

**Repertory of Practice of United Nations Organs**

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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 7*. It should be noted that material on specific recommendations to the General Assembly 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 relationship 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, the Economic and Social Council (the Council) continued to work under its co-ordination role. The General Assembly, by its resolution 44/103, reaffirmed the central role of the Council in co-ordinating the activities of the agencies of the United Nations system, as set forth in

Article 63 of the United Nations Charter. By its resolution 48/162, the Assembly sought to strengthen the role of the Council, notably in the areas of co-ordination and international development co-operation. Recalling the functions and powers of the Economic and Social Council provided for in chapters IX and X of the United Nations Charter, the Assembly decided on a number of institutional reform measures, including the following::

...With the adoption and implementation of Assembly resolutions 45/264 and 46/235, the Council has been significantly revitalized. The following additional measures will further strengthen the Council.

*(b) Coordination segment*

14. The co-ordination segment shall continue to deal with one or more themes selected at the organisational session of the Council, as established in Assembly resolution 45/264, and will take up co-ordination matters arising from subsidiary bodies, principal organs and specialized agencies in the economic, social and related fields...

*(c) Operational activities of the United Nations for the international development cooperation segment*

15. In order to improve the quality and impact of the operational activities of the United Nations and to promote an integrated approach in this field, this segment shall provide coordination and guidance so as to ensure that the policies formulated by the General Assembly, particularly during the triennial policy review of operational activities, are appropriately implemented on a system-wide basis...

4. With its strengthened role, the Council continued to co-ordinate the activities of the specialized agencies, primarily through consultations with, and recommendations to the specialized agencies. The common thread in the renewed efforts of the Council remained, as in the recent past, the concept of revitalization of the economic and social sectors of the United Nations. In this connexion, priority setting and inter-agency co-operation continued to be important. The major areas for consideration during this period, which were repeatedly addressed were, *inter alia*, the abuse and trafficking of narcotic drugs, the advancement of women, the environment, and the utility of Cross-Organisational Programme Analyses. These are discussed further, below.

**\*\*A. Conclusion of agreements with the specialized agencies****B. Terms of the agreements with the specialized agencies**

5. Of note during this period was Assembly resolution 46/191 in which the Assembly called upon the Economic and Social Council to review and in appropriate circumstances to strengthen the relationship agreements between the United Nations and other organizations of the United Nations common system. One such Organization was the International Telecommunication Unit (ITU). In the same resolution, the Assembly highlighted article VIII of the agreement between the ITU and the United Nations, in order to improve adherence to the aims of the common system.<sup>1</sup>

**\*\*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**

6. During this period, there was no new action by way of interpretation of Article 63 as relates to the negotiation of and entering into agreements with specialized agencies. However, it is noteworthy that in a report on strengthening international organizations in the area of multilateral trade, the Secretary-General discussed the agreement establishing the World Trade Organization (WTO)<sup>2</sup> and the institutional arrangements between the United Nations and the General Agreement on Tariffs and Trade (GATT).<sup>3</sup> He noted that the replacement of GATT by WTO, which would have the status of an international organization, raised the need for a formal relationship with the United Nations.<sup>4</sup>

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<sup>1</sup> See also the study for Article 58 under this *Supplement of the Repertory*.

<sup>2</sup> This agreement would remain open for acceptance for two years after its entry into force.

<sup>3</sup> A/49/363. In this report, the Secretary-General states that GATT has been treated in the past, by the United Nations system as a *de facto* specialized agency. Such status was defined in an exchange of letters between the Secretary-General of the United Nations and the Executive Secretary ( now Director-General) of GATT in 1952. See para. 45.

**\*\*B. Terms of the agreements with the specialized agencies****\*\* C. Co-ordination of the activities of the specialized agencies****1. RECOMMENDATIONS TO THE SPECIALIZED AGENCIES****a. *Priorities and concentration of effort and resources***

7. During the period under review, the machinery and methodology for priority-setting underwent little change, though discussions on the topic continued, primarily as part of the revitalization of the economic and social sectors of the United Nations.

8. In a 1992 report,<sup>5</sup> the Secretary-General addressed the revitalization of the Council, and reviewing the policies and priorities established by the General Assembly and the Council. With regard to the Council's monitoring function,<sup>6</sup> the Secretary-General suggested that the Council conduct a periodic review of the progress made in the implementation of the International Development Strategy,<sup>7</sup> consider the specific modalities for follow-up and monitoring when adopting resolutions,<sup>8</sup> and request the Administrative Committee on Co-ordination (ACC) to assist in reviewing and monitoring the implementation of overall policy guidelines and priority.<sup>9</sup> The Secretary-General then suggested that in the preparation of the draft programme of work, to be considered by the Council, he could call attention to policies and priorities that the Council should monitor and propose suggestions on how these should be monitored.<sup>10</sup>

9. With regard to operational activities for development, the Council decided to recommend to the General Assembly overall priorities and policy guidelines. As to its coordination function, it was recommended that the Assembly should try to "ensure greater coherence and effectiveness in the UN

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<sup>4</sup> For a closer examination of the relationship between GATT/WTO and the United Nations the reader should see the study for Article 57 for this *Supplement*.

<sup>5</sup> E/1992/86.

<sup>6</sup> *Ibid.* Section C. Para. 7. The report explains that under Council resolution 1988/77 the Council was expected to monitor the implementation of the overall strategies, policies, and priorities established by the General Assembly and the Economic and Social Council.

<sup>7</sup> E/1992/86 para. 9(a).

<sup>8</sup> *Ibid.*, para. 9(b).

<sup>9</sup> *Ibid.*, para. 9 (c)

activities, address a limited number of policy coordination issues each year – including those identified by General Assembly resolution 42/196 – and carry out, once every three years, a comprehensive policy review, and monitor the follow-up to its recommendations.”<sup>11</sup>

10. As part of the revitalization process, the Council sought to refine the priority-setting process. For example, by its decision 1990/272, it endorsed the recommendation of its task force on documentation<sup>12</sup> that the Council propose priorities for the preparation and issuance of documentation to ensure timely submission to the Council, to avoid overwhelming it with excessive documentation and in order to avoid duplication. By its decision 1990/281, the Council recommended that the General Assembly request that the Committee for Programme and Co-ordination (CPC) prepare draft guidelines governing the preparation and revision of system-wide action plans, system-wide medium-term plans and the relationship between the United Nations medium term plan and those two instruments.

11. The major areas discussed with regard to priority-setting during the period, included the environment; Africa; narcotic drugs; crime prevention; racism and women’s issues.<sup>13</sup>

12. The subject of women’s issues, by virtue of the Nairobi forward-looking strategies, was widely considered during this period.<sup>14</sup> By its resolution 1989/30, the Council urged the Secretary-General to “...ensure that women’s issues are not marginalized under the rubric of social issues and that they are reflected in particular in the economic programmes of the medium-term plan, as well as in other programmes.”<sup>15</sup> The Council later requested that the Secretary-General and the specialized agencies pay

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

<sup>11</sup> *Ibid.*, para. 11.

<sup>12</sup> E/ 1990/93

<sup>13</sup> See *infra.*, under “Consultations with the specialized agencies”.

<sup>14</sup> See further, *infra.*, under *Consultations with the specialized agencies*.

<sup>15</sup> See also Economic and Social Council resolution 1989/105. The Council, taking into account the system-wide medium-term plan for women and development for the period of 1990-1995, and noting the report of ACC on plans and programs of the organizations of the UN system to implement the system-wide plan, urged the United Nations bodies and specialized agencies that had not adopted and implemented policies for the advancement of women, on

particular attention to the implementation of the Nairobi Forward-looking strategies for the advancement of women<sup>16</sup> and to the human rights of women in Central America, in order to ensure women's full participation in the building of their countries and in the creation of social and political systems that are just.<sup>17</sup>

13. The subject of the environment continued to be a subject of priority during this period. In 1990 the Council took note<sup>18</sup> of the Governing Council of UNEP which was adopted at its second special session.<sup>19</sup> The report cited the following as priority needs for the environment: protection of the atmosphere; limiting climate change and reversing transboundary air pollution; protection of the quality of freshwater resource; protection of ocean and coastal areas and resources; protection of land resources (including combating deforestation and desertification); conservation of biological diversity; environmentally sound management of biotechnology and environmentally sound management of hazardous wastes and toxic chemicals.<sup>20</sup>

***\*\* b. Regional co-ordination***

***\*\*c. Co-ordination of activities of the specialized agencies with respect to operating or emergency agencies of the United Nations***<sup>21</sup>

***\*\*d. Co-ordination of assistance in cases of natural disaster***<sup>22</sup>

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the basis of the system-wide plan, to incorporate them in their organization's medium-term plans, statements of objectives and other major policy statements.

<sup>16</sup> See "Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for women: Equality, Development and Peace, Nairobi 15-26 July 1985"; United Nations publications, Sales no. E.85.IV.10. The "Nairobi Forward Looking Strategies" was repeatedly cited throughout the United Nations system as the conceptual framework for actions towards the advancement of women. Paragraph 358 thereof states, *inter alia*, that "[a]ll bodies and organizations of the United Nations system should...take all possible measures to achieve the participation of women on equal terms with men at all levels by the year 2000... progress made to implement those measures should be reported to the General Assembly, the Economic and Social Council, and the Commission on the Status of Women on a regular basis".

<sup>17</sup> E S C resolution 1989/39.

<sup>18</sup> E S C decision 1990/284.

<sup>19</sup> A/45/25.

<sup>20</sup> A/45/25.

## 2. CONSULTATIONS WITH THE SPECIALIZED AGENCIES

14. In the past, the United Nations system employed the tool of Cross-Organizational Programme Analyses (COPAs)<sup>23</sup>. However, in 1988 the Council recommended that this tool be discontinued and replaced by “brief analyses on major issues in the medium term plan”.<sup>24</sup> During the period under review, there was some discussion as to whether COPAs should in fact be eliminated altogether, or replaced by another tool. In response to Council resolution 1988/77, the Secretary-General submitted a note<sup>25</sup> in which he stated that he would submit to the Council draft proposals on a multi-year program for analyses immediately after the General Assembly’s adoption of the medium-term plan in 1990. The Secretary-General also reported on the scope and general approach of the COPA on industrial development<sup>26</sup> and the COPA on the advancement of women.<sup>27</sup>

15. The CPC contended that there was still need for program analyses across the system and proposed that the Council consider the topic of human resources development as a future subject for a COPA.<sup>28</sup> On the subject of industrial development, the CPC stressed the fact that an analysis thereon should reflect the central coordinating role of the United Nations Industrial Development Organization (UNIDO). However, since UNIDO was, at the time, facing financial difficulties, the CPC recommended that financial questions be taken into account in the proposed analysis.<sup>29</sup> As to the Secretary-General’s report on the COPA on the advancement of women, the CPC considered it to be indicative of the system-wide effort to implement the 1985 *Nairobi Forward-looking strategies*, serving as a benchmark against which progress of the medium-term plan for women could be measured. By the end of the period under review, discussions still continued as to the method of programme analyses

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<sup>21</sup> For discussion of this topic, the reader should also refer to the study for Article 58 under the present *Supplement of the Repertory*.

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

<sup>23</sup> See also the study for Article 64 under this *Supplement of the Repertory*.

<sup>24</sup> E S C resolution 1988/77, para. 2 (e) (iii).

<sup>25</sup> E/AC.51/1989/10.

<sup>26</sup> E/AC.51/1989/9.

<sup>27</sup> E/1989/19.

<sup>28</sup> A/44/16.

16. Having discussed the major issues as to the manner in which consultations with the specialized agencies should occur, below is a brief discussion of some examples of the main areas which, it was considered, would benefit from such consultations: narcotic drugs, women's issues and crime prevention.

17. During the period under review, there was a great need for, and move towards consultations with specialized agencies on the issue of trafficking and abuse of narcotic drugs. The General Assembly was “[a]larmed by the dramatic increase in drug abuse and illicit production and trafficking in narcotics, which [was] threatening the health and well-being of millions of people, in particular youth, in the majority of countries of the world.”<sup>30</sup>

18. Under the Global programme of action against illicit narcotic drugs, by its resolution 44/141, the General Assembly requested that the executive heads of UN bodies report annually to the ACC on the progress made in implementing the action plan. He further requested that the ACC include the same information in its annual report, so as to enable the CPC and the Council to consider it, within their respective mandates, and to make appropriate recommendations to the General Assembly. In addition, it requested the ACC to make necessary adjustments to the action plan annually and to ensure that each agency brings up to date and revises its related activities annually in order to meet changing circumstances.

19. Recalling General Assembly resolution 44/141, in which the Assembly requested the Secretary-General, as the Chairman of the ACC, to coordinate, at the inter-agency level, the development of a system-wide plan on drug abuse control, and on the ACC's system-wide plan on drug abuse control presented to all Members States, the Council stressed the need to revise the United Nations System-Wide

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<sup>29</sup> *Ibid.*

<sup>30</sup> G A resolution 44/141.

Plan on Drug Abuse Control before the forty-fifth session of the General Assembly, so as to incorporate all mandates and activities contained in the Global Programme of Action adopted by the Assembly in its resolutions S-17/2 and to comply with the guidelines set forth by the Assembly in resolution 44/141.<sup>31</sup> It went on, in its resolution 1991/45, to invite the specialized agencies to contribute data to the International Drug Abuse Assessment System and to collaborate with the implementation of the United Nations International Drug Control Programme.

20. By resolution 1991/47, the Council requested the specialized agencies and programmes of the United Nations system to fight against narcotic drugs and to coordinate efforts with the United Nations International Drug Control Programme in order to enable the Executive Director of the Programme to accomplish his duties and responsibilities in providing effective leadership for all United Nations drug control activities, in accordance with paragraph 4 of General Assembly resolution 45/179.

21. As a useful tool toward consultations and inter-agency co-operation on in the area of narcotic drugs, the Council requested the United Nations International Drug Control Programme to utilize the database of the International Drug Abuse Assessment System to disseminate the demand reduction information received from Governments, specialized agencies and other organizations, in order to enable them to develop their demand reduction policies.<sup>32</sup>

22. Recalling General Assembly resolution 47/100, which expressed concern at the limited progress made by the United Nations system towards the implementation of United Nations System-Wide Action Plan on Drug Abuse Control, the Council reaffirmed the necessity of contribution by the United Nations System to the effectiveness of the plan. It also called upon all entities and agencies of the United Nations system associated with the United Nations System-Wide Action Plan on Drug Abuse Control to establish

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<sup>31</sup> See E S C resolution 1990/87. For further discussion, *see* the study for Article 58, under the present *Supplement*.

<sup>32</sup> E S C resolution 1991/46.

agency-specific implementation plans for their activities related to drug abuse control and to include the System-Wide Action Plan into their planning instruments.<sup>33</sup>

23. Another area in which consultations were repeatedly requested was that of the advancement of women. Working towards the goals of the *Nairobi Forward-looking Strategies* in the carrying out of its co-ordination function, the Council made several recommendations regarding the co-operation of the specialized agencies. For example, on a number of occasions during the period, the Council addressed the situation of Palestinian women. In one instance, mindful of the *Geneva Convention*, recalling the *Nairobi Forward-looking Strategies*, and taking into account the oppressive practices of Israelis against Palestinians, particularly women, the Council requested that specialized agencies, sending missions to the occupied Palestinian territories, send also an expert in women's issues to assess the situation of Palestinian women and to elaborate specific project of assistance.<sup>34</sup>

24. Further, by its resolution 1991/19, the Council requested the organizations of the United Nations to continue to encourage and assist in existing income-generating activities for Palestinian women and in the creation of new jobs. Later, the Council requested the financial organizations of the United Nations system, among other financial organizations, to provide financial assistance to Palestinian women for the creation of specific projects for them related to their attempts to achieve full integration in development process.

25. The Council, by its resolution 1989/37, recommended to the United Nations Educational Scientific and Cultural Organization (UNESCO) and other Organizations with mandates in education and training to give, in their activities, especially those related to the International Literacy Year,<sup>35</sup> higher priority to women in programmes and campaigns intended to eliminate illiteracy. The Council also recommended,

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<sup>33</sup> E S C resolution 1993/43.

<sup>34</sup> E S C resolution 1989/34.

in the same resolution, that the International Labour Organization (ILO), undertake campaigns to disseminate the conventions approved by governments, especially where there is reference made to the rights of women as workers. The Council further recommended that the ILO should promote the roles of employers and labour unions in the provision of social support to working women. It went on, also, to call on Member States and organizations of the United Nations system, within the framework of the Nairobi Forward-looking Strategies, to increase the participation of women in professional and decision-making positions.

26. In addition, the Council requested that the organizations of the United Nations system, which were elaborating the medium-term plan for the period of 1996-2001, incorporate relevant aspects of the system-wide medium-term plan in formulating their individual plans in terms of advancement of women. Further, the organizations were requested, when implementing the system-wide medium-term plan, to take into consideration the importance of ensuring that humanitarian relief, rehabilitation and refugees programmes would provide for the health needs of women and for their protection from violence and sexual abuse, especially in emergency and conflict situations.<sup>36</sup>

27. The Council requested that the Secretary-General, as the Chairman of the ACC, provide for a revision of the system-wide medium-term plan after the Platform for Action and the results of the second review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women.<sup>37</sup> The Secretary-General was requested to ensure that any revised system-wide medium-term plan was more concise and also to take a more strategic approach, highlighting policy implications, and including more substantial strategies, time-frames, concrete measures, resources and allocation of responsibilities for implementation.<sup>38</sup>

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<sup>35</sup> International Literacy year was proclaimed by the General Assembly in its resolution 42/104.

<sup>36</sup> E S C resolution 1993/16.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

28. The Council decided that the Commission on the Status of Women, in conjunction with the CPC, should be responsible for monitoring progress on the system-wide medium-term plan for the advancement of women, and that all United Nations entities should be held accountable for the components of the system-wide medium-term plan for the advancement of women that were related to their areas of responsibility.

29. Crime prevention was another major issue during the period and was addressed on a number of occasions by the Council. Through its resolution 1989/63, the Council acknowledged the significant role of the United Nations regional and interregional institutes, regional commissions, specialized agencies and other entities of the United Nations system, both intergovernmental and non-governmental organizations concerned with promoting United Nations standards and norms in crime prevention and criminal justice.

30. The Council, by its resolution 1990/21, reaffirmed the importance of developing diversified funding strategies, and of strengthening the involvement of United Nations development agencies, including the United Nations Development Programme (UNDP) and the World Bank. The Council invited the relevant entities of the United Nations system, including but not limited to, the Office of Legal Affairs of the United Nations Secretariat, (OLA), UNDP, WHO, and UNIDO, to cooperate w/ Crime Prevention and Criminal Justice Branch and to extend to it their support and assistance in the implementation of its mandates.<sup>39</sup> By the end of the period under review, the Council called upon the bodies, specialized agencies and other entities of the United Nations\ system to consider including, in their programme activities, crime prevention and criminal justice issues. The Council called upon these organizations to

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<sup>39</sup> E S C resolution 1993/34.

utilize the expertise of the Crime Prevention and Criminal Justice Branch in the implementation of such activities.<sup>40</sup>

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

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

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<sup>40</sup> E S C resolution 1994/16.