

General Conference

THIRD REGULAR SESSION

Agenda item 18
(GC(III)/88)

THE RELATIONS OF THE AGENCY WITH THE SPECIALIZED AGENCIES

Proposed relationship agreement between the Agency and
the International Civil Aviation Organization

Recommendation by the Board of Governors

1. In compliance with the request made by the General Conference in resolution GC.1(S)/RES/11, paragraph 2, the Board of Governors submits for the approval of the General Conference under Article V.E.7 of the Statute the text of a proposed relationship agreement between the Agency and the International Civil Aviation Organization (ICAO). The text was approved by the Council of ICAO on 11 May 1959 and by the Board on 2 July 1959.^{1/}
2. The Board recommends that the General Conference should approve the relationship agreement by adopting the following resolution:

^{1/} Note by the Director General. In accordance with Article XIII, the proposed agreement will therefore come into force immediately upon its approval by the General Conference. The Director General has suggested to the Board that he should have authority to make purely formal modifications to the text of the agreement, as was the case with the five earlier relationship agreements which the General Conference approved by resolution GC(II)/RES/22. As a result of correspondence between the Agency and ICAO editorial revisions to articles I.4 and IV were accordingly agreed to, and these were approved by the Council of ICAO on 28 September 1959. The present revised document incorporates these changes.

RELATIONS WITH SPECIALIZED AGENCIES

The General Conference,

Having considered the proposed relationship agreement between the Agency and the International Civil Aviation Organization submitted by the Board of Governors in accordance with its request,^{*/}

Approves the relationship agreement between the Agency and the International Civil Aviation Organization set forth in document GC(III)/82, annex.

*/ GC.1(S)/RES/11, para. 2.

A N N E X

DRAFT AGREEMENT
BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY
AND
THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

ARTICLE I

Co-operation and consultation

1. The International Atomic Energy Agency (hereinafter referred to as "the Agency") and the International Civil Aviation Organization (hereinafter referred to as "the Organization") agree that with a view to facilitating the effective attainment of the objectives set forth in their respective constitutional instruments, within the general framework established by the Charter of the United Nations, they will act in close co-operation with each other and will consult each other regularly in regard to matters of common interest.
2. The Organization recognizes the responsibilities of the Agency as set forth in the Statute of the Agency, and as recognized in the agreement between the United Nations and the Agency and the exchange of letters which accompanied that agreement. In particular, the Organization recognizes that the Agency, by virtue of its Statute and its primary responsibility in the field of the peaceful uses of atomic energy, has a corresponding concern in the co-ordination of world-wide activities in this field.
3. The Agency recognizes the responsibilities of the Organization as set forth in the Convention on International Civil Aviation and recognized in the agreement between the United Nations and the Organization. In particular the Agency recognizes that the Organization, by virtue of its primary responsibility in the field of international civil aviation, has a corresponding concern in the co-ordination of world-wide activities in this field.

4. Accordingly, in all cases where either party proposes to initiate a programme or activity on a subject in which the other party has or may have a substantial interest, the first party shall consult the other before adopting the programme or initiating the activity.

ARTICLE II

Reciprocal Representation

1. The Organization shall be invited to designate representatives to attend the General Conference of the Agency and to participate without vote in the deliberations of that body and, where appropriate, of its commissions and committees with respect to items on their agenda in which the Organization has an interest.
2. The Agency shall be invited to designate representatives to attend the Assembly of the Organization and to participate without vote in the deliberations of that body and, where appropriate, of its committees or commissions with respect to items on their agenda in which the Agency has an interest.
3. The Organization shall be invited, as appropriate, to designate representatives to attend meetings of the Board of Governors of the Agency and to participate without vote in the deliberations of that body and of its commissions and committees with respect to items on their agenda in which the Organization has an interest.
4. The Agency shall be invited, as appropriate, to designate representatives to attend meetings of the Council and committees and commission of the Organization and to participate without vote in their deliberations with respect to items on their agenda in which the Agency has an interest.
5. Appropriate arrangements shall be made by agreement from time to time for the reciprocal representation of the Agency and the Organization at other meetings convened under their respective auspices which consider matters in which the other party has an interest.

ARTICLE III

Exchange of Information and Documents

1. The Agency and the Organization recognize that they may find it necessary to apply certain limitations for the safeguarding of confidential information furnished to them. They therefore agree that nothing in this Agreement shall be construed as requiring either of them to furnish such information as would, in the judgment of the party possessing the information, constitute a violation of the confidence of any of its Members or anyone from whom it has received such information or otherwise interfere with the orderly conduct of its operations.
2. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the Secretariat of the Agency and the Secretariat of the Organization shall keep each other fully informed concerning all current and projected activities and all programmes of work which may be of interest to the other party.
3. The Director General of the Agency and the Secretary General of the Organization or their representatives shall, at the request of either party, arrange for consultation regarding the provision by either party of such special information as may be of interest to the other party.

ARTICLE IV

Proposal of Agenda Items

The Agency and the Organization shall consult each other as may be necessary with a view to including in the agenda of the meetings referred to in Article II, items which have been submitted by either party. Items submitted by either party for consideration by the other shall be accompanied by an explanatory memorandum.

ARTICLE V

Co-operation between Secretariats

The Secretariat of the Agency and the Secretariat of the Organization shall maintain a close working relationship in accordance with such arrangements as may have been agreed upon from time to time by the Director General of the Agency and the Secretary General of the Organization.

ARTICLE VI

Administrative and Technical Co-operation

The Agency and the Organization agree to consult each other from time to time regarding the most efficient use of personnel and resources and appropriate methods of avoiding the establishment and operation of competitive or overlapping facilities and service.

ARTICLE VII

Statistical Services

In view of the desirability of maximum co-operation in the statistical field and of minimizing the burden placed on national governments and other organizations from which information may be collected, the Agency and the Organization undertake to avoid undesirable duplication between them with respect to the collection, compilation and publication of statistics and to consult with each other on the most efficient use of information, resources and technical personnel in the field of statistics.

ARTICLE VIII

Personnel Arrangements

The Agency and the Organization agree that measures to be taken by them, within the framework of any general arrangements for co-operation in regard to personnel matters which are made by the United Nations, will include:

- (a) Measures to avoid competition in the recruitment of their personnel; and
- (b) Measures to facilitate interchange of personnel on a temporary or permanent basis, in appropriate cases, in order to obtain the maximum benefit from their services, making due provision for the protection of the seniority, pension and other rights of the personnel concerned.

ARTICLE IX

Financing of Special Services

If compliance with a request for assistance made by either party to the other would involve substantial expenditure for the party complying with the request, consultation shall take place with a view to determining the most equitable manner of meeting such expenditure.

ARTICLE X

Implementation of the Agreement

The Director General of the Agency and the President of the Council of the Organization may enter into such arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two parties.

ARTICLE XI

Notification to the United Nations and Filing and Recording

1. In accordance with their respective agreements with the United Nations, the Agency and the Organization will inform the United Nations forthwith of the terms of the present Agreement.
2. On the coming into force of the present agreement in accordance with the provisions of Article XIII, it will be communicated to the Secretary-General of the United Nations for filing and recording.

ARTICLE XII

Revision and Termination

1. This Agreement shall be subject to revision by agreement between the Agency and the Organization.
2. It may be terminated by either party on 31 December of any year by notice given not later than 30 June of that year.

ARTICLE XIII

Entry into Force

This Agreement shall come into force on its approval by the General Conference of the Agency and by the Council of the Organization.