

No. 45

UNITED NATIONS
and
INTERNATIONAL CIVIL AVIATION ORGANIZATION

**Protocol concerning the entry into force of the Agreement
between the United Nations and the International Civil
Aviation Organization. Signed at New York, on 1 Octo-
ber 1947**

*English and French official texts communicated by the Secretary-General of the
United Nations. The filing and recording took place on 1 October 1947.*

ORGANISATION DES NATIONS UNIES
et
**ORGANISATION DE L'AVIATION CIVILE
INTERNATIONALE**

**Protocole relatif à l'entrée en vigueur de l'accord conclu entre
les Nations Unies et l'Organisation de l'aviation civile
internationale. Signé à New-York, le 1er octobre 1947**

*Textes officiels anglais et français communiqués par le Secrétaire général de
l'Organisation des Nations Unies. Le classement et l'inscription au réper-
toire ont eu lieu le 1er octobre 1947.*

No. 45. **PROTOCOL CONCERNING THE ENTRY INTO FORCE OF THE AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION. SIGNED AT NEW YORK, ON 1 OCTOBER 1947**

Article 57 of the Charter of the United Nations provides that specialized agencies established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields shall be brought into relationship with the United Nations. Article 63 of the Charter provides that 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, and specifies that such agreements shall be subject to approval by the General Assembly.

Article 64 of the Convention on International Civil Aviation provides that the International Civil Aviation Organization may, with respect to air matters within its competence directly affecting world security, enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace. Article 65 of the Convention provides that the Organization may enter into agreements with international bodies for the maintenance of common services, for common arrangements concerning personnel and for the facilitation of its work.

The Economic and Social Council on 21 June 1946 directed its Committee on Negotiations with Specialized Agencies to enter into negotiations with the Provisional International Civil Aviation Organization for the purpose of bringing it into relationship with the United Nations and to submit a report of the negotiations to the third session of the Council, including therein a draft preliminary agreement based on these negotiations.

The Interim Council of the Provisional International Civil Aviation Organization, having been informed of the decision of the Economic and Social Council aforementioned, appointed a committee to enter into negotiations with the Committee on Negotiations with Specialized Agencies to prepare a draft agreement.

¹ Came into force on 13 May 1947, in accordance with Article XXII having been approved by the General Assembly of the United Nations on 14 December 1946 and by the Assembly of the International Civil Aviation Organization on 13 May 1947.

Negotiations between the Committee on Negotiations with Specialized Agencies of the Economic and Social Council and the Negotiating Committee of the Interim Council took place at Lake Success on 27 and 28 September 1946 and resulted in a draft agreement between the United Nations and the International Civil Aviation Organization. In this draft agreement a decision regarding relations with the International Court of Justice was deferred pending further consideration thereof by the Economic and Social Council.

This draft agreement was signed on 30 September 1946 by Mr. Roland Lebeau, Acting Chairman of the Committee of the Economic and Social Council on Negotiations with Specialized Agencies, and Sir James Cotton, Chairman of the Negotiations Delegation of the Provisional International Civil Aviation Organization. On 3 October 1946 the Economic and Social Council recommended that the Agreement between the United Nations and the International Civil Aviation Organization be approved by the General Assembly with the insertion in the Agreement of the authorization regarding relations with the International Court of Justice.

The Interim Council of the Provisional International Civil Aviation Organization decided on 29 October 1946 to recommend to the Assembly of the International Civil Aviation Organization the approval of the draft agreement.

The General Assembly of the United Nations decided on 14 December 1946 to approve the Agreement with the International Civil Aviation Organization, provided that "that Organization complies with any decision of the General Assembly regarding Franco Spain".

The General Assembly decided to recommend "that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain".

On 13 May 1947 the Assembly of the International Civil Aviation Organization approved an agreement between it and the United Nations by a resolution, of which a certified copy is appended to this Protocol as Annex A. On the same date the Assembly of the International Civil Aviation Organization acted to comply with the recommendation contained in the aforesaid resolution of the General Assembly of the United Nations relating to debarment of the Franco Government of Spain from membership in international agencies, a certified copy of which is appended to this Protocol as Annex B.

Article XXII of the Agreement provides that the Agreement shall come into force on its approval by the General Assembly of the United Nations and by the Assembly of the International Civil Aviation Organization. The Agreement accordingly came into force on 13 May 1947. A copy of the authentic text of the Agreement is attached hereto.

IN FAITH WHEREOF we have appended our signatures this first day of October one thousand nine hundred and forty-seven to two original copies of the present Protocol, the text of which consists of versions in the English and French languages, which are equally authentic. One of the original copies will be filed and recorded with the Secretariat of the United Nations, and the other will be deposited in the archives of the International Civil Aviation Organization.

(Signed) Trygve LIE
Secretary-General of the United Nations

(Signed) Edward WARNER
President of the Council of the
International Civil Aviation Organization

ANNEXES TO THE PROTOCOL

A N N E X A

RESOLUTION ADOPTED BY THE FIRST ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Whereas the Interim Council of PICAQ has negotiated a draft agreement of relationship between ICAO and the United Nations in accordance with resolution XXI of the Interim Assembly of PICAQ and has submitted this Agreement to the Assembly of ICAO for approval; and

Whereas it is the wish of the Assembly of ICAO to enter into an agreement with the United Nations in the terms submitted by the Interim Council of PICAQ;

Now, therefore, the Assembly of ICAO hereby approves the Agreement of relationship with the United Nations and resolves:

(a) To authorize the Council to enter into such supplementary arrangements with the Secretary-General of the United Nations for the implementation of the Agreement, in accordance with article XIX thereof, as may be found desirable in the light of the operating experience of the two Organizations;

(b) To authorize the Council to enter into negotiations with the United Nations for the conclusion of further appropriate arrangements between ICAO and the United Nations with respect to air matters within the competence of ICAO, as provided for in article XX. Such arrangements, however, shall be subject to final approval by the Assembly;

(c) To authorize the President of the Council to sign with the appropriate official of the United Nations a protocol bringing the agreement of relationship between the United Nations and ICAO into force;

(d) To authorize the Council to enter into negotiations with the United Nations for revising the agreement of relationship, as provided for in article XXI thereof. Revisions negotiated by the Council shall be subject to the final approval of the Assembly.

ANNEX B

RESOLUTION ADOPTED BY THE FIRST ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Whereas the General Assembly of the United Nations has recommended that the Franco Government of Spain be debarred from membership in specialized agencies established by or brought into relationship with the United Nations and from participation in conferences or other activities which may be arranged by the United Nations or by these agencies until a new and acceptable government is formed in Spain; and

Whereas the General Assembly, in approving the draft agreement between the United Nations and ICAO, made it a condition of its approval that ICAO comply with any decision of the General Assembly regarding Franco Spain;

Now, therefore, the Assembly of ICAO, wishing to conform with the recommendation of the General Assembly and to comply with the condition of the General Assembly to its approval of the draft agreement between the United Nations and ICAO, hereby approves the following proposed amendment to the Convention on International Civil Aviation, in accordance with article 94 of the Convention:

Article 93 bis

“(a) Notwithstanding the provision of articles 91, 92 and 93 above,

“(1) A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization.

“(2) A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to its act of expulsion a recommendation to the contrary.

“(b) A State which ceases to be a member of the International Civil Aviation Organization as a result of the provisions of paragraph (a) above may, after approval by the General Assembly of the United Nations, be readmitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council.

“(c) Members of the Organization which are suspended from the exercise of the rights and privileges of membership in the United Nations shall, upon request of the latter, be suspended from the rights and privileges of membership in this Organization.”

AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

PREAMBLE

Article 57 of the Charter of the United Nations makes provision for bringing the specialized agencies, established by inter governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields, into relationship with the United Nations.

Article 64 of the Convention on International Civil Aviation provides that the International Civil Aviation Organization may, with respect to air matters within its competence, directly affecting world security, enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace. Article 65 of the Convention provides that the Organization may enter into agreements with international bodies for the maintenance of common service, for common arrangements concerning personnel and for the facilitation of its work.

Therefore the United Nations and the International Civil Aviation Organization agree as follows:

Article I

The United Nations recognizes the International Civil Aviation Organization as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

Article II

APPLICATIONS FOR MEMBERSHIP BY CERTAIN STATES

Any application submitted to the International Civil Aviation Organization by States other than those provided for in articles 91 and 92 (*a*) of the Convention on International Civil Aviation to become parties to the Convention, shall be immediately transmitted by the secretariat of the Organization to the General Assembly of the United Nations. The General Assembly may recommend the rejection of such application, and any such recommendation shall be accepted by the Organization. If no such recommendation is made by the General Assembly at the first session following receipt of the application, the application shall be decided upon by the Organization in accordance with the procedure established in article 93 of the Convention.

Article III

RECIPROCAL REPRESENTATION

1. Representatives of the United Nations shall be invited to attend the meetings of the Assembly of the International Civil Aviation Organization, the Council of the Organization and their commissions and committees and such general regional or other special meetings as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.
2. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the Economic and Social Council and of its own commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda relating to civil aviation matters.
3. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the General Assembly of the United Nations for the purposes of consultation on civil aviation matters.
4. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the main Committees of the General Assembly when civil aviation matters are under discussion, and to participate, without vote, in such discussions.
5. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the Trusteeship Council of the United Nations and to participate, without vote, in the deliberations thereof, with respect to items on its agenda relating to civil aviation matters.

6. Written statements submitted by the International Civil Aviation Organization on matters relating to civil aviation shall be distributed as soon as possible by the Secretariat of the United Nations to all members of the principal and subsidiary organs of the United Nations, and their commissions or committees as appropriate. Similarly, written statements of any of the principal or subsidiary organs of the United Nations and their commissions or committees shall be distributed as soon as possible by the secretariat of the Organization to all members of the Assembly or Council of the Organization as appropriate.

Article IV

PROPOSAL OF AGENDA ITEMS

After such preliminary consultation as may be necessary, the International Civil Aviation Organization shall include on the agenda of the Assembly or Council of the Organization items proposed to it by the United Nations. Reciprocally the Economic and Social Council and its commissions, and the Trusteeship Council shall include on their agenda items proposed by the Assembly or Council of the Organization.

Article V

RECOMMENDATIONS OF THE UNITED NATIONS

1. The International Civil Aviation Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Economic and Social Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international, economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to its appropriate organ of all formal recommendations which the United Nations may make to it.

2. The International Civil Aviation Organization agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The International Civil Aviation Organization affirms its intention of co-operating in whatever measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in, and to co-operate with any body or bodies which the Economic and Social Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

Article VI

EXCHANGE OF INFORMATION AND DOCUMENTS

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the International Civil Aviation Organization.

2. Without prejudice to the generality of the provisions of paragraph 1 :

(a) The International Civil Aviation Organization agrees to transmit to the United Nations regular reports on its activities;

(b) The International Civil Aviation Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the condition set forth in article XVI; and

(c) The Secretary-General of the United Nations shall, upon request, consult with the appropriate officer of the Organization with respect to the furnishing to the Organization of such information as may be of special interest to it.

Article VII

ASSISTANCE TO THE SECURITY COUNCIL

The International Civil Aviation Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

Article VIII

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

The International Civil Aviation Organization agrees to co-operate with the Trusteeship Council in the carrying out of its functions, and in particular

agrees that it will to the greatest extent possible render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

Article IX

NON-SELF-GOVERNING TERRITORIES

The International Civil Aviation Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories.

Article X

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

1. The International Civil Aviation 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 of the United Nations authorizes the International Civil Aviation 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 International Civil Aviation Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Assembly or the Council of the International Civil Aviation Organization.

4. When requesting the International Court of Justice to give an advisory opinion, the International Civil Aviation Organization shall inform the Economic and Social Council of the request.

Article XI

HEADQUARTERS AND REGIONAL OFFICES

1. The International Civil Aviation Organization, having regard to the desirability of the headquarters of specialized agencies being situated at the permanent seat of the United Nations and to the advantages that flow from such centralization, agrees to consult the United Nations before making any further decision concerning the location of its permanent headquarters.

2. Having due regard to the special needs of international civil aviation, any regional or branch offices which the International Civil Aviation Organiza-

tion may establish shall, so far as is practicable, be closely associated with such regional or branch offices as the United Nations may establish.

Article XII

PERSONNEL ARRANGEMENTS

1. The United Nations and the International Civil Aviation Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view agree to develop common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the International Civil Aviation Organization agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree:

(a) To consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) To consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules, with a view to securing as much uniformity in these matters as shall be found practicable;

(c) To co-operate in the interchange of personnel, when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(d) To co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

Article XIII

STATISTICAL SERVICES

1. The United Nations and the International Civil Aviation Organization agree to strive for maximum co-operation, the elimination of all undesirable dupli-

cation between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

2. The International Civil Aviation Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the International Civil Aviation Organization as the central agency responsible for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its special sphere, without prejudice to the rights of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall, in consultation with the International Civil Aviation Organization and with the other specialized agencies where appropriate, develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information shall not be duplicated by the United Nations or any of its specialized agencies whenever it is practicable for any of them to utilize information or material which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the International Civil Aviation Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

7. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should, so far as practicable and appropriate, be made available to the International Civil Aviation Organization.

Article XIV

ADMINISTRATIVE AND TECHNICAL SERVICES

1. The United Nations and the International Civil Aviation Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding whenever possible the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the International Civil Aviation Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles XII, XIII and XV, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the International Civil Aviation Organization with regard to the registration and deposit of official documents.

Article XV

BUDGETARY AND FINANCIAL ARRANGEMENTS

1. The International Civil Aviation Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the International Civil Aviation Organization agree to co-operate to the fullest extent possible in achieving these ends, and to consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Any such arrangements which may be made shall be defined in a supplementary agreement between the two Organizations.

3. The Secretary-General of the United Nations and the appropriate officer of the International Civil Aviation Organization shall arrange for consultation in connexion with the preparation of the budget.

4. The International Civil Aviation Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the administrative budget or proposed budget of the Organization and may make such recommendations as it may consider necessary.

5. Representatives of the International Civil Aviation Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any Committee thereof at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

6. The United Nations may undertake the collection of contributions from those members of the International Civil Aviation Organization which are also Members of the United Nations, in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

7. The United Nations shall, upon its own initiative or upon the request of the International Civil Aviation Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies, with a view to the provision of common services and the securing of uniformity in such matters.

8. The International Civil Aviation Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

Article XVI

FINANCING OF SPECIAL SERVICES

1. In the event of the International Civil Aviation Organization's being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with articles VI, VII, VIII, or with other provisions of this Agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the International Civil Aviation Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the cost of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

Article XVII

INTER-AGENCY AGREEMENTS

The International Civil Aviation Organization agrees to inform the Economic and Social Council of the nature and scope of any formal agreement between the Organization and any other specialized agency, inter-governmental

or non-governmental organization, and to inform the Economic and Social Council before any such agreement is concluded.

Article XVIII

LIAISON

1. The United Nations and the International Civil Aviation Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two Organizations. They affirm their intention of taking whatever further measure may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this Agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two Organizations, as well as between their headquarters.

Article XIX

IMPLEMENTATION OF THE AGREEMENT

The Secretary-General of the United Nations and the appropriate officer of the International Civil Aviation Organization may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable, in the light of the operating experience of the two Organizations.

Article XX

OTHER ARRANGEMENTS

The present Agreement shall not preclude the conclusion of further appropriate arrangements between the International Civil Aviation Organization and the United Nations with respect to air matters within the competence of the Organization directly affecting world security as contemplated in the Convention on International Civil Aviation.

Article XXI

REVISION

This Agreement shall be subject to revision by agreement between the United Nations and the International Civil Aviation Organization.

Article XXII

ENTRY INTO FORCE

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the Assembly of the International Civil Aviation Organization.