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**ARTICLE 63**

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### I. 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 co-ordinate 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 remains similar to that of Article 63 for *Supplement 6*. It should be noted that even though there remains a sub-heading on recommendations to the General Assembly, that material has been treated under other more specific headings. For further examination of these and other recommendations regarding the co-ordination and policy-making with respect to specialized agencies, the reader should cross reference this study with that for Article 58 under the present supplement of the *Repertory of Practice*.
2. For a more complete discussion of the relationships between the United Nations and the specialized agencies, the reader should refer also to the *Repertory* studies for Articles 57 and 64 under the present supplement.

### I. GENERAL SURVEY

3. During the period under review, it was expressed, by way of reminder, that the General Assembly is the highest authority in co-ordination and policy matters within the United Nations system.<sup>1</sup> However, the Economic and Social Council continued to be responsible, under Article 63 of the United Nations Charter, for the co-ordination of the activities of specialized agencies. The Council continued to be the United Nations organ with the primary role in the co-ordination of specialized agency activities, including negotiation of relationship agreements. In this connexion, it continued to make recommendations to the General Assembly with respect to such co- ordination.
4. The main recurring theme, throughout the period under review, was that of restructuring and revitalization of the economic and social fields of the United Nations. This involved renewed efforts in such areas as priority- setting. The exchange of information was another issue of particular concern during the period under review. One of the modes of dissemination of information was discussed through the use of technology. It was hoped that such efforts would avoid duplication, which was one of the major goals of restructuring, and continued to be identified as an aim during this period. These issues are discussed below.

#### **A. Conclusion of agreements with the specialized agencies**

5. Of note during this period was the formation of the relationship agreement between the United Nations and the United Nations Industrial Development Organization (UNIDO), which had previously operated autonomously as an Assembly organ. In 1985 an agreement was concluded to bring UNIDO, now a specialized agency, into relationship with the United

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<sup>1</sup> E/1987/68, p. 8, para , 20.

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Nations under the authority of Articles 57 and 63 of the United Nations Charter.<sup>2</sup> The negotiation and conclusion of this agreement will be dealt with more closely below in part A of the Analytical Summary of Practice.

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

6. Under Article 63 (1) of the Charter, the Economic and Social Council holds the power, subject to General Assembly approval, to define the terms of the relationships with specialized agencies. The terms of the relationship agreement with UNIDO, both proposed and adopted, are discussed below in part B of the Analytical Summary.

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

7. Following the conclusion of the agreement with UNIDO, implementation thereof continued through at least the earlier part of the period under review. The primary action taken in this implementation was a loan granted to that organization by the General Assembly. This is considered below in section A of the Analytical Summary.

## **II. ANALYTICAL SUMMARY OF PRACTICE**

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

8. The General Assembly, pursuant to its resolution 34/96,<sup>3</sup> had requested arrangements to negotiate a special relationship agreement between UNIDO and the United Nations in

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<sup>2</sup> G A resolution 40/180.

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accordance with Articles 57 and 63 of the United Nations Charter. Thus the Economic and Social Council, in its decision 1983/105, “[a]uthorized the President of the Council to appoint . . . the members of the Committee on Negotiations with Intergovernmental Agencies.” By resolution 1985/74 of 26 July 1985, the Council took note of the appointment by the Council’s President of the composition of the Committee on Negotiations with Intergovernmental Agencies.

9. By the same resolution, the Council further “[a]uthorize[d] the Committee on Negotiations with Intergovernmental Agencies to meet at an appropriate time to negotiate with the United Nations Industrial Development Organization a relationship agreement between the United Nations and the United Nations Industrial Development Organization;”<sup>4</sup> and “[r]equest[ed] the Secretary-General to transmit directly to the Committee on Negotiations with Intergovernmental Agencies relevant proposals regarding the relationship agreement.”<sup>5</sup> The Committee on Negotiations with Intergovernmental Agencies therefore held six meetings (100<sup>th</sup> to 105<sup>th</sup> meetings).<sup>6</sup>
10. At the conclusion of the Committee’s work, it authorized its chairman to prepare a report and submit it to the Council.<sup>7</sup> Attached as an annex thereto was the text of the draft agreement as negotiated by the Committee. Subsequently, the Council considered this report and approved, by its resolution 1985/81, the agreement between the United Nations and UNIDO, also recommending that “the General Assembly . . . approve the agreement at the earliest

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<sup>3</sup> G A resolution 34/96, para. 11.

<sup>4</sup> E S C resolution 1985/74, para. 2.

<sup>5</sup> *Ibid.*, para. 3.

<sup>6</sup> E/1985/161 p. 2, para. 3.

<sup>7</sup> *Ibid.*, para 9.

opportunity.”<sup>8</sup> On 17 December 1985, the General Assembly, after considering the draft agreement that was intended “to bring the United Nations Industrial Development Organization into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter of the United Nations,”<sup>9</sup> approved the agreement by resolution 40/180.<sup>10</sup>

11. To facilitate the implementation of the agreement with UNIDO, the Secretary-General proposed a loan of \$24 million to UNIDO.<sup>11</sup> This amount was later appropriated for 1986 and

...placed in a special account in order to meet the expenses of the new agency [UNIDO] for the calendar year 1986, in accordance with General Assembly resolution 34/96, paragraph 8, of 13 December 1979. The special account will be credited with repayments made by the United Nations Industrial Development Organization.<sup>12</sup>

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

12. The relationship agreement between the United Nations and UNIDO was substantially based<sup>13</sup> on the Relationship Agreement with World Intellectual Property Organization

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<sup>8</sup> E S C resolution 1985/81, para. 2.

<sup>9</sup> G A resolution 40/180, para. 2.

<sup>10</sup> *Ibid.*, para. 3.

<sup>11</sup> A/C.5/40/48. P. 3, para. 12. This was also supported by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) as it reported to the General Assembly in A/40/7/Add.14.

<sup>12</sup> G A resolution 40/253, para. 6.

<sup>13</sup> E/C.1/1985/2, para. 2.

(WIPO), which the General Assembly<sup>14</sup> had approved in 1974. The WIPO agreement had been extensively compared<sup>15</sup> with earlier specialized agencies' relationship agreements.<sup>16</sup>

13. As a whole, the relationship agreement with UNIDO, both as proposed and as adopted, generally follows the format of those previously negotiated and concluded. The following analysis sets forth the terms of the relationship agreement with UNIDO<sup>17</sup> (the *UNIDO Relationship Agreement*), particularly focusing on any new or distinct terms from those found in previous relationship agreements and in light of the draft<sup>18</sup> agreement (the *UNIDO/IDB* draft) submitted to the Council by the Director-General of UNIDO and the Industrial Development Board (IDB) Committee on Negotiation of a Relationship Agreement with the United Nations.<sup>19</sup>
14. Similar to all previous relationship agreements, except those with the World Bank and the International Monetary Fund, the *UNIDO Relationship Agreement* opens with a preamble, setting out the authority, under Article 57 of the UN Charter and Article 18 of UNIDO's Constitution, to enter into agreement.
15. Article 2 of the *UNIDO/IDB draft* omitted specific reference to the co-ordinating roles of both the General Assembly and the Economic and Social Council, which had been noted in

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<sup>14</sup> G A resolution 3346 (XXIX).

<sup>15</sup> See E/AC.24/L. 460.

<sup>16</sup> Among the agreements compared were those of the Inter-Governmental Maritime Consultative Organization (IMCO, now the International Maritime Organization - IMO), the International Telecommunications Union (ITU), the Universal Postal Union (UPU) and the World Meteorological Organization (WMO). See E/1985/157.

<sup>17</sup> G A resolution 40/180 of 17 December 1985, Annex.

<sup>18</sup> See E/C.1/1985/2.

<sup>19</sup> Unlike prior analyses however, no summary records were available for review during this period with respect to the Committee on Negotiations with Intergovernmental Agencies' work and discussions. This was in line with the Council's revised guidelines (See E/1979/21 and E/1979/94). on the provision of summary records, pursuant to General Assembly resolution 33/56 seeking to control and limit United Nations' documentation.

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the WIPO relationship agreement.<sup>20</sup> This was in line with other agreements prior to that of WIPO which did not contain any specific reference to both the General Assembly and the Economic and Social Council.<sup>21</sup> However, in the *UNIDO Relationship Agreement*, such specific reference to the coordinating roles of both the General Assembly and the Economic and Social Council was inserted in article 2.

16. Further, with regard to co-ordination, a new parallel reference to UNIDO's "central and co-ordinating role in the field of industrial development" had been drafted into the *UNIDO/IDB draft*.<sup>22</sup> This addition was highlighted in the Secretary-General's note containing an analysis of the *UNIDO/IDB draft* as "diminish[ing] the pre-eminence of the United Nations role in this respect under the Charter by suggesting that the role of UNIDO is on a par with that of the United Nations."<sup>23</sup>

17. Unlike prior agreements, both the *UNIDO/IDB draft* and *UNIDO Relationship Agreement* specifically provide for the right of UNIDO's representatives to attend meetings of the Governing Council of the United Nations Development Programme (UNDP). The Secretary-General's note containing an analysis of the *UNIDO/IDB draft* observed that the UNDP Governing Council's rules of procedure in rule 36 do not grant an "unqualified right" to intergovernmental organizations, such as UNIDO, to attend its meetings.<sup>24</sup> Consequently, the phrase "in accordance with the relevant rules of procedure" was added to the *UNIDO*

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<sup>20</sup> E/C.1/1985/2 Add. 1, p. 2, para. 4

<sup>21</sup> *Ibid*

<sup>22</sup> *Ibid.* Para. 5.

<sup>23</sup> *Ibid.*, para. 5.

<sup>24</sup> *Ibid.*, para. 6.

*Relationship Agreement's* article 3(b).<sup>25</sup> However, in light of UNDP Governing Council's rules of procedure rule 6, UNIDO as a specialized agency, instead of being classified merely as an intergovernmental organization, may send representatives and participate without right to vote in the Council's meetings and deliberations; thus, rule 6, rather than rule 36, governs the situation.<sup>26</sup>

18. Article 4(b) of the *UNIDO/IDB draft* furnishes greater detail than prior relationship agreements regarding the proposal of agenda items, particularly in stating that "[t]he United Nations shall include such items in the provisional agenda of the General Assembly, the Economic and Social Council, the Trusteeship Council, the Governing Council of the United Nations Development Programme, or any of their subsidiary bodies, as appropriate."<sup>27</sup> Previously, no relationship agreement had specifically mentioned proposal of agenda items by a specialized agency, to the General Assembly and to the United Nations Development Programme. Prior agreements had limited such actions to the Economic and Social Council, its commissions and committees and the Trusteeship Council.<sup>28</sup>

19. The *UNIDO Relationship Agreement* rephrased the *UNIDO/IDB draft* to read: "The United Nations shall arrange for the inclusion of such items in the provisional agenda of the Economic and Social Council or, as appropriate and in accordance with the relevant rules of procedure, of other organs or bodies of the United Nations."<sup>29</sup> Reference to "organs or

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<sup>25</sup> E/C.1/1985/2/Add.1, p. 2, para. 6.

<sup>26</sup> See DP/1/Rev.3, Rules 6 and 36.

<sup>27</sup> E/C.1/1985/2, article 4(b).

<sup>28</sup> See ST/SG/14; E/AC.24/L.460 & Annex; G A resolution 3346 (XXIX) of 17 December 1974, Annex; G A resolution 32/107 of 15 December 1977, Annex; E/C.1/1985/2.

<sup>29</sup> G A resolution 40/180 of 17 December 1985, Annex, article 4(b).

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bodies of the United Nations" provides the most expansive terms for a relationship agreement on this matter.

20. Only the *UNIDO Relationship Agreement* contains the following terms found in article 16(a):

“For this purpose the Organization agrees to accept the Statute of the International Civil Service Commission.”<sup>30</sup> This new language is compatible with a specialized agency’s participation in the United Nation’s common system.<sup>31</sup>

21. The “unique origins” of UNIDO as a former United Nations organ are reflected in *UNIDO Relationship Agreement* article 16(c), as there exists no corresponding provision in any other relationship agreement.<sup>32</sup> Based on General Assembly resolution 34/96 of 13 December 1979,<sup>33</sup> the article 16(c) provision reads:

(c) The United Nations and the Organization agree to co-operate fully in ensuring that, to the extent possible, all members of the staff of the United Nations who were assigned to the United Nations Industrial Development Organization when it was a United Nations organ should be offered appointments by the Organization that preserve their acquired rights and contractual status.

22. Additionally, as noted in the Secretary-General’s analysis concerning *UNIDO/IDB draft* article 17(b), “no precedent seems to exist among the corresponding relationship agreements with other agencies” for this provision, and its effect would be “to restrict, for both

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<sup>30</sup> E/C.1/1985/2/Add.1, para. 21. See also E/AC.24/L.460 & Annex; G A resolution 3346 (XXIX) of 17 December 1974, Annex; G A resolution 32/107 of 15 December 1977, Annex.

<sup>31</sup> E/C.1/1985/2/Add.1, para. 21.

<sup>32</sup> *Ibid.*, para. 22. See also ST/SG/14; E/AC.24/L.460 & Annex; G A resolution 3346 (XXIX) of 17 December 1974, Annex; G A resolution 32/107 of 15 December 1977, Annex.

<sup>33</sup> See G A resolution 34/96, para. 4.

organizations, the organs that may conclude financial and budgetary arrangements.”<sup>34</sup>

*UNIDO/IDB draft* article 17(b) contained the following language:

- (b) Any financial and budgetary arrangement entered into between the United Nations and the Organization shall be subject to the approval of the General Assembly of the United Nations and the General Conference of the Organization.

This draft language was restrictive for two reasons. First, the United Nations concludes many financial and budgetary arrangements, but not necessarily through the General Assembly.<sup>35</sup> Secondly, since meetings for UNIDO’s General Conference are only scheduled every second year, the provision may lead to acute delays.<sup>36</sup> This provision was redrafted as article 17(d) of the *UNIDO Relationship Agreement*, reading as follows:

- (d) Financial and budgetary arrangements entered into between the United Nations and the Organization shall be approved in accordance with their respective constitutive instruments.

23. In the context of the *UNIDO/IDB draft's* article 9 on technical assistance, the Secretary-General's note containing an analysis of the *UNIDO/IDB draft* commented that there would be

“some merit in UNIDO acknowledging explicitly the status and responsibilities of the resident co-ordinator of the operational activities for development of the United Nations system, as well as

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<sup>34</sup> E/C.1/1985/2/Add.1, para. 27. Note was also made that IFAD’s relationship agreement (*see* G A resolution 32/107 of 15 December 1977, Annex, article VII(2)) contains similar terms; however because IFAD is a financial institution, it is not an appropriate model for UNIDO’s agreement; *see* E/C.1/1985/2/Add.1, note 5.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

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in assuming an obligation to consult with the United Nations concerning the setting up of offices in developing countries.”<sup>37</sup>

The first element of this suggestion was incorporated into *UNIDO Relationship Agreement*'s article 9 as the second sentence, reading:

“[t]o this end, the Organization recognizes the overall responsibilities of the resident co-ordinators for operational activities for development, as formulated in the relevant General Assembly resolutions, and agrees to give consideration to the common use of available services as far as is practicable.”<sup>38</sup>

Consequently, the *UNIDO Relationship Agreement* is the only relationship agreement that includes such language.<sup>39</sup>

24. Article 10 in both the *UNIDO/IDB draft* and *UNIDO Relationship Agreement* provides for “transfer of technology”. This provision had appeared in only in one previous relationship agreement.<sup>40</sup> This article terms the transfer of technology “to and among developing countries”<sup>41</sup> reflecting the “new emphasis on technical co-operation *among* developing countries”<sup>42</sup> instead of merely “to”<sup>43</sup> developing countries.

25. As an additional matter in the negotiation of agreement terms with UNIDO, the Council exercised its power under the Convention on Privileges and Immunities of the Specialized Agencies of 1947 (the Convention)<sup>44</sup> to make amendments thereto. By its resolution

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<sup>37</sup> E/C.1/1985/2/Add.2, para.3 G A resolutions 32/197 and 34/213 which deal with the restructuring of the economic and social sectors of the United Nations were the basis for these additions.

<sup>38</sup> G A resolution 40/180 of 17 December 1985, Annex, article 9.

<sup>39</sup> ST/SG/14; E/AC.24/L.460 & Annex; G A resolution 3346 (XXIX), Annex; G A resolution 32/107 of 15 December 1977, Annex.

<sup>40</sup> WIPO was the first with its article 10 “Transfer of Technology”. See G A resolution 3346 (XXIX) of 17 December 1974, Annex.

<sup>41</sup> G A resolution 40/180 of 17 December 1985, Annex, article 10 (emphasis supplied).

<sup>42</sup> E/C.1/1985/2/Add.1, para. 13.

<sup>43</sup> G A resolution 3346 (XXIX) of 17 December 1974, Annex, article 10.

<sup>44</sup> G A resolution 179 (II)

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1986/70, the Council proposed a draft annex,<sup>45</sup> modifying the Convention. The Council noted that

... the General Assembly considered it desirable that any specialized agency thereafter brought into relationship with the United Nations should derive its privileges and immunities exclusively from that Convention,

It went on also to note that

... section 35 of the Convention provides that the Secretary- General shall transmit to any specialized agency not mentioned by name in the Convention a draft annex recommended by the Economic and Social Council.<sup>46</sup>

The draft annex was later approved by the second committee of the General Assembly.<sup>47</sup>

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

26. During the period under review, the Assembly outlined the differences between its own role and that of the Economic and Social Council in the co-ordination of the activities of the United Nations organizations.<sup>48</sup> Additionally, the Council, in 1985, citing Articles 57, 58, 63 and 64 of the United Nations Charter, stressed the need for a more vigorous observance of the co-ordination responsibilities as prescribed in the Charter and in the agreements between the specialized agencies and the United Nations. It further suggested that the governing bodies of the United Nations organizations should be more systematic in addressing the problems of co-ordination with the aim of discussion during the joint meetings of the

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<sup>45</sup> E S C resolution 1986/70.

<sup>46</sup> E S C resolution 1986/70. For the items included in the modification of the convention as appropriate for UNIDO, see also annex.

<sup>47</sup> E/1986/126/Add.1.

<sup>48</sup> See *infra*.

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Administrative Committee on Co-ordination (ACC) and the Committee for Programme and Co-ordination (CPC).<sup>49</sup>

27. The General Assembly, citing and *reaffirming* Council resolution 1985/77

[r]ecall[ed] relevant parts of Articles 15, 17, 57, 58, 63 and 64 of the Charter of the United Nations,...stress[ed] the need for effective and improved co-ordination in the United Nations system as laid down in the Charter of the United Nations and the agreements between the United Nations and the specialized agencies, and calls upon all concerned to observe more vigorously their responsibilities in this regard;...[r]equest[ed] the Secretary- General, after consultation with the executive heads of the specialized agencies, to re-examine critically and constructively all aspects of the question of co-ordination in the United Nations and the United Nations system; to submit to the General Assembly ...a comprehensive report setting out his considered views on current mechanisms and procedures, and his specific recommendations aimed at enhancing co-ordination in the future,...<sup>50</sup>

28. In pursuance of the study requested by the General Assembly in its resolution 40/177, the Consultative Committee on Substantive Questions, division responsible for programme matters (CCSQ (PROG)) began work on an *Inventory of Arrangements* for programme co-ordination. It would cover arrangements within the ACC machinery as well as outside. The inventory would include an outline of the established subsidiary machinery of the ACC and other machinery reporting to the ACC, and other arrangements.<sup>51</sup> Later, the ACC<sup>52</sup> reported that the inventory had

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<sup>49</sup> E S C resolution 1985/77.

<sup>50</sup> G A resolution 40/177.

<sup>51</sup> E/1986/13 p. 7, para. 22.

<sup>52</sup> E/1987/47 p. 8, para. 22.

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been finalized and current as of 1987. It was intended for use as a reference tool within the United Nations system.

29. As requested by the Assembly in resolution 40/177, the Secretary- General proffered a report on co-ordination in the United Nations and the United Nations system.<sup>53</sup>

Concerning co-ordination at the intergovernmental level, the report stated that the General Assembly is the highest authority, in the United Nations system, on co-ordination matters, and that the Assembly, in resolution 32/197 mandated that it should:

“...function as the principal forum for policy making and for the harmonization of international efforts in respect of economic, social and related problems<sup>54</sup> and should establish overall strategies, policies and priorities for the system as a whole in respect of international co-operation, including operational activities, in economic, social and related fields.”<sup>55</sup>

30. The report went on to express that, as was stated in Assembly resolution 32/197, it was important for the General Assembly to provide a policy framework in order for the co-ordination of the activities of the United Nations organizations to be properly conducted.<sup>56</sup>

In so doing, the General Assembly would reduce the risk of policy priorities being identified by specialized agencies and other bodies to reflect their own interests.

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<sup>53</sup> E/1987/68. The General Assembly took note of this report in G A decision 42/434.

<sup>54</sup> Even though the General Assembly is ultimately responsible for these areas, the Charter gives specific authority for the Economic and Social Council to negotiate relationship agreements with specialized agencies and to co-ordinate the activities of these agencies. See, *inter alia*, Articles 57, and 63 of the United Nations charter.

<sup>55</sup> *Ibid.*, p. 8, para. 20.

<sup>56</sup> *Ibid.*, para. 21.

31. The Assembly stressed that since the Council, under the mandates of articles 57 and 63 of the United Nations Charter, has very specific powers concerning specialized agencies, the strengthening of co-ordination in the economic and social fields must encompass a strengthening of the proficiency of the Economic and Social Council itself.<sup>57</sup>
32. The Council, by its resolution 1987/83, decided to transmit to the Special Commission on Structure and Functions in Economic and Social Fields the Secretary- General's report. Later, by its decision 1987/180, the Council requested that the Commission review the roles of the Council, the Director- General for Development and International Economic Co-operation (DIEC) and the role of the General Assembly in order to improve co-ordination of activities in the system.<sup>58</sup>

## 1. RECOMMENDATIONS TO THE SPECIALIZED AGENCIES

### a. *Priorities and concentration of effort and resources*

33. The Council continued to consider the questions and issues facing it with respect to priority-setting. At the twentieth joint meeting of the ACC and CPC,<sup>59</sup> the Chairman of the CPC stated that the complexity of the United Nations, with activities in all spheres of international life, had "... increased the need for ensuring that the activities of all organizations of the

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<sup>57</sup> Ibid., p.9, para. 25.

<sup>58</sup> E S C decision 1987/180.

<sup>59</sup> E/1985/112, p. 4, para. 13. *See also*, E/1987/83 p. 3, para. 11: "Co-ordination, as a policy instrument to improve the performance and output of the organizations of the system should also aim at avoiding duplication, eliminating overlap and improving cost effectiveness."

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United Nations system were co-ordinated in order to minimize, if not completely eliminate, duplication of work and wasteful spending of resources.” Subsequently, the Chairman of the CPC noted<sup>60</sup> that “... it might be necessary to consider whether exchange of information among the agencies and bodies concerned regarding prioritization of activities could improve co-ordination.”

34. The necessity of the involvement of Governments and intergovernmental organizations was stressed in the formulation of priorities. The Secretary-General, as Chairman of the ACC, stated<sup>61</sup> that “Governments set policies and priorities and had the primary responsibility for co-ordination...” and noted<sup>62</sup> the importance of Governments bearing responsibility when “... they speak and formulate priorities in the governing bodies of the various organizations of the system...”. The Secretary-General also emphasized the necessity of parallel efforts by Governments to harmonize the positions taken by all their representatives and to incorporate the priorities agreed upon in international bodies in their national policies and programmes.<sup>63</sup>

35. By resolution 1986/51, the Council reiterated “... the importance of setting priorities in the plans and programmes of the United Nations ..., endorse[d] the recommendations of the Committee, ... and urge[d] the Committee to continue to improve priority setting in the United Nations in accordance with its role ...”. The recommendations of the CPC included<sup>64</sup>

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<sup>60</sup> E/1987/83 p. 4, para. 14.

<sup>61</sup> *Ibid* p. 11, para. 60.

<sup>62</sup> A/42/232 p. 7, para. 17. *See also* G A resolution 40/177.

<sup>63</sup> E/1987/83 P. 11, para. 60.

<sup>64</sup> A/41/38 p. 8, paras. 36 and 37.

that the General Assembly, in its consideration of the proposed medium-term plan and proposed programme budget, should set priorities in accordance with the Rules and Regulations<sup>65</sup> in the medium-term plan at the programme and subprogramme level and in the programme budget at the subprogramme and programme element level. The Council and the General Assembly also made several recommendations<sup>66</sup> relating to priority given to specific programmes of the system. On numerous occasions,<sup>67</sup> the ACC and the CPC discussed priorities and avoidance of duplication within different programmes of the system.

36. The purpose of United Nations medium-term plans is to "... provide the conceptual framework within which priorities should be determined and programmes of the United Nations developed and implemented."<sup>68</sup> Priorities are to be set<sup>69</sup> at three levels:

"... (a) as an overall framework in the introduction to the medium-term plan; b) at the sub-programme level in the plan and the proposed programme budgets; c) in proposed budgets, designating programme elements representing about 10 per cent of a programme's resources as 'highest priority' and another 10 per cent as 'lowest priority'."

37. A 1984 report by the Secretariat concluded<sup>70</sup> that the task of setting priorities in the 1984-1989 plan "proved difficult". The Group of High-level Experts stressed<sup>71</sup> that the "...

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<sup>65</sup> See the Rules and Regulations of the United Nations Governing Programme Planning, the Programming Aspects of the Budget, the Monitoring of the Implementation and the Methods of Evaluation, adopted by General Assembly resolutions 37/234 and 38/227 A and B and amended by 42/215.

<sup>66</sup> See e.g., G A resolution 40/108. See also E S C resolution 1986/71.

<sup>67</sup> See e.g., E/1988/42 paras. 68-70.

<sup>68</sup> A/42/512 para. 1. See also E/1986/8 para. 1.

<sup>69</sup> A/43/124 para. 74.

<sup>70</sup> A/C.5/39/1, p. 15, para. 30. See also A/42/512. The medium-term plan for 1984-1989 was subsequently extended for another two-year period, i.e. until 1991.

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medium-term plan and programme budget should have the necessary flexibility so that priorities and resources could be adjusted to the changing international circumstances and to the new challenges and problems that might arise...”. Although the criteria for the setting of priorities<sup>72</sup> was satisfactory overall, the lack of a clear linkage between priority setting and resources requirements in the medium-term plan and the programme budget may have prevented the exclusion of marginally useful activities from the programme budget. Subsequently, the Joint Inspection Unit (JIU) stated<sup>73</sup> that the “... [p]rogress in identifying marginally useful activities and redeploying the resources involved has been ... disappointing...”.

38. The criteria for establishing priorities of the United Nations programmes are as follows: a) the importance of an objective to Member States; b) the Organization’s capacity to achieve it; and c) the real effectiveness and usefulness of the results.<sup>74</sup> On one occasion, the Secretary-General discussed<sup>75</sup> whether “... the United Nations should limit its activities to what it does best – that this should be a general criterion to be added...”. He further stated that this was not a meaningful distinction and rather suggested a criterion that the “... objective sought with the action is of a nature that multilateral action is demonstrably important to its achievement.”<sup>76</sup>

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<sup>71</sup> A/41/49 p. 26, para. 57. *See also* A/41/795 Report by the Fifth Committee on the review of the report of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (A/41/49).

<sup>72</sup> *See* footnote 9.

<sup>73</sup> A/43/124 p. 20, para. 79. *See also* A/C.5/36/1 p. 27 para. 49.

<sup>74</sup> A/42/512 Annex page 7.

<sup>75</sup> *Ibid.* p. 8.

39. In the preparations for the next medium-term plan, beginning in 1992, the Secretary-General

noted<sup>77</sup> that

*[t]he maintenance of international peace and security, the pursuit of disarmament, especially nuclear disarmament, the elaboration of international law, the promotion of the economic and social development of all peoples and the protection of human rights will remain the priorities of the United Nations in the coming years, as they have been in the past. However, these priorities take on new meaning and content for the 1990s to reflect changing circumstances.*

The Secretary-General noted<sup>78</sup> the necessity to accord high priority to the reduction of poverty.

It was further noted<sup>79</sup> that priorities would have to be more rigorously observed than in the past.

40. Africa remained a major priority for the United Nations system and the international community during the period under review.<sup>80</sup> In discussions on emergency operations in Africa, “*[i]t was agreed that greater efforts should be made to ensure that scarce resources were not wasted through needless duplication or under-implementation of projects.*”<sup>81</sup> At the twenty-third series of the Joint Meetings, it was noted<sup>82</sup> that organizations of the United Nations system had taken steps to tailor their activities as far as possible to the priorities set out in the United Nations Programme of Action for African Economic Recovery and Development 1986-1990.<sup>83</sup>

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<sup>76</sup> *Ibid.*

<sup>77</sup> A/43/329 p. 23, para. 95.

<sup>78</sup> A/42/512 Annex page 5.

<sup>79</sup> A/42/512 Annex page 7.

<sup>80</sup> *See e.g.*, E/1985/112 p. 2 para. 4.

<sup>81</sup> E/1986/113 para. 36. *See also* E/1985/57 p. 8, para. 23.

<sup>82</sup> E/1988/79 p. 9, para. 43. *See also* E/1987/47 p. 4, para. 7.

<sup>83</sup> Adopted by G A resolution S-13/2, annex, 8<sup>th</sup> plenary meeting on 1 June 1986.

41. The Secretary- General gave priority to economic and technical co-operation among developing countries in the proposed programme budget of the United Nations for the biennium 1986-1987.<sup>84</sup> As many organizations appeared not to have adequate internal arrangements for the promotion of this goal,<sup>85</sup> some members of the CPC stressed the need to incorporate such activities using the Caracas Programme of Action<sup>86</sup> as a framework for identifying priorities and areas of potential activity.<sup>87</sup>
42. Another priority issue was that of the global and structural crisis faced by developing countries.<sup>88</sup> The Chairmen of the Joint Meetings of the ACC and CPC recommended<sup>89</sup> that adequate resources be provided to human resources development in development policies and programmes. The ACC concluded<sup>90</sup> that attention should be paid to areas that would lead to an improvement of the target population's quality of life. At the twenty-third series of the Joint Meetings, the Chairman of the ACC stated<sup>91</sup> that early warning and forecasting capabilities and poverty in future development efforts should be accorded priority.
43. During the period under review, several system-wide programmes of actions were endorsed and endeavors were made at implementation.<sup>92</sup> Within these system-wide programmes of

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<sup>84</sup> E/1985/112 p. 6, para. 20.

<sup>85</sup> *Ibid.*, para. 21.

<sup>86</sup> A/36/333 and Corr. 1, Annex.

<sup>87</sup> E/1985/112 p. 11, para. 46. *See also* p. 15, para. 66.

<sup>88</sup> E/1987/83 paras. 28 and 29.

<sup>89</sup> E/1987/83 p. 12, para. 63 (a). *See also Ibid.* p. 11, para. 57.

<sup>90</sup> *See* the annual overview report of the ACC for 1987, E/1988/42 p. 8, paras. 15 and 17.

<sup>91</sup> E/1988/79 p. 3, paras. 10 and 12. *See also* E/1988/79 paras. 25, 28 and 56 (b).

<sup>92</sup> *E.g.*, The Caracas Programme of Action (A/36/333), United Nations Transport and Communications Decade in Africa (A/32/160), the United Nations Programme of Action for African Economic Recovery and Development (G A resolution S-13/2 of 1 June 1986).

actions, activities and priorities were identified and discussed.<sup>93</sup> For example, the seventh inter-agency consultation on the follow-up of the substantial new Programme of action for the 1980s for least developed countries identified priority areas requiring strengthened domestic action with full support from donors. These priority areas included, *inter alia*, food and agriculture, health, population policies with particular attention to women, and physical and institutional infrastructure. These priority areas were in line with the main areas of activities identified in General Assembly resolution 40/205, Annex, Part Two.<sup>94</sup>

44. With respect to research activities, the Secretary- General noted<sup>95</sup> the difficulty of evaluating the existence of gaps or undue duplication of efforts as no centrally established set of priority issues existed. The Secretary- General then discussed the idea of drawing up an agenda of critical issues to be researched and analyzed by the system, which was criticized by the Food and Agriculture Organization (FAO) and the International Maritime Organization (IMO).<sup>96</sup>

#### **b. Regional co-ordination**

45. During the period under review, the Council continued to work toward strengthening regional co-operation. It continued to request reports and recommendations thereon. For example, by its resolution 1985/53, the Council both took note of the prior Secretary-

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<sup>93</sup> See e.g., ACC/1986/13 p. 2, para. 6.

<sup>94</sup> See also E/1985/112 paras. 4, 33 and 34.

<sup>95</sup> E/AC.51/1986/7 p. 22, para. 58.

<sup>96</sup> E/AC.51/1986/CRP.1. p. 2, para. 3 and p. 5, para. 22. The FAO questioned whether this proposal was in fact feasible and even its constitutional validity, as going against legislative guidance given by Governments themselves.

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General's report on water resources development and requested a further report relating, *inter alia*, to activities in mineral resources.

46. The Secretary- General, in his report on regional co-ordination and co-operation,<sup>97</sup> put forward the proposal that there should be closer co-operation among the regional commissions through information technology. This would include the work of some United Nations bodies competent in the area of informatics, for example that of the Advisory Committee for the Co-ordination of Information Systems (ACCIS), the United Nations Educational Scientific and Cultural Organization (UNESCO) and UNIDO.<sup>98</sup> The main part of the proposal was the concept of a linkage of the databases of the different regional commissions.<sup>99</sup> The Council, by its resolution 1987/47, took note of the Secretary- General's report.

47. In the area of disaster relief, the Office of the United Nations Disaster Relief Co-ordinator (UNDRO) continued to co-ordinate with the regional organizations such as the Intergovernmental Authority on Drought and Development (IGADO) and the Asian Disaster Preparedness Centre.<sup>100</sup>

48. Although the regional commissions made several endeavours to promote regional and interregional co-operation, many of which were successful, there remained problems of funding.<sup>101</sup>

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<sup>97</sup> E/1987/79.

<sup>98</sup> *Ibid.*, p. 65, para., 160.

<sup>99</sup> For further discussion of the informatics proposals, see *Ibid.*, paras 161-164.

<sup>100</sup> *Ibid.* For further discussion of co-ordination of disaster relief, see also sections II C 1c and d of the present study.

<sup>101</sup> For discussion of the proposals for solving funding problems, see E/1988/69 para. 145.

*c. Co-ordination of activities of the specialized agencies with respect to operating of emergency agencies of the United Nations<sup>102</sup>*

*d. Co-ordination of assistance in cases of natural disaster<sup>103</sup>*

**2. CONSULTATIONS WITH THE SPECIALIZED AGENCIES**

49. During the period under review, cross-organizational planning remained the manner through which the United Nations system generally co-ordinated the activities of specialized agencies, mainly as part of an effort to avoid duplication as much as possible.

50. For example in the area of marine affairs, specifically maritime transport, the International Maritime Organization (IMO) and the United Nations Conference on Trade and Development (UNCTAD) worked together to prepare a report outlining certain procedures for consultation between the two organizations.<sup>104</sup> The two bodies prepared a report outlining the agreement between the Secretary- General of the IMO and the Secretary- General of UNCTAD on the methods of work for joint projects of the two organizations.<sup>105</sup>

51. The Council, by its resolution 1985/76, endorsed the conclusions and recommendations of the CPC contained in its report on the work of its twenty-fifth session including those regarding objectives, methodology, follow up on past cross-organizational programme

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<sup>102</sup> For further discussion of this topic, the reader should also refer to the study for Article 58 under the present supplement of the *Repertory*.

<sup>103</sup> For further discussion of this topic, the reader should also refer to the study for Article 58 under the present supplement of the *Repertory*.

<sup>104</sup> E/AC.51/1985/3, annex.

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analyses (COPA) and ideas for future COPAs. The Council stressed, as in the past, the need for avoidance of duplication.<sup>106</sup>

52. The CPC took note of report by the Secretary- General<sup>107</sup> on past COPAs. It expressed concern that the follow up to its conclusions, a responsibility the CPC felt lay with the Secretary- General, had not been very effective.<sup>108</sup> The CPC also expressed that this follow up work should be properly reported on.<sup>109</sup> Further, the CPC felt that the Council should reaffirm the CPC's role of responsibility in making the final recommendations regarding future COPA topics, as such recommendations were increasingly being made outside of the CPC.<sup>110</sup>

53. In the Secretary- General's report<sup>111</sup> on co-ordination in the United Nations system, the concept of COPAs as a co-ordination tool was analysed. The Secretary- General identified certain problems with the carrying out of COPAs. For example, the CPC as well as the Secretary- General had noted that the results of the COPAs were not worth as much as the cost of their preparation.<sup>112</sup> Further, the topics for the COPAs had not always been chosen by virtue of priority of need.<sup>113</sup> In addition, the COPAs were first introduced as an analytical tool for co-ordination, largely for the purpose of avoiding duplication. However, no major

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<sup>105</sup> E/AC.51/1984/4, annex.

<sup>106</sup> See *Supplement 7*, under Article 64.

<sup>107</sup> E/AC.51/1986/4.

<sup>108</sup> A/41/38/ para. 198.

<sup>109</sup> *Ibid.*, paras 198-200

<sup>110</sup> *Ibid.*, para. 203.

<sup>111</sup> E/1987/68.

<sup>112</sup> *Ibid.*, p. 13, para. 36.

<sup>113</sup> *Ibid.*, para. 37.

instances of duplication had occurred among the specialized agencies themselves, but rather, within the United Nations.<sup>114</sup>

54. Finally, the Secretary- General stated that

“...in view of the evolution of cross-organizational programme analyses towards increasingly complex undertakings and cumbersome methodology, their cost-effectiveness has become questionable. It is therefore worthwhile for CPC to undertake a critical review of this instrument of co-ordination with a view to rationalizing its scope, methodology and analytical framework.”<sup>115</sup>

55. In 1988 the Council adopted a resolution<sup>116</sup> regarding the revitalization of the Economic and

Social Council. The Council recalled, *inter alia*, General Assembly resolution 32/197.<sup>117</sup>

One of the actions of resolution 1988/77 was to eliminate the use of the cross-organizational programme analyses (COPAs). The concept of COPAs had been in place for close to ten years and was being used as a tool for co-ordination. Council resolution 1988/77,

section(e)(iii) reads as follows:

The Council shall consider the activities and programmes of the organs, organizations and bodies of the United Nations system, in order to ensure, through consultation with and recommendations to the agencies, that the activities and programmes of the United Nations and its agencies are compatible and mutually complimentary, and shall recommend to the General Assembly relative priorities for the activities of the United Nations system in the economic and social field; for that purpose, cross-organizational programme analyses shall be discontinued in their present form and be replaced by brief analyses on major issues in the

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<sup>114</sup> Ibid, para. 39.

<sup>115</sup> *Ibid.*, para. 40.

<sup>116</sup> E S C resolution 1988/77.

<sup>117</sup> This resolution, adopted in 1977, concerned the restructuring of the economic and social sectors of the United Nations and was cited repeatedly since then, as authority for many of the innovations in these sectors.

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medium- term plan, as referred to in subparagraph (a)(ii) above, to be considered directly by the Council: immediately after the General Assembly adopts the next medium-term plan, the Secretary- General should submit to the Council draft proposals on a multi-year programme for such analyses.

**\*\*3. RECOMMENDATIONS TO THE GENERAL ASSEMBLY**

**\*\*4. RECOMMENDATIONS TO MEMBERS**