
RELATIONS WITH SPECIALIZED AGENCIES AND APPROVAL OF
AGREEMENTS WITH SPECIALIZED AGENCIES

Report of the Joint Second and Third Committee

Rapporteur: Dr. P. C. CHANG (China)

1. The General Assembly, at its forty-sixth plenary meeting held on 31 October 1946, referred to the Joint Second and Third Committee the following two items:

Relations between the United Nations and the Specialized Agencies,
Consideration and Approval of Agreements concluded with the
Specialized Agencies.

Since the two items mentioned above are closely inter-related, they were jointly discussed by the Committee.

2. In accordance with Article 63 of the Charter, the Economic and Social Council, during its second session, concluded Agreements between the United Nations and the International Labour Organization (document A/72), the United Nations Educational, Scientific and Cultural Organization (document A/77), and the Food and Agriculture Organization of the United Nations (document A/78); and, during its third session, an Agreement between the United Nations and the International Civil Aviation Organization (document A/106). These Agreements were submitted to the General Assembly for its approval at the present session.

3. The question of relations between the United Nations and the specialized agencies was placed on the supplementary list of items for inclusion in the agenda of the General Assembly by the Delegation of France, which subsequently replaced its original draft resolution (document A/95) by a new text (document A/C.2 and 3/5/Rev.1) recommending the General Assembly to approve the proposed Agreements, and to instruct the

Economic and Social Council to report on this question to the General Assembly within the space of three years so as to keep the General Assembly informed and in order that the Council and the General Assembly may, if necessary, and after consultation with the said agencies, formulate suitable proposals for improving such collaboration.

4. During the discussion in the Committee, some Delegations pointed out that Franco Spain joined the Provisional International Civil Aviation Organization and, that, since it is a signatory to the International Convention on Civil Aviation, it might become a member of the International Civil Aviation Organization by ratifying the Convention. In view of that situation the representative of Poland proposed the following addition to the first paragraph of the French draft resolution on relations with specialized agencies:

"with the exception of the agreement with the International Civil Aviation Organization. Should Franco Spain not be a member of the International Civil Aviation Organization the agreement with that Organization is considered as approved."

The representative of Chile proposed that the Agreement with the International Civil Aviation Organization be approved, provided that the Organization complies with any decision of the General Assembly regarding Franco Spain.

The Delegation of Belgium proposed that the membership of the International Civil Aviation Organization should conform to any decision of the General Assembly regarding the Franco regime in Spain.

The representatives of Belgium and Poland withdrew their amendments in favour of the Chilean amendment, whereupon the representative of the Union of Soviet Socialist Republics submitted the proposed Polish addition as his own amendment. The amendment was rejected.

The amendment proposed by the representative of Chile was then adopted.

5. In the general discussion, the need for co-ordination of the policies
/and activities

and activities of the specialized agencies by the Economic and Social Council was stressed.

6. Some representatives expressed doubts as to whether certain specific articles should be included in the Agreements. The Soviet representative submitted an amendment to be added to the first paragraph of the French resolution requesting the General Assembly to recommend that the Economic and Social Council re-examine the Agreements with the specialized agencies concerned, and particularly the articles on "Reciprocal Representation" and "Budgetary and Financial Arrangements," with a view to bringing them into complete accord with the Charter of the United Nations. The general feeling of the Committee was contrary to that view and the amendment was rejected. The opinion was expressed that the Agreements had been concluded by the Economic and Social Council in accordance with the Charter and had been submitted to the General Assembly for its approval; any amendments would signify the rejection of the Agreements and would necessitate their renegotiation.

7. In accordance with the instructions of the General Assembly, the relevant articles in the Agreements on relations between the specialized agencies and the International Court of Justice were referred to the Legal Committee for examination from the legal point of view and for report to the Joint Committee.

The Sixth Committee recommended that the general authorization provided for in the Agreement reached with the International Labour Organization should be granted to the four specialized agencies, as recommended by the Economic and Social Council. It expressed the view that the General Assembly is competent under the Charter to revoke such a general authorization, but did not consider that any change in the Agreements was necessary.

8. In accordance with a recommendation of the Economic and Social Council, the Committee recommends that the Agreement with UNESCO be approved with

/the following

the following Article XI which is similar to the corresponding Articles in the other three Agreements.

ARTICLE XI

Relations with the International Court of Justice

1. The United Nations Educational, Scientific and Cultural Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.
2. The General Assembly authorized the United Nations Educational, Scientific and Cultural 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.
3. Such request may be addressed to the Court by the General Conference or by the Executive Board acting in pursuance of an authorization by the Conference.
4. When requesting the International Court of Justice to give an advisory opinion the United Nations Educational, Scientific and Cultural Organization shall inform the Economic and Social Council of the request.

The Representative of Australia proposed that Article II and paragraph 4 of Article V of the draft Agreement with the International Civil Aviation Organization be referred to the Sixth Committee for examination. This proposal was rejected.

9. The Committee adopted an amendment to the French draft resolution, proposed by the Delegation of Chile, to include the word "policies", in order that the text of the resolution should conform to the language of Article 58 of the Charter.

The representative of Australia proposed to provide for annual reports by the Economic and Social Council to the General Assembly on the question of co-ordination of policies and activities. This proposal was rejected.

The French draft resolution, as amended, was then adopted.

10. The Joint Second and Third Committee therefore recommends to the General Assembly the adoption of the following resolution:

AGREEMENTS WITH SPECIALIZED AGENCIES

THE GENERAL ASSEMBLY,

WHEREAS Agreements entered into by the Economic and Social Council

/with certain

with certain specialized agencies are now before the General Assembly for approval,

RESOLVES to approve the Agreements with the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the International Civil Aviation Organization, provided that, in the case of the Agreement with the International Civil Aviation Organization, that Organization complies with any decision of the General Assembly regarding Franco Spain;

FURTHERMORE, considering it essential that the policies and activities of the specialized agencies and of the organs of the United Nations should be co-ordinated,

REQUESTS the Economic and Social Council to follow carefully the progress of such collaboration;

INSTRUCTS the Economic and Social Council to report on this question to the General Assembly within the space of three years so as to keep the Assembly informed and in order that the Council and the General Assembly may, if necessary, and after consultation with the said agencies, formulate suitable proposals for improving such collaboration.
