

GENERAL
ASSEMBLYASSEMBLEE
GENERALEA/120
17 October 1946

ORIGINAL: ENGLISH

See A/120/Add.1 and
A/120/Add.2

APPROVAL OF DRAFT AGREEMENTS BY SPECIALIZED AGENCIES

(Item 24 of the Provisional Agenda for the
Second Part of the First Session)

The Secretary-General submits for the information of the General Assembly the notifications of approval received from the specialized agencies of the Draft Agreements entered into between the United Nations and the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization. The resolution relating to the Draft Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, adopted at the FAO Copenhagen Conference, is also included.

INTERNATIONAL LABOUR OFFICE
BUREAU INTERNATIONAL DU TRAVAIL

Montreal, Canada

2 October 1946

Sir,

I have the honour to inform you, and to request you to inform the General Assembly of the United Nations, that the Twenty-ninth Session of the General Conference of the International Labour Organization has today unanimously approved the Agreement with the United Nations signed on behalf of the International Labour Organization by the Chairman of the Governing Body on 30 May 1946.

The Conference took this decision on the basis of an unanimous report by its Committee on Constitutional Questions expressing satisfaction with the terms of the Agreement and endorsing the hope which you expressed to the Conference on 25 September 1946 that under the Agreement the United Nations and the International Labour Organization will be able throughout the years to

work in full agreement and harmony towards the practical fulfilment of the social and economic objectives set forth in the Charter of the United Nations and the Declaration of Philadelphia.

I have the honour to be,

Sir,

Your obedient Servant,

Edward J. Phelan (Sgd.)

Director of the International Labour Office

Mr. Trygve Lie,
Secretary-General
United Nations,
Lake Success
Nassau County, N. Y.

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
RESOLUTION ON RELATIONSHIP WITH THE UNITED NATIONS

The Conference, having considered the Draft Agreement of 10 June 1946, between the United Nations and the Food and Agriculture Organization of the United Nations

RESOLVES:

1. To approve the draft agreement as contemplated in Article XIII of the Constitution of the Organization and as provided in Article XX of the said agreement.
2. To instruct the Director-General to inform the United Nations of this action.
3. With respect to Article IX of the draft agreement on relations with the International Court of Justice, to approve the following statement to the United Nations:

"Reference to Article XVII of the Constitution of the Food and Agriculture Organization of the United Nations indicates that it was clearly the intention of the United Nations Interim Commission on Food and Agriculture that provision should be made for access by FAO to the International Court of Justice.

"The Constitution of FAO in Article XVII, Interpretation of Constitution provides:

'Any question or dispute concerning the interpretation of this Constitution or any international convention adopted thereunder shall be referred for determination to an appropriate international court or arbitral tribunal in the manner prescribed by rules to be adopted by the Conference.'

"At the time the FAO Constitution was formulated and adopted, the United Nations had not come into existence and it was not certain what form the International Court would take. Therefore the Constitution explicitly provided for the adoption of rules by the Conference concerning the manner of referring questions or disputes to 'an appropriate international court or arbitral tribunal'.

"In the negotiations between the negotiating committees of the Economic and Social Council and of FAO, the former proposed that FAO should receive similar rights of access to the Court as those provided for in the draft agreement with UNESCO, as follows:

'The Organization is authorized, pursuant to Article 96 of the Charter of the United Nations, to submit to the International Court of Justice requests for Opinions on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and United Nations or other specialized agencies, provided that the Organization shall give prior notice to the Council of all such requests. The Council shall have the right to declare that in its judgment any such request should not be made. If, after the Council has made such a declaration, the request is not withdrawn, the General Assembly shall itself determine whether the request shall be submitted to the Court.

'The negotiating committee of FAO maintained that the Organization should receive similar treatment to that provided for in the draft agreement with the International Labour Organization, namely:

'The General Assembly authorizes the International Labour Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the organization and the United Nations or other specialized agencies.

'Such request may be addressed to the Court by the Conference or by the Governing Body acting in pursuance of an authorization by the Conference.

'When requesting the International Court of Justice to give an advisory opinion the International Labour Organization shall inform the Economic and Social Council of the request.' "

"Since no agreement could be reached on this point, it was decided to leave Article IX (Relationships of the International

Court of Justice) blank in the draft agreement between the United Nations and FAO pending further consideration by the Court. The Executive Committee of FAO, at its meeting of June 28 to July 2, after receiving the report of the FAO negotiating committee, unanimously upheld the view taken by the negotiating committee.

"The position of FAO is as follows:

"The Organization is an agreement with the Economic and Social Council that questions concerning the mutual relationship of the Organization and the United Nations or other specialized agencies should be excluded from any general authorization for reference to the Court. It is most desirable that any such questions should as far as possible be settled through the medium of whatever coordinating machinery is set up by the United Nations and the specialized agencies rather than that they should be referred to the Court.

"The Executive Committee of FAO, however, feels strongly that in the matter of access to the Court the position of FAO is parallel to that of ILO. During the negotiation of the draft agreement, the spokesman for ESC justified the preferential treatment which they proposed to give the ILO on two grounds: (1) the historical position of ILO, and (2) that the Labour Organization had negotiated and was responsible for international action in regard to a large number of labor conventions. In regard to the first point, the responsibilities of FAO and its terms of reference are as wide and important as those of ILO. In regard to the second point, FAO will undoubtedly find it necessary to negotiate many conventions, and provision is made for this in the Constitution, Article IV, paragraph 3:

"The Conference may by a two-thirds majority of the votes cast submit conventions concerning questions relating to food and agriculture to member nations by the appropriate constitutional procedure."

"The type of international conventions which may be negotiated through FAO and submitted to member nations will be concerned with undertakings by governments in regard to raising of national levels of nutrition and standards of living, improvement of agricultural production and distribution, and betterment of the condition of rural populations. Any such convention must operate nationally and therefore will be analogous to many of the labor conventions.

"International conventions for the regulation of fisheries either to avoid disputes or to promote the conservation of marine resources are also important and fall within the terms of reference of FAO.

"As a result of the absorption by FAO of the functions of the International Institute of Agriculture, FAO has, as from August 1st, taken over responsibility for a number of conventions namely:

Convention for Locust Control
Convention for Plant Protection

Convention Concerning Marking of Eggs in International Commerce
Convention for the Standardization of Methods of Cheese Analysis
Convention on the Standardization of the Methods of Analyzing Wines
Convention for the Standardization of Methods of Keeping and
Utilizing Herd Books.

"If FAO is not given general authorization similar to that proposed for ILO to refer to the Court questions or disputes concerning any international convention adopted under Article IV of its Constitution, then matters affecting nutrition, agriculture, fisheries, forestry, and rural welfare will not be given the same international status as matters affecting labor relations."

4. To instruct the Director General to sign an agreement in these terms upon approval by the General Assembly of the United Nations. If the General Assembly of the United Nations should not concur in the position of the Organization on Article IX as set forth above the Director General is authorized to sign the agreement without any article on this subject and to continue discussions with the United Nations and to report to the next session of the Conference.

Organisation Des Nations Unies
Pour L'Education, La Science
& La Culture

United Nations Educational
Scientific and Cultural
Organization

17th July 1946

Sir,

I have the honour to acknowledge the receipt of your letter which reached me on July 11th, and to thank you for informing me that the Economic and Social Council has approved the Draft Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, and recommended it to the General Assembly for approval.

I take this opportunity of informing you that on its side, the Preparatory Commission of UNESCO, at its meeting on July 5th last, unanimously approved the Draft Agreement and recommended its adoption to the General Conference of UNESCO, meeting in November of this year.

I feel that this unanimity is a good augury for the future relationship

between the United Nations and UNESCO.

I have the honour to be,

Sir,

Your obedient servant,

Julian Huxley
Executive Secretary

Mr. Trygve Lie,
Secretary-General
United Nations
Hunter College
Bronx, 63
New York.