

No. 109

**UNITED NATIONS
and
INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT**

**Protocol concerning the entry into force of the Agreement
between the United Nations and the International Bank
for Reconstruction and Development. Signed at New
York, on 15 April 1948**

*English and French official texts communicated by the Secretary-General of the
United Nations. The filing and recording took place on 1 July 1948.*

**ORGANISATION DES NATIONS UNIES
et
BANQUE INTERNATIONALE
POUR LA RECONSTRUCTION ET LE DEVELOPPEMENT**

**Protocole relatif à l'entrée en vigueur de l'Accord conclu
entre l'Organisation des Nations Unies et la Banque inter-
nationale pour la reconstruction et le développement.
Signé à New-York, le 15 avril 1948**

*Textes officiels anglais et français communiqués par le Secrétaire général de
l'Organisation des Nations Unies. Le classement et l'inscription au répér-
toire ont eu lieu le 1er juillet 1948.*

No. 109. PROTOCOL CONCERNING THE ENTRY INTO FORCE OF THE AGREEMENT BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT. SIGNED AT NEW YORK, ON 15 APRIL 1948

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 V, section 8 (*a*) of the Articles of Agreement of the International Bank for Reconstruction and Development provides that the Bank, within the terms of the Articles of Agreement, shall co-operate with any general international organization and with public international organizations having specialized responsibilities in related fields.

The Economic and Social Council, during its first session, on 16 February 1946, adopted a resolution establishing a Committee of the Council on Negotiations with Specialized Agencies which was directed to enter into negotiations as early as possible with the International Bank for Reconstruction and Development.

The Economic and Social Council, during its third session, on 3 October 1946, adopted a resolution directing the Secretary-General to strengthen and extend working relationships between the United Nations and the International Bank for Reconstruction and Development, and to continue consultations with the representatives of that Organization with a view to initiating formal negotiations as soon as practicable.

Negotiations between the Committee on Negotiations with Specialized Agencies of the Economic and Social Council and the Negotiating Delegation of the International Bank for Reconstruction and Development took place in New York on 15 August 1947 and resulted in an Agreement. These negotiations were conducted simultaneously with negotiations between the Committee on

Negotiations with Specialized Agencies of the Economic and Social Council and the Negotiating Delegation of the International Monetary Fund.

On 16 August 1947, the Economic and Social Council, during its fifth session, recommended the Agreement between the United Nations and the International Bank for Reconstruction and Development to the General Assembly for its approval.

Article XIII, paragraph 4, of the Agreement provides that the Agreement shall come into force when it shall have been approved by the General Assembly of the United Nations and the Board of Governors of the International Bank for Reconstruction and Development.

The Agreement was approved by the General Assembly of the United Nations on 15 November 1947 and by the Board of Governors of the International Bank for Reconstruction and Development on 16 September 1947.

The Agreement accordingly came into force on 15 November 1947.

A copy of the text of the Agreement in both English and French is attached hereto, the English text being the authentic text.

IN FAITH WHEREOF we have appended our signatures this fifteenth day of April, one thousand nine hundred and forty-eight, 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 Bank for Reconstruction and Development.

Trygve LIE
Secretary-General of the United Nations

John J. McCLOY
President of the International Bank for
Reconstruction and Development

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Article I

GENERAL

1. This agreement, which is entered into by the United Nations pursuant to the provisions of Article 63 of its Charter, and by the International Bank for Reconstruction and Development (hereinafter called the Bank) pursuant to the provisions of Section 8 (a) of article V of its Articles of Agreement, is intended to define the terms on which the United Nations and the Bank shall be brought into relationship.

2. The Bank is a specialized agency established by agreement among its member Governments and having wide international responsibilities, as defined in its Articles of Agreement, in economic and related fields within the meaning of Article 57 of the Charter of the United Nations. By reason of the nature of its international responsibilities and the terms of its Articles of Agreement, the Bank is, and is required to function as, an independent international organization.

3. The United Nations and the Bank are subject to certain necessary limitations for the safeguarding of confidential material furnished to them by their members or others, and nothing in this agreement shall be construed to require either of them to furnish any information the furnishing of which would, in its judgment, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operations.

Article II

RECIPROCAL REPRESENTATION

1. Representatives of the United Nations shall be entitled to attend, and to participate without vote in, meetings of the Board of Governors of the Bank. Representatives of the United Nations shall be invited to participate without vote in meetings especially called by the Bank for the particular purpose of considering the United Nations point of view in matters of concern to the United Nations.

¹ Came into force on 15 November 1947, in accordance with article XIII, having been approved by the General Assembly of the United Nations on 15 November 1947 and by the Board of Governors of the International Bank for Reconstruction and Development, on 16 September 1947.

2. Representatives of the Bank shall be entitled to attend meetings of the General Assembly of the United Nations for purposes of consultation.

3. Representatives of the Bank shall be entitled to attend, and to participate without vote in, meetings of the committees of the General Assembly, meetings of the Economic and Social Council, of the Trusteeship Council and of their respective subsidiary bodies dealing with matters in which the Bank has an interest.

4. Sufficient advance notice of these meetings and their agenda shall be given so that, in consultation, arrangements can be made for adequate representation.

Article III

PROPOSAL OF AGENDA ITEMS

In preparing the agenda for meetings of the Board of Governors, the Bank will give due consideration to the inclusion in the agenda of items proposed by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council will give due consideration to the inclusion in their agenda of items proposed by the Bank.

Article IV

CONSULTATION AND RECOMMENDATIONS

1. The United Nations and the Bank shall consult together and exchange views on matters of mutual interest.

2. Neither organization, nor any of their subsidiary bodies, will present any formal recommendations to the other without reasonable prior consultation with regard thereto. Any formal recommendations made by either organization after such consultation will be considered as soon as possible by the appropriate organ of the other.

3. The United Nations recognizes that the action to be taken by the Bank on any loan is a matter to be determined by the independent exercise of the Bank's own judgment in accordance with the Bank's Articles of Agreement. The United Nations recognizes, therefore, that it would be sound policy to refrain from making recommendations to the Bank with respect to particular loans or with respect to terms or conditions of financing by the Bank. The Bank recognizes that the United Nations and its organs may appropriately make

recommendations with respect to the technical aspects of reconstruction or development plants, programmes or projects.

Article V

EXCHANGE OF INFORMATION

The United Nations and the Bank will, to the fullest extent practicable and subject to paragraph 3 of article I, arrange for the current exchange of information and publications of mutual interest, and the furnishing of special reports and studies upon request.

Article VI

SECURITY COUNCIL

1. The Bank takes note of the obligation assumed, under paragraph 2 of Article 48 of the United Nations Charter, by such of its members as are also Members of the United Nations, to carry out the decisions of the Security Council through their action in the appropriate specialized agencies of which they are members, and will, in the conduct of its activities, have due regard for decisions of the Security Council under Articles 41 and 42 of the United Nations Charter.

2. The Bank agrees to assist the Security Council by furnishing to it information in accordance with the provisions of article V of this agreement.

Article VII

ASSISTANCE TO THE TRUSTEESHIP COUNCIL

The Bank agrees to co-operate with the Trusteeship Council in the carrying out of its functions by furnishing information and technical assistance upon request and in such other similar ways as may be consistent with the Articles of Agreement of the Bank.

Article VIII

INTERNATIONAL COURT OF JUSTICE

The General Assembly of the United Nations hereby authorizes the Bank to request advisory opinions of the International Court of Justice on any legal questions arising within the scope of the Bank's activities other than questions relating to the relationship between the Bank and the United Nations or any

specialized agency. Whenever the Bank shall request the Court for an advisory opinion, the Bank will inform the Economic and Social Council of the request.

Article IX

STATISTICAL SERVICES

1. In the interests of efficiency and for the purpose of reducing the burden on national governments and other organizations, the United Nations and the Bank agree to co-operate in eliminating unnecessary duplication in the collection, analysis, publication and dissemination of statistical information.

2. The Bank recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations, without prejudice to the right of the Bank to concern itself with any statistics so far as they may be essential for its own purposes.

3. The United Nations recognizes the Bank as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with any statistics so far as they may be essential for its own purposes.

4. (a) In its statistical activities the Bank agrees to give full consideration to the requirements of the United Nations and of the specialized agencies.

(b) In its statistical activities the United Nations agrees to give full consideration to the requirements of the Bank.

5. The United Nations and the Bank agree to furnish each other promptly with all their non-confidential statistical information.

Article X

ADMINISTRATIVE RELATIONSHIPS

1. The United Nations and the Bank will consult from time to time concerning personnel and other administrative matters of mutual interest, with a view to securing as much uniformity in these matters as they shall find practicable

and to assuring the most efficient use of the services and facilities of the two organizations. These consultations shall include determination of the most equitable manner in which special services furnished by one organization to the other should be financed.

2. To the extent consistent with the provisions of this agreement, the Bank will participate in the work of the Co-ordination Committee and its subsidiary bodies.

3. The Bank will furnish to the United Nations copies of the annual report and the quarterly financial statements prepared by the Bank pursuant to section 13 (a) of article V of its Articles of Agreement. The United Nations agrees that, in the interpretation of paragraph 3 of Article 17 of the United Nations Charter it will take into consideration that the Bank does not rely for its annual budget upon contributions from its members, and that the appropriate authorities of the Bank enjoy full autonomy in deciding the form and content of such budget.

4. The officials of the Bank shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Bank.

Article XI

AGREEMENTS WITH OTHER ORGANIZATIONS

The Bank will inform the Economic and Social Council of any formal agreement which the Bank shall enter into with any specialized agency, and in particular agrees to inform the Council of the nature and scope of any such agreement before it is concluded.

Article XII

LIAISON

1. The United Nations and the Bank agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective co-operation between the two organizations. Each agrees that it will establish within its own organization such administrative machinery as may be necessary to make the liaison, as provided for in this agreement, fully effective.

2. The arrangements provided for in the foregoing articles of this agreement shall apply, as far as is appropriate, to relations between such branch or

regional offices as may be established by the two organizations, as well as between their central machinery.

Article XIII

MISCELLANEOUS

1. The Secretary-General of the United Nations and the President of the Bank are authorized to make such supplementary arrangements as they shall deem necessary or proper to carry fully into effect the purposes of this agreement.

2. This agreement shall be subject to revision by agreement between the United Nations and the Bank from the date of its entry into force.

3. This agreement may be terminated by either party thereto on six months' written notice to the other party, and thereupon all rights and obligations of both parties hereunder shall cease.

4. This agreement shall come into force when it shall have been approved by the General Assembly of the United Nations and the Board of Governors of the Bank.