters and regional offices	
14. Personnel arrangements	20
15. Statistics	21
16. Administrative and technical services	22
17. Budgetary and financial arrangements	23
18. Financing of special services	24
19. Inter-agency agreements	25
20. Liaison	26
21. Implementation	27
22. Revision	28
23. Entry into force	29
** 24. Special articles	
25. United Nations laissez-passers	30

Table of Contents
(continued)

	<u>Paragraphs</u>
C. Co-ordination of the activities of the specialized agencies . . .	31 - 43
1. Recommendations to the specialized agencies	31 - 35
a. Priorities and concentration of effort and resources . .	31 - 32
** b. Regional co-ordination	
c. Co-ordination of activities of the specialized agencies with respect to operating or emergency agencies of the United Nations	33 - 35
2. Consultations with the specialized agencies	36 - 41
3. Recommendations to the General Assembly	42
4. Recommendations to Members	43
a. Co-ordination at the national level	43
** b. Recommendations to Members regarding inter-governmental organizations outside the United Nations	
** c. Recommendations to Members on the timing of meetings	

TEXT OF ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

INTRODUCTORY NOTE

1. The structure of this study is the same as that of Article 63 in the previous Repertory studies of this Article. The two paragraphs of the Article continue to be treated together, as a single entity.

2. There was no new development during the period under review which required treatment under two major headings in the General Survey - I B, "Terms of the agreements with the specialized agencies" and I C, "Review of implementation of the agreements with the specialized agencies" - and under several subordinate headings in the Analytical Summary of Practice.

I. GENERAL SURVEY

A. Conclusion of the agreements with the specialized agencies

3. An agreement was entered into by the Economic and Social Council with the International Bank for Reconstruction and Development (the Bank) on the relationship between the United Nations and the International Finance Corporation (IFC), in accordance with the provisions of Article 63 (1). An agreement governing the

relationship between the United Nations and the International Atomic Energy Agency (IAEA) was negotiated by the General Assembly's Advisory Committee on the Peaceful Uses of Atomic Energy; though IAEA was not a specialized agency, it fell within the United Nations family of organizations. Both agreements were approved by the General Assembly and the legislative bodies of the organizations concerned. Details regarding the negotiation and conclusion of the agreement relating to IFC appear in section A 2 of the Analytical Summary of Practice, and further information on the agreement with IAEA may be found in this Supplement in the study of Article 57.

4. The agreement on the relationship between the United Nations and the Inter-Governmental Maritime Consultative Organization (IMCO), which had been approved by the General Assembly in resolution 204 (III), came into force on 13 January 1959.

****B.** Terms of the agreements with the specialized agencies

****C.** Review of implementation of the agreements with the specialized agencies

II. ANALYTICAL SUMMARY OF PRACTICE

A. The negotiation of, and the entering into, agreements with the specialized agencies

1. *The Inter-Governmental Maritime Consultative Organization*

5. The Convention establishing IMCO entered into force on 17 March 1958. At its first session, the IMCO Assembly ratified the agreement on the relationship between the United Nations and IMCO, which had been approved by the General Assembly in 1948. As noted above, this agreement came into force on 13 January 1959.

2. *The International Finance Corporation*

6. Article IV, section 7, of the Articles of Agreement of the International Finance Corporation (IFC) 1/ provided for IFC, acting through the Bank, to enter into formal arrangements with the United Nations. The IFC Articles of Agreement entered into force on 20 July 1956, and the Economic and Social Council, at its resumed twenty-second session in December of that year, adopted a resolution 2/ requesting its President to negotiate an agreement with the appropriate authorities of the Bank to bring IFC into relationship with the United Nations. The Board of Governors of IFC had requested the Bank to act on its behalf in these negotiations.

7. The Council recommended 3/ that the General Assembly should approve the draft agreement on the relationship between the United Nations and IFC, which was presented to the General Assembly several days later. The terms of this agreement (see section II B below) corresponded in large part with those of the relationship agreement between the United Nations and the Bank.

1/ United Nations, Treaty Series, vol. 264, I, No. 3791, p. 117.

2/ E S C resolution 634 (XXII), resumed session. In previous cases in which relationship agreements were negotiated with the specialized agencies, the Council set up a negotiating committee to act on its behalf.

3/ E S C resolution 635 (XXII), resumed session. See the annex to this resolution for the draft agreement between the United Nations and the Bank on the relationship between the former and IFC, "the Agreement on IFC".

8. On 31 January 1957, the draft agreement was approved by the Board of Governors of the Bank and of IFC. On 20 February 1957, the General Assembly approved ^{4/} the agreement, which thereupon came into force.

B. Terms of the agreements with the specialized agencies

9. The terms of the relationship agreement between the United Nations and IMCO were dealt with under this heading in the study of this Article in the Repertory. ^{5/}

10. The agreement between the United Nations and the Bank on the relationship between the former and IFC (hereinafter referred to as the "Agreement on IFC") provided that, with certain specified exceptions, the relationship would be governed by the terms of the relationship agreement between the United Nations and the Bank (hereinafter referred to as the "Bank Agreement"). ^{6/} The entries which follow in this section refer to these two agreements.

1. Authority

11. The Agreement on IFC opened with a preamble setting forth the authority of the Economic and Social Council and of the Bank, acting on behalf of IFC, to negotiate the agreement. Paragraph 1 of article I of the Bank Agreement was redrafted to reflect this relationship and to indicate the purpose of the Agreement on IFC.

2. Recognition of status and competence

12. The provisions of the Bank Agreement on this subject ^{7/} were retained in the Agreement on IFC.

**3. Membership

4. Reciprocal representation

13. The provisions of the Bank Agreement on this subject ^{8/} were retained in the Agreement on IFC.

5. Proposal of agenda items

14. The provisions of the Bank Agreement on this subject ^{9/} were retained in the Agreement on IFC.

6. Recommendations

15. The provisions on this subject in the Bank Agreement were retained in the Agreement on IFC, except that the last sentence of paragraph 3 of article IV ^{10/} was

^{4/} G A resolution 1116 (XI).

^{5/} See also this Supplement, under Article 59.

^{6/} For the text of the Bank Agreement, see ST/SG/1 (United Nations Publication, Sales No.: 51.X.1), p. 70.

^{7/} Article I, paras. 2 and 3; see Repertory, vol. III, under Article 63, paras. 113 and 114.

^{8/} Article II; see Repertory, vol. III, under Article 63, para. 140.

^{9/} Article III; see Repertory, vol. III, under Article 63, para. 145.

^{10/} See Repertory, vol. III, under Article 63, para. 149.

modified to read as follows: The words "reconstruction or development plans, programme or projects" in the Bank Agreement were replaced by the underscored phrase in the following provision:

"The Corporation recognizes that the United Nations and its organs may appropriately make recommendations with respect to the technical aspects of programmes or projects for the development of productive private enterprise." 11/

7. *Exchange of information and documents*

16. The provisions of the Bank Agreement on this subject 12/ were retained in the Agreement on IFC.

****8. Public information**

9. *Assistance to the Security Council*

17. The provisions of the Bank Agreement on this subject 13/ were retained in the Agreement on IFC.

10. *Assistance to the Trusteeship Council*

18. The provisions of the Bank Agreement on this subject 14/ were retained in the Agreement on IFC.

****11. Non-Self-Governing Territories**

12. *Relations with the International Court of Justice*

19. The provisions of the Bank Agreement on this subject 15/ were retained in the Agreement on IFC.

****13. Headquarters and regional offices**

14. *Personnel arrangements*

20. The provisions of the Bank Agreement on this subject 16/ were retained in the Agreement on IFC.

15. *Statistics*

21. The provisions of the Bank Agreement on this subject 17/ were retained in the Agreement on IFC.

11/ Underscoring supplied.

12/ Article V; see Repertory, vol. III, under Article 63, para. 154.

13/ Article VI; see Repertory, vol. III, under Article 63, para. 160.

14/ Article VII; see Repertory, vol. III, under Article 63, para. 168.

15/ Article VIII; see Repertory, vol. III, under Article 63, paras. 171 and 172.

16/ Article X, para. 1; See Repertory, vol. III, under Article 63, para. 186.

17/ Article IX; see Repertory, vol. III, under Article 63, paras. 196-199.

16. *Administrative and technical services*

22. The provisions of the Bank Agreement on this subject 18/ were retained in the Agreement on IFC.

17. *Budgetary and financial arrangements*

23. The provisions of the Bank Agreement on this subject 19/ were adjusted to fit the circumstances of IFC, but remained essentially unchanged in the Agreement on IFC.

18. *Financing of special services*

24. The provisions of the Bank Agreement on this subject 20/ were retained in the Agreement on IFC.

19. *Inter-agency agreements*

25. The provisions of the Bank on this subject 21/ were retained in the Agreement on IFC.

20. *Liaison*

26. The provisions of the Bank Agreement on this subject 22/ were retained in the Agreement on IFC.

21. *Implementation*

27. The President of the Bank was authorized to make supplementary arrangements on behalf of IFC to carry the purposes of the Agreement on IFC into effect. In fulfilling its obligations under the Agreement on IFC, the latter undertook to act through the Bank "to the fullest extent practicable".

22. *Revision*

28. Revision of the Agreement on IFC was to be carried out by the United Nations and by the Bank, acting for, and on behalf of, IFC.

23. *Entry into force*

29. The Agreement on IFC was to enter into force following approval by the General Assembly of the United Nations and the Boards of Governors of the Bank and of IFC. It entered into force on 20 February 1957, when the General Assembly adopted resolution 1116 (XI).

**24. *Special articles*

18/ Article X, para. 2; see Repertory, vol. III, under Article 63, para. 204.

19/ Article X, para. 3; see Repertory, vol. III, under Article 63, para. 214.

20/ Article X, para. 1; see Repertory, vol. III, under Article 63, para. 215.

21/ Article XI; see Repertory, vol. III, under Article 63, para. 219.

22/ Article XII; see Repertory, vol. III, under Article 63, paras. 223 and 224.

25. *United Nations laissez-passer*

30. The provisions of the Bank Agreement on this subject 23/ were retained in the Agreement on IFC.

C. Co-ordination of the activities of the specialized agencies

1. *Recommendations to the specialized agencies*

a. PRIORITIES AND CONCENTRATION OF EFFORT AND RESOURCES

31. At its twenty-fourth session, the Economic and Social Council noted with satisfaction 24/ the efforts being made by the specialized agencies to improve the co-ordination of their programmes, both within each agency and in relation to the programmes of other agencies. It invited them to continue to report on these efforts and also to mention in their reports any further concentration of their programmes, citing examples of concentration achieved during the previous year. It also invited them to consider how far they might be able to apply the general guiding principles which the Council had set up for United Nations organs for co-operation and the concentration of activities in the economic, social and human rights fields.

32. At its twenty-sixth session, the Council expressed thanks 25/ to the specialized agencies for including information of this kind in their reports and invited them to continue to furnish similar information in their future reports.

**b. REGIONAL CO-ORDINATION

C. CO-ORDINATION OF ACTIVITIES OF THE SPECIALIZED AGENCIES WITH RESPECT TO OPERATING OR EMERGENCY AGENCIES OF THE UNITED NATIONS

33. In its twenty-first report, the Administrative Committee on Co-ordination (ACC) informed 26/ the Council that in the emergency situations which had arisen in the latter part of 1956, the specialized agencies had co-operated effectively with the United Nations in two troubled areas of the world - Hungary and the Middle East.

34. This co-operation made it possible for the United Nations and the specialized agencies to continue many economic and social activities in the Middle East throughout the emergency and to ensure their full resumption, with certain additional forms of assistance in health and education, at an early stage thereafter. Common principles and procedures were applied for the security of the staff of the United Nations and the specialized agencies.

35. The Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) co-operated 27/ with the Secretary-General and the High Commissioner for Refugees in regard to relief within Hungary and in regard to Hungarian refugees. A joint United Nations-FAO mission visited Hungary to ascertain relief requirements, and joint efforts to obtain relief supplies were then undertaken by the

23/ Article X, para. 4; see Repertory, vol. III, under Article 63, para. 238.

24/ E S C resolution 664 A (XXIV); see also this Supplement, under Article 58, section I B 6.

25/ E S C resolution 693 A (XXVI).

26/ E S C (XXIV), Annexes, a.i. 4, p. 21, E/2993, paras. 4-6.

27/ E S C (XXIV), Annexes, a.i. 4, p. 21, E/2993, paras. 4-6.

United Nations, FAO and the International Committee of the Red Cross. A mission was sent to Austria by WHO to advise the Government on the physical and mental health of the refugees, and UNESCO endeavoured to meet some of the educational needs of young people, at primary and secondary levels, both in Hungary and among the refugees.

2. Consultations with the specialized agencies 28/

36. At its twenty-fourth session, the Council reaffirmed 29/ its reliance on ACC, under the leadership of the Secretary-General, to continue to develop and improve arrangements for the fullest consultations between the secretariats concerned in all stages of planning and execution of programmes of common interest. It also recognized the need for establishing consultations of the governing bodies of the competent organizations on a regular basis, in all cases of major programmes calling for the participation of several organizations within the framework of a plan of concerted action. The opinion was expressed 30/ that such consultations would necessitate, and thus help to bring about, greater co-ordination at the national level.

37. In its report on concerted action, submitted to the Council's twenty-sixth session, ACC expressed the view 31/ that each governing body concerned should have an opportunity to review both the substantive and the financial aspects of new concerted action programmes before their adoption, thus supporting the principle of "full consultation before commitment".

38. In response to its invitation in resolution 665 C (XXIV) to specialized agencies to participate in programme appraisals for the period 1959 to 1964, the Council received 32/ a suggestion during its twenty-sixth session from the Governing Body of the International Labour Office. The Governing Body proposed that there should be direct contact between its representatives and those of the Council "for the purpose of discussing the general principles of inter-organizational co-operation and co-ordination and the problems arising in respect thereof, including the problems raised by the resolutions adopted by the Council on 1 August 1957". The communication of the Governing Body indicated that Council resolution 665 C (XXIV) raised the principal difficulties. The Governing Body had appointed a delegation of eight members to be available for a meeting at a mutually convenient time and place.

39. When this suggestion was discussed 33/ by the Council, the representative of the Secretary-General, in response to a query, referred to a precedent in negotiations between representatives of the United Nations and the International Labour Organisation (the ILO) in 1946, when the relationship agreement was being prepared. He also mentioned that tripartite delegations from the ILO had appeared before the Council. The Council decided 34/ to appoint a committee composed of its President and

28/ See also this Supplement, under Article 58, section I B "Development of co-ordination processes" and I C "Co-ordination and co-operation in substantive fields".

29/ E S C resolution 665 A (XXIV). For further information on "concerted action programmes", see this Supplement, under Article 58.

30/ E/AC.24/SR.163, p. 6 (mimeographed).

31/ E S C (XXVI), Annexes, a.1. 3, p. 11, E/3108, annex I, paras. 22 and 25; E/AC.24/SR.177, p. 8 (mimeographed).

32/ E/3089, p. 1, paras. 9 and 25; see also E/AC.24/SR.178, p. 12 (both mimeographed).

33/ E/AC.24/SR.178, pp. 12 and 13 (mimeographed).

34/ E S C resolution 694 F (XXVI).

the representatives of France, Mexico, Netherlands, Sudan, Union of Soviet Socialist Republics and Yugoslavia, to meet with the ILO delegation, and suggested that the meeting should take place in October 1958 in New York.

40. The two delegations met on 14 October 1958; the Secretary-General of the United Nations and the Director-General of the ILO were also present. A report on the consultations, 35/ signed by the Chairmen of the two delegations, was transmitted to the Council. The ILO delegation agreed to recommend to the Governing Body that it should co-operate fully in the proposed programme appraisals and should provide information for inclusion in the proposed consolidated report on programme appraisals. The representatives of the ILO expressed hope that the Council would limit its requests for information for purposes of co-ordination to that which was essential.

41. On 13 March 1959, the Director-General of the ILO informed 36/ the Secretary-General that the Governing Body had accepted the recommendations of its delegation, and the ILO would therefore participate fully in the proposed appraisals.

3. Recommendations to the General Assembly

42. At its resumed twenty-second session, the Council recommended 37/ that the General Assembly should approve the draft agreement between the United Nations and the International Bank for Reconstruction and Development acting for, and on behalf of, the International Finance Corporation, on the relationship between the United Nations and IFC.

4. Recommendations to Members

a. CO-ORDINATION AT THE NATIONAL LEVEL

43. In pursuance of resolution 630 A II (XXII) of the Economic and Social Council, the Secretary-General prepared and circulated 38/ a survey of the means and methods employed by Member States to co-ordinate their national policies in respect of the economic and social activities of the various organs, committees and agencies of the United Nations family, paying particular attention to the difficulties encountered. At its twenty-sixth session, the Council, after considering this report, drew it to the attention 39/ of Member Governments in the hope that it might help them in developing co-ordination on the national level with respect to the various activities of the United Nations, its subsidiary bodies and the specialized agencies. It further called the attention of Member Governments to the possibilities afforded them under the programmes of the United Nations and certain specialized agencies, for example, UNESCO, of employing various measures (such as expert services, fellowships, training courses and seminars) designed to improve national services concerned with international organizations.

**b. RECOMMENDATIONS TO MEMBERS REGARDING INTER-GOVERNMENTAL ORGANIZATIONS OUTSIDE THE UNITED NATIONS

**c. RECOMMENDATIONS TO MEMBERS ON THE TIMING OF MEETINGS

35/ E S C (XXVIII), Annexes, a.i. 4, E/3186, paras. 1, 6 and 7; see also this Supplement, under Article 58, section I B.

36/ Ibid., p. 2, E/3222.

37/ E S C resolution 635 (XXII), resumed session.

38/ E S C (XXVI), Annexes, a.i. 3, p. 3, E/3107.

39/ E S C resolution 694 B (XXVI), section I.

