

ARTICLE 63

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ARTICLE 63

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 the present study follows, for the most part, that of *Supplement No. 5*. However, sections II.A.1, II.A.2, II.B.1 and II.B.2, which in *Supplement No. 5* dealt specifically with the agreements between the United Nations and the World Intellectual Property Organization and the International Fund for Agricultural Development, have been removed. Such specificity was not necessary for this study. The remainder of the structure is unchanged.

2. For a more complete discussion of the relationships between the United Nations and the specialized agencies, the reader should also refer to the studies of Articles 57, 58, and 64 in the present *Supplement*.

I. GENERAL SURVEY

3. During the period under review, several steps were taken, particularly by the Administrative Committee on Coordination and the Committee for Programme and Coordination, to strengthen the coordination of the activities of the specialized agencies. This was in pursuance of the restructuring of the economic and social sectors of the United Nations as mandated by the General Assembly in its resolution 32/197. CPC, however, expressed its concern that organizations in the United Nations system were slow to adjust to the changes involved in restructuring, thereby impeding the progress of the new dimensions contained in the annex to General Assembly resolution 3405 (XXX).¹

4. Even though ACC and CPC were subsidiary bodies of the Economic and Social Council, there was some appearance of autonomy since it was those bodies and not the Council itself that carried out the primary coordination of activities and programmes for specialized agencies. The Secretary-General in 1983, as co-chairman of a joint meeting of ACC and CPC, gave a reminder of the role of the ACC. He emphasized that ACC was not a legislative body. Rather it was a device by which its members, the executive heads of the system, could exercise the authority and responsibility which each had in his own organization in the light of a wider range of considerations than any one of them was in a position to assess from the standpoint of his organization alone.²

5. The period saw some innovations in the area of coordination with the intergovernmental agencies. Of particular note was cross-organizational programme analysis, which proved to be quite a useful tool for coordination. Also of note during the period was the idea of regional coordination. These, inter alia, continued to be discussed throughout the period, although by the end of the period there remained quite a few steps which had not yet been taken, and others which had not yet been solidified. These issues are dealt with more closely in the analytical summary of practice.

¹E/1980/75, para. 8.

²E/1983/98, para. 57.

A. Conclusion of agreements with the specialized agencies

6. While no new agreements were concluded with specialized agencies during the period under review, there were negotiations to convert the United Nations Industrial Development Organization, which had originally been created as a United Nations organ, into a specialized agency. Though this event was of particular significance, it is not discussed in this *Supplement* under Article 63, as Article 63 is concerned with agreements with "agencies referred to in Article 57". During the period under review, UNIDO had not yet become such an agency.³

³For a discussion on UNIDO during this period, see the present *Supplement*, under Article 57.

**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

B. Terms of the agreements with the specialized agencies

7. During this period, the Inter-Governmental Maritime Consultative Organization made several amendments to its Constitution. One of them was a change in the title of the 1948 Convention, creating IMCO. The Convention would now be known as the Convention on the International Maritime Organization.⁴ Thus IMCO became the International Maritime Organization (IMO) as of 22 May 1982.

C. Coordination of the activities of the specialized agencies

8. Throughout the period it was expressed repeatedly in inter-secretariat discussions that the creation of new machinery, the continuation of existing, non-essential machinery and duplication should be avoided wherever possible, with a view to fulfilling the requirements of General Assembly resolution 32/197. Such endeavours would necessarily have an impact on the coordinating role of the Economic and Social Council and its subsidiary bodies.

9. ACC therefore made an effort during the period to consolidate and strengthen its subsidiary mechanism in line with the new inter-secretariat structure as part of the implementation of General Assembly resolution 32/197. For example, the Consultative Committee on Substantive Questions (CCSQ) would now be responsible for programme matters and for operational activities, which had formerly been dealt with by several other subsidiary bodies. CCSQ would also do the work of several other small subsidiary bodies, which now ceased to exist.⁵

10. In 1979, the CCSQ division responsible for operational activities (CCSQ (OPS)) decided that, in the future, it would try to keep its agenda focused on "substantive discussions of specific issues requiring inter-agency consideration". All other matters would now be handled by other means, such as correspondence and ad hoc meetings of agencies directly concerned.⁶ CCSQ (OPS) also decided on provisional plans for the functions of the resident coordinators: "The main aim of the resident coordinator, in promoting the proper harmonization of the United Nations system's inputs into activities, should thus be to facilitate and support the exercise by the Government of its own coordination responsibilities."⁷

11. Also within the ambit of restructuring, the CCSQ division responsible for programme matters (CCSQ (PROG)) devoted considerable effort to joint planning for specialized agencies. In 1979, it decided to focus on creating a structure "which will assist in identifying areas amenable to joint programming and planning".⁸ It stressed that in undertaking joint planning, the areas chosen in the early stages should be selected carefully, and they should be few and well defined.⁹

12. The Inter-Organizational Board for Information systems (IOB) was also given a stronger role than it had held in the past in the coordination of the activities of the specialized agencies. ACC decided that IOB would continue to be the focal point for the dissemination of information to intergovernmental bodies, even though there was some concern as to the future of the Board.¹⁰

13. As a further issue in restructuring generally, and more efficient coordination specifically, the subject of proper preparation for meetings was raised. CPC, continuing the practice of holding joint meetings with ACC, pointed out

⁴IMCO Assembly resolution A.358 (IX).

⁵E/1979/34, p. 2, paras. 6-8.

⁶E/1979/34/Add.1, para. 2.

⁷E/1979/34/Add.1/Rev.1, annex, para. 5.

⁸E/1979/34, para. 15.

⁹Ibid.

¹⁰E/1979/34, para. 29.

that their effectiveness was being limited by the fact that there was not much time to prepare properly for the meetings, since they were often held soon after CPC held its own sessions. It was thereafter agreed that there should be at least a six-month lapse between the agreement on agenda items and the time of the joint meetings.¹¹ This would allow for the better preparation of the participants.

14. At the second regular session of the Economic and Social Council of 1983 and the thirty-eighth session of the General Assembly, there was a review of the functioning of the joint meetings. Subsequently, improvements began to be implemented, particularly with regard to documentation. It was generally felt, at the second regular session of ACC and CPC in 1984, that even though the joint meetings were useful, there was room for improvement, so that the meetings might better serve as a forum for constructive dialogue among the various organizations and governmental representatives. The opinion was expressed that "the joint meetings were more a forum for monologues rather than a real dialogue between participants. The discussion should focus on problems and action-oriented solutions."¹²

15. The coordination of the activities of the specialized agencies now needed to be conducted in the light of these attempts at consolidation of subsidiary machinery and the strengthening of the United Nations system. CPC, referring to the section of the ACC overview report for 1979/80 relating to cross-organizational analysis as a tool for coordination, stated that it had been informed by the representatives of the Secretariat and a number of specialized agencies that the analyses prepared to date were useful in providing a framework for organizations to plan their activities in relation to the work of the system as a whole, though it suggested that they would be more useful if they identified coordination issues at the country level, taking into account, in that connection, the views of a representative sample of countries.¹³ Thereafter, within the CPC, proposals were also made for future cross-organizational coordination. These areas included public administration and finance for 1982, and marine activities in 1983.¹⁴

16. As an assurance that the next planning period would be more productive than the last, CPC in its report on the work of its twentieth session included the following statement on the subject of coordination as part of the planning process:

"In particular, coordination with the agencies should be one of the main outcomes of United Nations planning. Noting that progress had been slow under the prior consultation procedures, the Committee expressed the hope that the cross-organizational programme analyses could be used as instruments for identifying selected areas for joint-planning as required by the General Assembly ... The Committee felt, since the next round of plans in the system would be synchronized (all covering the period

1984-1989), this should facilitate coordination even though the plans were different in structure."¹⁵

1. RECOMMENDATIONS TO THE SPECIALIZED AGENCIES

(a) *Priorities and concentration of effort and resources*

17. CPC felt that its recommendations regarding the setting of priorities should be based on the input of the specialized agencies if they were to be worthwhile.¹⁶ The areas of concentration during this period included such concerns as consumer protection,¹⁷ rural development¹⁸ and new and renewable sources of energy.¹⁹ One of the areas to which the highest priority was attached was regional cooperation,²⁰ which was discussed widely throughout the period.

18. Speaking in 1981 in his capacity as Chairman of ACC, the Secretary-General of the United Nations discussed the adoption of the International Development Strategy for the Third United Nations Development Decade in terms of "a framework for the formulation of programmes and activities".²¹ The Secretary-General reported on those areas to which ACC hoped to give priority. Among them was the acceleration of the development of the least developed countries by increasing the assistance of the organizations in the United Nations system. This would include assistance with energy, finance, and food concerns.²² A major priority would be the urgent refreshment of the International Fund for Agricultural Development.²³ Concentration would also be placed on the development of infrastructures, including transportation, an area which was ordinarily facilitated by assistance of the International Civil Aviation Organization, the Inter-Governmental Maritime Consultative Organization and the United Nations Conference on Trade and Development.²⁴

19. By 1982, ACC and CPC were in agreement that priorities still needed to be set by the intergovernmental organizations. Even though the organizations had made some attempts at setting priorities, the difficulty lay in the fact that decision-making tended to be motivated by political rather than technical concerns.²⁵

20. During the discussions on the implementation of the International Development Strategy for the Third United Nations Development Decade, at the joint meeting of ACC and CPC for 1984,²⁶ it was generally recognized that a clear priority needed to be set for Africa.²⁷ Many African nations

¹¹E/1983/98, paras. 63 and 64.

¹²E/1984/119, para. 49.

¹³G A (35), Suppl. No. 38, chap. VII, para. 200.

¹⁴Ibid. See also sect. II C 2 below.

¹⁵Ibid., para. 29.

¹⁶Ibid., para. 25.

¹⁷E S C resolution 1979/74.

¹⁸E S C decision 1979/44.

¹⁹E/1979/98.

²⁰See sect. II C 1 (b) below.

²¹E/1981/86, para. 5.

²²Ibid., paras. 10 and 11.

²³Ibid., para. 11.

²⁴Ibid., para. 13.

²⁵E/1982/84, para. 67 (e)(iii).

²⁶E/1984/119.

²⁷Ibid., para. 28.

faced difficulties in such areas as food and agriculture, education and literacy, and industrial development, among other things.²⁸ It was agreed that the African situation was indeed grave and needed to be addressed urgently.

21. ACC members delineated their contributions towards the goals of the International Development Strategy. They stressed the importance of keeping the economic and social problems of the African continent a top priority. Among the organizations making significant contributions were FAO, UNEP, IMO and WHO.²⁹

(b) *Regional coordination*

22. Although it was stressed repeatedly during the period under review that national coordination with the specialized agencies should remain with the Governments, in keeping with the spirit of the United Nations, it was still felt that there should be strong coordination on a regional level. In 1979, the Economic and Social Council,

“*Convinced* of the need for further measures to strengthen the capacity of the regional commissions to promote and support cooperation in their respective regions and to enable them fully to play their role;

“... ”

“*Invite[d]* the Secretary-General to pursue actively the process of decentralization to the regional commissions on the basis of the relevant provisions of section IV of the annex to General Assembly resolution 32/197;

“... ”³⁰

23. In 1981, the Economic and Social Council recommended to the General Assembly that it request the United Nations bodies working on decentralization to expedite the process. The Council further:

“*Request[ed]* the General Assembly accordingly to consider accelerating the redeployment to the regional commissions of staff and financial resources commensurate with the substantive activities which are being transferred to them.”³¹

24. CPC considered a note by the Secretary-General regarding the division of tasks and duties between the regional commissions and other United Nations bodies.³² Although the report stated that the relationship between UNEP and the regional commissions had been acceptable thus far, improvements thereon were scheduled to be discussed by the Governing Council of UNEP at its ninth session.³³

²⁸Ibid., paras. 29-31.

²⁹Ibid., para. 33.

³⁰E S C resolution 1979/64.

³¹E S C resolution 1981/66.

³²E/AC.51/1981/3.

³³See sect. II C 2 below.

(c) *Coordination of activities of the specialized agencies with respect to the operation of emergency agencies of the United Nations*

25. During the period under review, the Economic and Social Council recognized the need to improve the operation of emergency agencies of the United Nations. In 1980, the Council noted that proper attention also needed to be given in emergency situations *not* caused by natural disasters.³⁴ It therefore requested the Secretary-General to prepare a report outlining the manner in which the United Nations had dealt with such non- natural disasters over the past decade.³⁵ The report was to be prepared in consultation with the concerned bodies and organizations.

26. By the end of the period, the Secretary-General had presented several reports regarding disaster situations, but none relating specifically to *non-natural* disasters.³⁶

(d) *Coordination of assistance in cases of natural disaster*

27. In 1979 the Economic and Social Council

“*Renew[ed]* its invitation to Governments, intergovernmental agencies and non-governmental organizations concerned with relief operations to cooperate with the United Nations Disaster Relief Coordinator in his efforts to ensure the rapid and timely delivery of appropriate international relief, and to consider the adoption of appropriate legislative, administrative or operational measures to remove obstacles and expedite international relief assistance to the victims of disasters”.³⁷

28. During the period, discussion took place within ACC and CPC regarding the manner in which disaster relief should be coordinated. One of the issues was whether there should be an additional body to cover this area. It was generally felt that the establishment of additional machinery should be avoided and that no new organization in this area was required. As regards inter-agency arrangements, members of CPC expressed a preference for flexible ad hoc mechanisms which would facilitate rapid concerted action, rather than for a permanent committee of ACC.³⁸

2. CONSULTATIONS WITH THE SPECIALIZED AGENCIES

29. The manner in which consultations with and between the specialized agencies were conducted was also subject to some change during the period under review. There was a great effort on the part of the coordinating bodies to encourage joint planning. The United Nations, striving to improve consultations with specialized agencies, also introduced a computerized database to store information on substantive programme activities. Though this information had formerly been classified as for United Nations use only,

³⁴E S C resolution 1980/43.

³⁵Ibid.

³⁶For examples of the Secretary-General's reports on disaster assistance, see generally A/1983/94; A/39/267; A/39/267/Add.1.

³⁷E S C resolution 1979/59.

³⁸E/1981/86, p. 13, para. 55.

it was now made available to the specialized agencies as well. Even though further work needed to be done to solidify the new system, it was expected to be helpful to the agencies for cross-organizational consultations.³⁹

30. As another means of strengthening the Organization's economic and social mechanisms and consultations with the specialized agencies, it was felt that "lead agencies" should be used. Some delegations expressed the view that, where cross-organizational projects were concerned, responsibilities could be properly shared if a lead agency were used. The lead agency would be one with a recognizable competence in the area to be considered. For example, in the area of nuclear energy, the International Atomic Energy Agency could be the lead agency.⁴⁰

31. In its annual overview report on coordination for 1982-1983, ACC considered the discussions of the special session of UNEP held in May 1982. ACC reported that the new approaches outlined by UNEP called for an appropriate response by the United Nations system as a whole.⁴¹ It considered that the system-wide medium-term plan for the environment, as endorsed by the Governing Council of UNEP, would be a valuable structure for better coordination among other agencies involved in environmental work. It

³⁹E/1984/66.

⁴⁰Ibid., para. 98.

⁴¹E/1983/39, para. 44.

also considered that the further exploration of this structure on a system-wide basis should be included in the preparation of the budget documents of concerned organizations. ACC members were invited to keep their governing bodies apprised the progress of the system-wide plan.⁴²

32. In 1984, as lead agency on the project to prevent deforestation in the Himalayan region, UNEP convened inter-agency meetings to formulate a structure for the project. ACC expressed its expectation that other project proposals would be developed through consultations among the agencies concerned, drawing on the work programme approved by the General Assembly and the priority area suggested by the Governing Council of UNEP.⁴³

3. RECOMMENDATIONS TO THE GENERAL ASSEMBLY

33. During the period under review, numerous recommendations were made by the Economic and Social Council to the General Assembly with regard to specialized agencies. They are discussed above, within the individual subject headings, as appropriate.

**4. RECOMMENDATIONS TO MEMBERS

⁴²Ibid., para. 45.

⁴³E/1984/66, para. 49.