

ARTICLE 62 (4)

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TEXT OF ARTICLE 62 (4)

It [the Economic and Social Council] may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

INTRODUCTORY NOTE

1. The material contained in this study relates solely to the calling of conferences by the Economic and Social Council 1/ in matters falling within its competence and to the rules 2/ governing the calling of such conferences 3/ prescribed by the United Nations.

1/ A number of meetings convened by regional economic commissions of the Council or by the Secretariat have been called "conferences", but have not been convened pursuant to any specific decision or instruction of the Council relating to the convening of a conference. In most cases, such meetings have been convened in order to carry out various recommendations or programmes of the Council and its regional commissions for consultation, co-ordination et cetera. An example of a conference convened by one of the regional economic commissions under its terms of reference was the second Economic Commission for Asia and the Far East (ECAFE) Conference on Trade Promotion, held in 1953 (E S C (XV), Suppl. No. 6 (E/2374), para. 52). Besides its members and associate members, ECAFE invited to this conference Members of the United Nations not members of ECAFE and interested specialized agencies and non-governmental organizations. The Council, by resolution 459 (XIV), requested the Secretary-General to authorize ECAFE to extend invitations to this conference to Italy, Finland and Hungary, which had expressed an interest in attending it.

Among the various conferences called by the Secretariat may be mentioned those of inter-governmental organizations and non-governmental organizations on migration, convened under resolution 156 A (VII), by which the Council had requested the Secretary-General to consult with organizations interested in migration problems and to make arrangements for the co-ordination of their activities.

Other examples are the four meetings of specialized agencies and non-governmental organizations concerned in the field of prevention of crime and treatment of offenders, held under Council resolution 155 C (VII), and the conference of non-governmental organizations interested in the rehabilitation of the physically handicapped, held under Council resolution 309 E (XI). See also in this Repertory under Articles 68 and 98.

2/ See annexes I and II.

3/ The following conferences on matters also falling within the competence of the Council have been convened by the General Assembly: two conferences to conclude multilateral conventions submitted to it by the Council, the United Nations Conference on Declaration of Death of Missing Persons, convened under resolution 369 (IV), and the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, convened under resolution 429 (V). It has also convened several technical assistance conferences after such a conference had been first convened by the Council.

2. The General Survey contains a general account of the conferences called by the Economic and Social Council, their subject-matter and purpose, the rules under which they were called and the practice relating to invitations, participation and preparatory and other arrangements for these conferences. Rules for the calling of conferences are set forth in annexes I and II and lists of conferences called by the Economic and Social Council are contained in annexes III and IV.

3. The Analytical Summary of Practice contains a discussion of questions relating to the meaning of the term "international conferences" and of the phrase "matters falling within its [that of the Economic and Social Council] competence" in Article 62 (4), and of questions relating to the scope of the rules to be prescribed by the United Nations for the calling of international conferences. Certain questions, such as that of voting rights of non-member States, which arose in connexion with the convening by the Council of conferences of States prior to the adoption by the General Assembly of rules for the calling of international conferences, have not been dealt with, since they became moot after the adoption of those rules; for example, as regards the voting rights of non-member States rule 3 provides that non-member States invited to international conferences of States "shall have full rights as members thereof".

I. GENERAL SURVEY

A. General

4. The Economic and Social Council has called eleven international conferences of States, ^{4/} one of which was a regional conference. ^{5/} The Council has also called three non-governmental conferences, ^{6/} two of which were conferences of experts and one a conference of non-governmental organizations having consultative status.

5. In addition, the Council has authorized the Secretary-General "to convene, on the advice of the Interim Co-ordinating Committee for International Commodity Arrangements acting on the request of an appropriate inter-governmental study group, inter-governmental conferences" on primary commodity problems. ^{7/} Under this authority, the Secretary-General has convened two conferences. ^{8/}

6. In one instance, the Council rejected a proposal for a regional conference of States, but referred it to one of its regional commissions. ^{9/} In another case, the

^{4/} See annex III A. It may be noted that the United Nations Conference on Freedom of Information was convened under General Assembly resolution 59 (I).

^{5/} United Nations Regional Cartographic Conference for Asia and the Far East.

^{6/} For a list of non-governmental conferences, see annex IV.

^{7/} E S C resolutions 296 (XI), 462 A (XV) and 557 F (XVIII).

^{8/} The United Nations Tin Conference, which held two sessions, and The United Nations Sugar Conference (G A (VI), Suppl. No. 1 (A/1844), p. 93, and G A (IX), Suppl. No. 1 (A/2663), p. 38. See also annex I B).

^{9/} The proposal for a United Nations Economic Conference of the Amazon Basin Countries was referred to the Economic Commission for Latin America for study by resolution 146 (VII).

Council decided not to convene a conference. 10/ In one case the Council recommended to certain States the holding of a conference, but no such conference was held. 11/

7. International conferences of States have been called on matters relating to health, 12/ trade and employment, 13/ primary commodity problems, 14/ transport, 15/ statistics, 16/ cartography, 17/ narcotic drugs, 18/ freedom of information, 19/ refugees and stateless persons 20/ and technical assistance. 21/ Among the purposes of these conferences have been the conclusion of agreements for the establishment of inter-governmental organizations, 22/ the conclusion of international conventions or protocols, 23/ the discussion of measures designed to promote certain aims or to meet

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- 10/ The Council, having studied the report of the Ad Hoc Committee appointed by the General Assembly to prepare a draft convention on freedom of information and the observations of Governments thereon, and considering the existence of a wide divergence of views on the subject of a convention on freedom of information, decided by resolution 387 A (XIII) not to convene a conference for the conclusion of such a convention. It may also be noted that the Council has considered questions relating to the convening of certain other conferences such as a World Conference on Passports and Frontier Formalities, an international conference of experts on housing and an international professional conference for the purpose of preparing the final text of an International Code of Ethics for the use of information personnel. In the first two cases mentioned, the Council has not convened a conference on the advice of its Transport and Communications Commission and of its Social Commission respectively (see E S C (VII), Suppl. No. 3 (E/789), p. 20, and E S C (VI), Suppl. No. 13 (E/578/Rev.3), para. 55). In the third case, the General Assembly, by resolution 838 (IX), decided to take no further action at the time in regard to the organization of such a conference.
- 11/ By resolution 7 (III), the Council recommended to all interested States the holding of a Conference on International Traffic on the River Danube.
- 12/ International Health Conference.
- 13/ United Nations Conference on Trade and Employment.
- 14/ United Nations Tin Conference and United Nations Sugar Conference.
- 15/ United Nations Maritime Conference, United Nations Conference on Road and Motor Transport, and United Nations Conference on Customs Formalities for the Temporary Importation of Private Road and Motor Vehicles and for Tourism.
- 16/ United Nations World Statistical Congress.
- 17/ United Nations Regional Cartographic Conference for Asia and the Far East.
- 18/ United Nations Opium Conference.
- 19/ United Nations Conference on Freedom of Information.
- 20/ United Nations Conference of Plenipotentiaries on the Status of Stateless Persons.
- 21/ Technical Assistance Conference.
- 22/ International Health Conference, United Nations Conference on Trade and Employment and United Nations Maritime Conference.
- 23/ United Nations Conference on Road and Motor Transport, United Nations Opium Conference, United Nations Conference on Customs Formalities for the Temporary Importation of Private Road and Motor Vehicles and for Tourism, and United Nations Conference of Plenipotentiaries on the Status of Stateless Persons. In this connexion may be noted the United Nations conferences on the Declaration of Death of Missing Persons and on the Status of Refugees and Stateless Persons, called by the General Assembly to conclude international conventions submitted to it by the Council.

certain difficulties, the formulation of general views on certain subjects, and the co-ordination of programmes and activities. 24/

8. Non-governmental conferences have been convened by the Council on matters relating to conservation and utilization of resources, 25/ to population 26/ and to eradication of prejudice and discrimination. 27/ The purpose of these conferences has been mainly the exchange of views and the co-ordination of efforts. For example, the Conference of Non-Governmental Organizations interested in the Eradication of Prejudice and Discrimination was called for the exchange of views concerning the most effective means of combating discrimination, the co-ordination of endeavours in this work and the possibility of establishing common objectives and programmes.

9. Matters relating to invitation and participation, and the preparatory and other arrangements for the various conferences, are dealt with in paragraphs 15-25 below, following an indication of the rules prescribed by the United Nations.

B. Rules prescribed by the United Nations

10. Article 62 (4) provides that international conferences may be called in accordance with the rules prescribed by the United Nations. These rules have been prescribed by the General Assembly as set forth below. On 26 January 1946, the General Assembly adopted, 28/ on the recommendation of the Preparatory Commission, a supplementary rule of procedure on the calling of international conferences by the Economic and Social Council pending the adoption of definite rules for the calling of such conferences. Subsequently, rules for the calling by the Economic and Social Council of international conferences of States and of non-governmental conferences were adopted by the General Assembly on 3 December 1949 and 12 December 1950 respectively. 29/ These rules were based upon draft rules prepared by the Secretary-General 30/ and approved by the Economic and Social Council. 31/

11. The supplementary rule of procedure, which was couched in general terms, provided that:

"Pending the adoption, under paragraph 4 of Article 62 of the Charter, of definitive rules for the calling of international conferences, the Economic and Social Council may, after due consultation with Members of the United Nations, call international conferences in conformity with the spirit

24/ For example, the purpose of the United Nations Conference on Freedom of Information was "to formulate the views of the Conference concerning the rights, obligations and practices which should be included in the concept of freedom of information," and the United Nations World Statistical Congress was convened with the proviso that it was to consist of "a limited programme of general meetings focusing attention to the statistical activity of the United Nations, the specialized agencies and the non-governmental organizations."

25/ United Nations Scientific Conference on the Conservation and Utilization of Resources.

26/ World Population Conference.

27/ Conference of Non-Governmental Organizations interested in the Eradication of Prejudice and Discrimination.

28/ G A resolution 17 (I).

29/ G A resolutions 366 (IV) and 479 (V). For the texts of these rules, see annexes I and II.

30/ Pursuant to General Assembly resolutions 173 (II) and 367 (IV).

31/ E S C resolutions 220 (VIII) and 335 (XI).

of Article 62 on any matter within the competence of the Council, including the following matters: international trade and employment; the equitable adjustment of prices on the international market, and health."

12. Under the rules for the calling of international conferences of States it was provided that: 32/

"The Economic and Social Council may at any time decide to call an international conference of States on any matter within its competence, provided that, after consultation with the Secretary-General and the appropriate specialized agencies, it is satisfied that the work to be done by the conference cannot be done satisfactorily by any organ of the United Nations or by any specialized agency."

13. Under the rules for the calling of non-governmental conferences it was provided that: 33/

"The Economic and Social Council, after consultation with the Secretary-General, may at any time decide to call a non-governmental conference on any matter within its competence."

14. The rules also contain provisions relating to such matters as invitations, participation, terms of reference, preparatory and other arrangements for the conferences.

C. Invitations and participation in connexion with international conferences of States

1. Member States and non-member States

15. In practice, the Council has invited all Member States to every conference of States convened by it with equal rights of participation, 34/ with the exception of the United Nations Regional Cartographic Conference for Asia and the Far East, to which only "the governments concerned" were invited.

32/ See annex I, rule 1.

33/ See annex II, rule 1.

34/ It may be noted that under Council resolution 1/1, convening the International Health Conference, Member States were urged to send as representatives experts in public health; in connexion with the United Nations World Statistical Congress, convened under Council resolution 40 (IV), Member States were invited to name delegations consisting of an adequate number of leading statisticians of their countries; and in connexion with the United Nations Conference on Freedom of Information, convened under General Assembly resolution 59 (I) and Council resolution 74 (V), States were asked to include in their delegations in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information.

16. With the exception of the United Nations World Statistical Congress, 35/ non-member States were also invited to these conferences. 36/ In the case of one conference, all non-member States were invited, 37/ and at other conferences the States invited were specifically designated either individually or by category. 38/ In the case of the United Nations Conference on Freedom of Information, the Council decided not to invite the Mongolian Peoples' Republic. 39/

17. The form of participation of non-member States at these conferences varied before the adoption of the rules. In one case they were invited as observers; 40/ in two cases 41/ they were invited to participate with the right to vote; in another case they were invited to participate, but voting rights were granted only to a certain category 42/ of non-member States; and at two other conferences 43/ non-member States

35/ In connexion with this Congress, the suggestion was made, but not pressed, that it would be appropriate to provide that non-member States, in particular those participating in the meetings of the International Statistical Institute, could participate in the general meetings of the Congress. (See E S C (IV), 83rd mtg., pp. 224 and 225.)

36/ It may be noted that the Allied Control Authorities in Germany, Japan and Korea were invited to send observers to the International Health Conference and to send qualified representatives in a consultative capacity to the United Nations Conference on Trade and Employment. Subsequently, the Federal Republic of Germany, the Republic of Korea and Japan have been among the non-member States invited to various conferences.

37/ United Nations Conference of Plenipotentiaries on the Status of Stateless Persons. The Council, by resolution 526 (XVII), invited all States which had been invited by the General Assembly under its resolution 429 (V) to attend the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons.

38/ For example, in the case of the Technical Assistance Conference, non-member States, members of any specialized agency participating in the Technical Assistance Programme, were invited. In connexion with the United Nations Opium Conference, non-member States which had acceded to international conventions on narcotic drugs were invited. Subsequently, the Council decided by resolution 478 (XV) to extend invitations to Libya, Nepal, the Republic of Korea and Spain. During the discussion in the Council, the question was raised whether it was advisable for it to invite those States which had not asked to be invited. The majority expressed the view that the Council should invite them. It was pointed out that if the invitation was extended, it carried no obligation on the part of the States invited to attend the conference. (See E S C (XV), 675th mtg., paras. 30-59.) In the case of the United Nations Regional Cartographic Conference for Asia and the Far East, invitations were extended to "the governments concerned".

39/ E S C (V), 115th mtg., p. 234.

40/ International Health Conference.

41/ United Nations Maritime Conference and Technical Assistance Conference.

42/ Voting rights were extended to all non-member States invited to the United Nations Conference on Road and Motor Transport which were parties to any of the conventions of 1926-1931 listed in resolution 147 B (VII) of the Council.

43/ The Council decided not to extend voting rights to non-member States in the case of the United Nations Conference on Trade and Employment, convened under resolution 62 (V) and the United Nations Conference on Freedom of Information, although in the latter case the Sub-Commission on Freedom of Information and of the Press had recommended to the Council that it grant voting rights to non-member States invited to the conference. (See E S C (V), 115th mtg., pp. 234 and 235.)

were invited to participate without the right to vote. Their participation at subsequent conferences has been in accordance with the rules, 44/ which provide that non-member States invited to conferences "shall have full rights as members thereof".

2. *Dependent territories*

18. Prior to the adoption of the rules, the Economic and Social Council invited to the United Nations Conference on Trade and Employment certain territories which were not sovereign, but were autonomous in their external commercial relations. 45/ Since the adoption of the rules, 46/ the Council has invited territories which were self-governing in the fields covered by the terms of reference of the conference, to attend a conference without the right to vote. 47/ In another case, 48/ it has provided that where the State invited so wished there might be separate representation for the dependent territories in accordance with the provisions of Article 69 of the Havana Charter.

3. *Specialized agencies and non-governmental organizations*

19. Before the adoption of the rules, it had been the practice of the Council to invite specialized agencies, in particular those interested in the matters to be considered by the various conferences, and generally to provide for their participation on the same basis as their participation in the work of the Council. Non-governmental organizations designated by the Council had also been invited, usually as observers. 49/

44/ See annex I, rule 3.

45/ The Council, by resolution 62 (V), having noted that Burma, Ceylon and Southern Rhodesia, although under the sovereignty of a Member of the United Nations, possessed full autonomy in the conduct of their external commercial relations, resolved to send invitations to them, through the Government of the United Kingdom, to participate in the work of the Conference. In another section of the resolution, the Council, recognizing that the Indonesian Republic enjoyed in fact autonomy in the conduct of its external commercial relations and that the participation of that Government would promote the objectives of the Conference, resolved to send a direct invitation to the Government of the Indonesian Republic to participate in the Conference. After the decision of the Council, the matter of the invitation to the Indonesian Republic was raised again in a letter from the representative of the Netherlands to the President of the Council. The Council, however, upheld the ruling of the Acting President that the question could not be reopened at the same session. (See E S C (V), annex 8a, pp. 364-366, and E S C (V), 119th mtg., p. 265.)

46/ General Assembly resolution 366 (IV), rule 4 provides that: "With the approval of the responsible State, the Council may decide to invite to a conference of States a territory which is self-governing in the fields covered by the terms of reference of the conference but which is not responsible for the conduct of its foreign relations. The Council shall decide the extent of the participation in the conference of any territory so invited."

47/ United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism.

48/ Inter-governmental conferences on primary commodity problems.

49/ At the United Nations Conference on Freedom of Information non-governmental organizations in category A having consultative status together with one organization in category B were invited and they were all accorded the same rights and privileges as those of category A organizations at sessions of the Council itself.

20. Since the adoption of the rules, 50/ interested specialized agencies have, in one case, 51/ been invited to send observers, and, in two cases, 52/ to participate with the same rights and privileges as they enjoyed at sessions of the Council. The Council has made no provision for the invitation of specialized agencies in the case of two conferences. 53/ Non-governmental organizations having consultative status have been invited to send observers to one conference; 54/ no provision was made concerning their invitation to other conferences.

4. *Inter-governmental organizations*

21. Before the adoption of the rules by the General Assembly, the Council had extended invitations to certain inter-governmental organizations to attend or to send observers to a number of conferences of States. Although the rules adopted by the General Assembly contain no provision concerning invitations to or participation of inter-governmental organizations, the Council has, in one instance, authorized the Secretary-General to invite inter-governmental organizations, as may be appropriate, to send observers to a conference. 55/

D. Invitations and participation in connexion with non-governmental conferences

22. In connexion with non-governmental conferences of experts 56/ which it has convened, the Economic and Social Council has, in practice, invited individuals selected or nominated by Governments, by non-governmental organizations, by the specialized

50/ General Assembly resolution 366 (IV), rule 8 provides: "The Council may invite specialized agencies in relationship with the United Nations and non-governmental organizations having consultative status with the Council to take part in conferences called under these rules. The representatives of such agencies or organizations shall be entitled to the same rights and privileges as at sessions of the Council itself, unless the Council decides otherwise."

51/ United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism.

52/ United Nations Opium Conference and Inter-governmental conferences on primary commodity problems.

53/ United Nations Conference of Plenipotentiaries on the Status of Stateless Persons and United Nations Regional Cartographic Conference for Asia and the Far East.

54/ United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism.

55/ United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism.

56/ In the case of the United Nations Scientific Conference on the Conservation and Utilization of Resources, which was convened prior to the adoption of the rules for the calling of non-governmental conferences, the Council, by resolution 141 (VII), invited Members of the United Nations and other Governments participating in the regional economic commissions to arrange for the attendance at the Conference of individuals selected by them. The Council also directed the Secretary-General "to invite the specialized agencies and other organizations and individuals to attend the Conference in accordance with his report". For the World Population Conference, the Secretary-General was directed, by Council resolution 435 (XIV), to invite "in their individual capacity" experts nominated by Governments, by non-governmental scientific organizations concerned and by the interested specialized agencies, as well as to invite "a small number of experts with a scientific interest in population questions".

agencies and by the Secretary-General. 57/ In connexion with the Conference of Non-Governmental Organizations interested in the Eradication of Prejudice and Discrimination, the Council invited non-governmental organizations with which it had established consultative arrangements; the Council has also invited interested specialized agencies to make available to the Conference relevant studies and to make such observations as they deemed appropriate to the Conference.

E. Preparatory and other arrangements

23. The practice of the Council with regard to preparatory arrangements 58/ in connexion with the provisional agenda and the rules of procedure for international conferences of States has varied. In connexion with conferences called to conclude agreements for the establishment of inter-governmental organizations the Council has usually appointed preparatory committees to prepare draft annotated agenda and other material for the conferences. 59/ In the case of the United Nations Conference on Freedom of Information, the Council requested the Sub-Commission on Freedom of Information and of the Press to prepare a draft documented agenda and other proposals for the conference. In connexion with conferences convened to conclude conventions or protocols, the drafting of the provisional agenda has been entrusted to the Secretary-General. 60/ In other cases, the Secretary-General has usually been asked to prepare the provisional agenda on the lines indicated by the Council. 61/ In most cases, the Secretary-General has also been asked to prepare provisional rules of procedure for the conferences.

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- 57/ It may be noted that the rules for the calling of non-governmental conferences provide that the Council shall determine who shall be invited to such conferences. When it decides to invite non-governmental organizations, the Council is to have regard to the terms of Article 71. National organizations without consultative status may be invited only after consultation with the Members of the United Nations concerned (rule 2, paragraphs 1 (c) and 2).
- 58/ The rules for the calling of international conferences of States provide that the Council shall prepare the provisional agenda and shall prepare, or request the Secretary-General to prepare, provisional rules of procedure for the conference. The Council may also establish a preparatory committee or request the Secretary-General to carry out such functions in preparation for the conference as the Council shall indicate. (See annex I, rules 2 and 7.)
- 59/ International Health Conference and United Nations Conference on Trade and Employment. No such committee was appointed in the case of the United Nations Maritime Conference.
- 60/ United Nations Conference on Road and Motor Transport, United Nations Opium Conference, United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism, and United Nations Conference of Plenipotentiaries on the Status of Stateless Persons.
- 61/ United Nations World Statistical Congress, Technical Assistance Conference and United Nations Regional Cartographic Conference for Asia and the Far East. In the case of inter-governmental conferences on problems arising in international trade in primary commodities, the Council has provided that the Interim Co-ordinating Committee for International Commodity Arrangements should undertake the preparatory work.

24. Preparatory arrangements for the holding of non-governmental conferences, 62/ including such matters as the preparation of the provisional agenda, have chiefly been entrusted by the Council to the Secretary-General in consultation with various agencies or bodies and, in certain cases, with the assistance of preparatory committees. 63/

25. As regards financing of conferences, 64/ the practice of the Council has generally been to authorize the convening of conferences without incurring extra expenditures of funds of the United Nations. Where such extra expenditures have been involved, they have been subject to applicable regulations, rules and resolutions of the General Assembly, and in some of these cases 65/ the Council has laid down the maximum expenditure to be incurred by the United Nations. 66/ In the case of some conferences held elsewhere than at Headquarters or at Geneva, part of the extra expenditure involved has been met by the host countries in which the conferences have been held. 67/

62/ The rules for the calling of non-governmental conferences provide that the Council shall prepare the provisional agenda and make such other arrangements in connexion with the conference as it sees fit. These tasks may be entrusted to the Secretary-General, and the Secretary-General may be authorized to make such modifications as circumstances require in carrying out of any decision of the Council on these matters. (See annex II, rule 2.)

63/ For example, by resolution 435 (XIV), the Council authorized the Secretary-General, "in close collaboration with the International Union for the Scientific Study of Population and interested specialized agencies, to establish a small preparatory committee composed of their representatives and a small number of internationally recognized population experts to assist the Secretary-General in formulating an agenda ... and in making the necessary arrangements for the World Conference on Population".

64/ Rule 6 of the rules for the calling of international conferences of States (G A resolution 366 (IV)) provides: "The Council shall make arrangements for financing the conference, except that any arrangements involving the expenditure of funds of the United Nations shall be subject to the applicable regulations, rules and resolutions of the General Assembly". Sub-paragraph 1 (d) of rule 2 of the rules for the calling of non-governmental conferences by the Economic and Social Council (G A resolution 479 (V)) provides in rule 2, that the Council shall "make recommendations for financing, subject to the applicable regulations, rules and resolutions of the General Assembly".

65/ For example, the United Nations Scientific Conference on the Conservation and Utilization of Resources, and the World Population Conference.

66/ For example, by resolution 435 (XIV) the Council requested the Secretary-General to negotiate the financing of the World Population Conference with interested specialized agencies, non-governmental organizations and any interested host Governments, provided that the total additional cost of the conference to the United Nations, including all preparatory work should not exceed \$24,000.

67/ For example, the United Nations Conference on Trade and Employment, the World Population Conference and the United Nations Regional Cartographic Conference for Asia and the Far East.

II. ANALYTICAL SUMMARY OF PRACTICE

A. The question of the meaning of the term "international conferences" and the power of the Economic and Social Council to call non-governmental conferences

26. The question of the meaning of the expression "international conferences" in Article 62 (4), and in particular the question whether the Economic and Social Council has the power to call conferences of a non-governmental character was discussed by the General Assembly at its first session in connexion with a proposal that the Economic and Social Council convene a conference of non-self-governing peoples, and at its fourth and fifth sessions in connexion with the elaboration of the rules for the calling of international conferences of States and the rules for the calling of non-governmental conferences by the Economic and Social Council.

1. *In connexion with the proposal to convene a conference of non-self-governing peoples*

27. At the second part of the first session of the General Assembly, a proposal 68/ that the Economic and Social Council should call a conference of representatives of peoples of Non-Self-Governing Territories for the purpose of implementing the provisions of Chapter XI of the Charter was submitted for inclusion in the agenda. Delegates to the conference were to be elected by the representative organ of each Territory entitled to participate and, in the absence of any representative organ, the delegates were to be selected in such manner as to ensure proper representation as far as might be permitted by the particular circumstances of the Territory concerned.

28. In the General Committee 69/ the inclusion of the proposal in the provisional agenda of the General Assembly was opposed on the grounds that the provisions of Article 62 (4) authorized the Economic and Social Council to convene only inter-governmental conferences. The proposal was included in the agenda and referred to the Fourth and Sixth Committees. However, before the proposal was taken up by the Fourth and Sixth Committees, it was revised by its sponsor, in view of the legal objections which it had encountered in the General Committee. As revised, the proposal called for the convening of regional conferences of non-self-governing peoples by the Administering Authorities concerned. 70/

29. When the revised proposal was considered 71/ by the Fourth Committee, an amendment was moved, by which the General Assembly would recommend that the Economic and Social Council organize the convocation of regional conferences of representatives of Non-Self-Governing Territories. The amendment was opposed on the grounds that it entrusted to the Council the calling of regional conferences of representatives of non-self-governing peoples without the intermediary of the Governments concerned, and was therefore contrary to Article 2 (7). Under the relevant draft resolution, as adopted by the Fourth Committee, the General Assembly was to be asked to recommend that the Economic and Social Council, together with the Administering Authorities concerned, should organize the conferences.

68/ G A (I/2), 6th Com., pp. 284-286, annex 18 (A/BUR/54).

69/ G A (I/2), General Com., 25th mtg., pp. 89-91.

70/ G A (I/2), 6th Com., pp. 286 and 287, annex 18a (A/C.6/92).

71/ G A (I/2), 4th Com., 21st mtg., pp. 128-132.

30. When the matter was discussed in plenary, 72/ some representatives contended that, under Article 62 (4), the Council was not competent to convene conferences of representatives of territories and that, under that provision, it could call conferences only of representatives of States; this was the clear and indisputable meaning of the expression "international conferences" which appeared in the text of Article 62 (4). Other representatives were of the opinion that Article 62 (4) authorized the Council to call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence. No rule had been prescribed by the Organization which militated against the calling of the conferences envisaged in the proposal; they were to be conferences of peoples or groups, which ought to be nations, in Non-Self-Governing Territories; hence they were international.

31. The resolution, 73/ as finally adopted by the General Assembly, omitted all reference to the Economic and Social Council.

*2. In connexion with the preparation and adoption of the rules
for the calling of international conferences of States*

32. The General Assembly, by resolution 173 (II) invited the Secretary-General to prepare, in consultation with the Economic and Social Council, draft rules for the calling of international conferences and to submit them to the Assembly for its consideration. The draft rules 74/ prepared in accordance with the foregoing resolution were submitted to the General Assembly at its fourth session, and were referred to the Sixth Committee for consideration.

33. The question of the interpretation of the term "international conferences" arose mainly in the course of discussion 75/ of draft rule 1, which stipulated that the Economic and Social Council could at any time decide to call an international conference of States, experts and organizations in any matter within its competence.

34. A number of representatives in the Sixth Committee expressed the view that the term "international conferences" referred to inter-governmental conferences or conferences of States. Their arguments were based not only on Article 62 (4), but also referred to the whole of Article 62 and to the whole of Chapter X. It was pointed out that under Article 62 (1), the Council was entitled to call on the assistance of experts or non-governmental organizations in preparing studies and reports with respect to matters within its competence. Hence, if the Council could call upon experts and organizations and could convene conferences of such experts and organizations, under Article 62 (1), the expression "international conference" in Article 62 (4) must refer to States. Moreover, the purpose of calling international conferences was not to obtain information from experts or non-governmental organizations, but to take concrete measures in the fields within the jurisdiction of the Council and, in particular, to prepare conventions which States might ultimately sign. In this connexion, it was held that Article 62 (4) was closely linked with

72/ G A (I/2), Plen., 64th mtg.

73/ G A resolution 67 (I).

74/ E S C resolution 220 (VIII). The Council, in considering the draft rules submitted by the Secretary-General, rejected a proposal to limit the rules to conferences of States. (See E S C (VIII), 258th mtg., pp. 401 and 402.)

75/ G A (IV), 6th Com., 187th mtg., paras. 12-72; 188th mtg., paras. 1-83; 189th mtg., paras. 1-53.

Article 62 (3) and was concerned with conferences at which inter-governmental conventions on economic and social matters would be prepared. Furthermore, it was pointed out that the proper conclusion to be drawn from an examination of Articles 62, 68 and 71, taken together was that the only conferences which might be called under Article 62 (4) would be inter-governmental conferences. Article 71 sufficiently covered cases of conferences of non-governmental organizations and Article 68 provided for the establishment of bodies of experts. It was also observed that, since the Council could make arrangements under Article 71 with national non-governmental organizations only after consulting the Member States concerned, it would be illogical for the Council to enjoy greater powers in convening such organizations in a conference at which they would be placed on the same footing as States. While non-governmental organizations and experts might attend international conferences in a consultative capacity, it was impossible to imagine that they should take part on an equal footing with representatives of sovereign States.

35. Those representatives who were in favour of interpreting the expression "international conferences" as including conferences of experts and non-governmental organizations, considered that there were neither legal grounds nor any definite rule of international practice limiting the phrase to "inter-State" or "inter-governmental" conferences and that, in the absence of any express definition of the term in the Charter, it should be construed on the basis of need and common sense, with due regard to the broad powers conferred upon the Council by Chapter X. It was logical and necessary in the light of the broad powers and functions of the Council that it should be entitled to decide for itself whether or not it was advisable to call conferences of experts and non-governmental organizations if it considered these necessary. It was also argued that Articles 68 and 71, which came under the sub-heading of "Procedure" should not be confused with Article 62 which came under the sub-heading of "Functions and Powers". The former did not grant the Council any powers distinct from those conferred on it by Article 62, but merely indicated the methods by which the Council could exercise the functions enumerated in Article 62. It was not correct, therefore, to state that Article 71 in particular restricted the power of the Council to convene non-governmental conferences under Article 62 (4). Moreover, the convening of an international conference in which non-governmental organizations would take part did not come within the framework of the arrangements for consultation provided in Article 71, since a conference could not be linked to consultation by the Council with non-governmental organizations.

36. The Sixth Committee decided 76/ that the draft rules which it was preparing would be confined to calling of inter-State conferences. In its report 77/ to the General Assembly, it stated:

"In connexion with draft rule 1, the Committee discussed extensively the interpretation of the expression "international conferences" as used in paragraph 4 of Article 62 of the Charter, and in particular whether this expression could be applied to international conferences of a non-governmental character. Following this discussion, the Committee decided ... that the present rules should be

76/ G A (IV), 6th Com., 189th mtg., para. 46. A compromise proposal by which the Council could at any time decide to call an international conference of States "and, after consultation with Member States, conferences of experts or non-governmental organizations", was withdrawn after this decision by the Committee. (See *ibid.*, 187th mtg., para. 43, and 190th mtg., para. 9.)

77/ G A (IV), Plen., Annex, p. 202, A/1165, para. 4.

confined to the calling of international conferences of States. It was understood, however, that this decision carried with it no implication that paragraph 4 of Article 62 was necessarily to be given a restricted meaning by the Economic and Social Council. In particular, it was understood that the decision to limit the present rules to conferences of States did not mean that the Council would be barred from calling conferences of non-governmental organizations and experts. However, it was felt that the rules for the calling of such international non-governmental conferences required more detailed study which, because of lack of time, could not be undertaken during the present session of the General Assembly."

37. The General Assembly endorsed the decision of its Sixth Committee, and the text of rule 1, as finally adopted, read as follows:

"The Economic and Social Council may at any time decide to call an international conference of States on any matter within its competence, provided that, after consultation with the Secretary-General and the appropriate specialized agencies, it is satisfied that the work to be done by the conference cannot be done satisfactorily by any organ of the United Nations or by any specialized agency."

38. During the discussion of the matter the Sixth Committee also considered a proposal to abrogate the supplementary rule of procedure 78/ of the General Assembly on the calling of international conferences by the Economic and Social Council. However, the proposal was withdrawn on the grounds that the decision of the Committee to limit the rules which it was drafting to conferences of States made it desirable that the supplementary rule be retained, although it was suggested that the proposal ought to be adopted, with the specification that the provisions of the supplementary rule should only be abrogated with respect to the calling of international conferences of States but not with respect to other conferences.

3. *In connexion with a draft resolution providing for the preparation by the Secretary-General, after consultation with the Economic and Social Council, of draft rules for the calling of non-governmental conferences*

39. The question of the authority of the Council to call international non-governmental conferences was also considered by the Sixth Committee at the fourth session of the General Assembly in connexion with a draft resolution by which the Secretary-General would be requested to prepare, after consulting the Economic and Social Council, draft rules for the calling of non-governmental conferences, with a view to their study by the General Assembly. The report of the Sixth Committee to the General Assembly contained the following paragraph: 79/

"Several representatives maintained that Article 62, paragraph 4 was broad enough to cover such conferences, but certain other representatives held a contrary view. The view was also expressed by a number of representatives that the Council clearly had the authority to call international non-governmental conferences under the provisions of Articles 68 and 71 of the Charter."

40. The Sixth Committee adopted the draft resolution which was later approved by the General Assembly and became resolution 367 (IV).

78/ Ibid., para. 20; G A (IV), 6th Com., 199th mtg., paras. 28-45.

79/ G A (IV), Plen., Annex, p. 202, A/1165, para. 5; G A (IV), 6th Com., 199th mtg., paras. 53-93.

4. *In connexion with the preparation and adoption of the rules for the calling of non-governmental conferences*

41. The question of the power of the Council to call non-governmental conferences was raised 80/ again in the Sixth Committee at the fifth session of the General Assembly, when the Committee examined the draft rules for the calling of non-governmental conferences, submitted by the Secretary-General after consulting the Economic and Social Council, pursuant to General Assembly resolution 367 (IV). The various points of view expressed on this question at the fourth session of the General Assembly were reiterated; 81/ in addition, the opinion was advanced that there was no provision in the Charter empowering the Council to call non-governmental conferences. 82/

42. The General Assembly adopted, by resolution 479 (V), the rules for the calling of non-governmental conferences by the Economic and Social Council, which are set forth in annex II.

B. The question of the meaning of the term "international conferences" and the power of the Economic and Social Council to call regional conferences

43. The rules for the calling of international conferences of States adopted by the General Assembly provide that the Council "shall decide what States shall be invited to the conference". 83/

44. During the discussion at the fourth session of the General Assembly on the draft rules of procedure for the calling of international conferences, submitted by the Secretary-General pursuant to General Assembly resolution 173 (II), and in particular in connexion with the draft rule 84/ dealing with the question of the participation of States at a conference, the question was raised whether the term "international conferences" in Article 62 (4) included regional conferences of States, and whether the Council was empowered to convene such conferences.

45. In the discussion in the Sixth Committee 85/ on the draft rule dealing with the participation of States at a conference, an amendment was submitted whereby international conferences called by the Council would be open to the participation, under the same conditions, of all States Members of the United Nations. The sponsor of the amendment pointed out that the Charter provided only for international conferences to be called by the Council and made no mention of regional conferences. It was contended that the Council, as an organ of the United Nations could convene only international conferences in which all Member States should be able to participate, and that the records of the San Francisco Conference corroborated that point of view, for they dealt with international conferences of Member States and not of groups of Member States.

80/ G A (V), 6th Com., 250th mtg., paras. 1-42.

81/ See paras. 39 and 40 above.

82/ G A (V), 6th Com., 250th mtg., paras. 12 and 21.

83/ See annex I, rule 3.

84/ Draft rule 3 reads as follows: "The Council shall decide what States, experts and organizations shall be invited to the conference, and shall determine the extent of their participation" (E S C resolution 220 (VIII)).

85/ G A (IV), 6th Com., 191st mtg., paras. 60-63, 66-68, 72, 75, 76 and 80; 192nd mtg., paras. 57, 60, 61, 62 and 66.

46. In the view of several representatives, however, there was nothing in the Charter which could be considered as preventing the Council from convening conferences on matters which were of concern only to certain States or of convening a regional conference which concerned matters relating to particular regions. The opinion was expressed that the Council should be left free to decide which States it would invite to participate in a particular conference.

47. It may be noted that, in practice, the Council has convened one regional conference, namely, the United Nations Regional Cartographic Conference for Asia and the Far East, and recommended to certain States the holding of another regional conference. 86/

C. The question of the meaning of the expression "matters falling within its competence"

48. Article 62 (4) empowers the Economic and Social Council to call international conferences on matters falling within its competence. The question of the meaning of the expression "matters falling within its competence" has been discussed in connexion with a recommendation of the Council for the calling of a conference of interested States on the subject of international traffic on the River Danube and in connexion with a proposal at the second part of the first session of the General Assembly for the calling of a conference of non-self-governing peoples.

1. *In connexion with a recommendation for the calling of a conference of interested States concerning international traffic on the River Danube*

49. At its third session 87/ the Council had before it proposals from certain delegations recommending the restitution to the countries concerned of the Danube vessels and barges which had been removed by the German army and which were under the control of the United States occupation authorities in Austria and Germany. The Council also had before it a proposal recommending that a conference of representatives of interested States be convened for the purpose of resolving the problem of the resumption of the traffic on the Danube and of establishing operating navigation regulations.

50. Although the substance of the matter concerned the power of the Council to make recommendations and, therefore, falls under another part of Article 62, 88/ it is to be noted that the Council rejected the following motion: 89/

"Under the Charter, the Council is not competent to make recommendations or take decisions on the question of the restitution of vessels or of navigation on the Danube".

The Council thereafter adopted the resolution recommending the convening of a conference of interested States. 90/

86/ Conference on International Traffic on the River Danube (E S C resolution 7 (III)). Although the Council rejected a proposal to hold a United Nations Economic Conference of the Amazon Basin Countries, it referred the proposal for study to its Economic Commission for Latin America (E S C resolution 146 (VII)).

87/ E S C (III), 10th mtg., pp. 62-72; 11th mtg., pp. 73-76; 12th mtg., pp. 76-78, and 21st mtg., pp. 152-155.

88/ See in this Repertory under Article 62 (1).

89/ E S C (III), 12th mtg., p. 78, and 21st mtg., p. 152.

90/ E S C resolution 7 (III).

*2. In connexion with a proposal to convene a conference
of non-self-governing peoples*

51. At the second part of the first session of the General Assembly, a proposal ^{91/} to convene a conference of representatives of the peoples of Non-Self-Governing Territories by the Economic and Social Council was submitted. The discussion in plenary on this proposal and amendments thereto touched upon the question of the calling of conferences by the Council on matters falling within its competence.

52. The view was expressed that the conference in question would be concerned with matters under Chapter XI, which were outside the purview of the Council. ^{92/} The General Assembly could not constitutionally send the Economic and Social Council on a political mission into the national territory of Member States in order to study conditions there, to ascertain the aspirations of the people and to convene the inhabitants of those territories into political conferences. If this power were given to the Council, its authority would extend to a field which would not be merely economic, social and educational, but would have a political aspect. Under Article 62 (4), the Council might call international conferences only on matters within its competence; but the Council had no competence in political affairs. Opposed to this point of view were representatives who considered that there was nothing in the provisions of the Charter governing the Council which would be against the calling of the conferences envisaged, and they referred to the fact that the object of the proposed conference fell within the purview of Article 62 (1) and (2).

53. The resolution finally adopted by the General Assembly, which became resolution 67 (I), omitted all reference to the Economic and Social Council and recommended the calling of regional conferences of representatives of Non-Self-Governing Territories by the Administering Authorities concerned.

D. The question of the right of Member States to participate in international
conferences of States called by the Economic and Social Council

54. The draft rules for the calling of international conferences submitted to the Assembly at its fourth session pursuant to General Assembly resolution 173 (II) contained in draft rule 3, a provision under which the Council was to decide what States should be invited to the conference and should determine the extent of their participation. During the discussion in the General Assembly, the question of the right of Member States to participate in international conferences convened by the Council was raised. The rules adopted by the General Assembly by resolution 366 (IV) left it to the Council to decide what States should be invited to participate at a conference and provided that Member States not invited to a conference might send observers to it. ^{93/}

55. During the discussion of the draft rules in the Sixth Committee two amendments ^{94/} were submitted: the first to provide that "international conferences called by the Council shall be open to the participation, under the same conditions, of all States Members of the United Nations", and the second to provide that "international conferences called by the Council may be open to the participation, under the same conditions, of States Members of the United Nations whose interests are directly affected by the matters to be considered at the conference."

^{91/} See paras. 27-31 above.

^{92/} G A (I/2), Plen., 64th mtg., pp. 1333-1357.

^{93/} See annex I, rule 3.

^{94/} G A (IV), 6th Com., 191st mtg., para. 27; 192nd mtg., para. 4.

56. In the course of the discussion in the Committee, ^{95/} the right of participation of all Member States was supported on the grounds that it was essential to recognize the sovereign equality of all States, and, in this connexion, references were made to Articles 1 (2) and 2 (1). It was held that no Member State should be prevented from taking part in an international conference to which it had not been invited, if it desired to do so, and especially if its interests were directly affected by the matters to be considered at the conference.

57. Other representatives were of the opinion that there was nothing in the Charter to prevent the Council from determining the composition of its conferences, taking into account the special interests of particular Member States or limiting a conference to regional participation only, if necessary. Nor was it advisable to burden the Council with deciding whether Member States did or did not have direct interests in the subject to be discussed at a conference. It was suggested that the Council should be allowed to determine which Member States should be invited provided that it was stipulated that Member States not invited were entitled to send observers.

58. The Committee rejected the above-mentioned amendments ^{96/} and decided to recommend to the General Assembly the adoption of a provision under which it would be left to the Council to decide which States should be invited to a conference and under which every Member of the United Nations not invited would be entitled to send observers to the conference. The report ^{97/} of the Sixth Committee to the Assembly contained the statement that "it was the sense of the Committee that the word 'observers' as used in rule 3, had the usual meaning given in international law to that term".

E. The question of the Economic and Social Council authorizing the Secretary-General to call international conferences

59. Article 62 (4) and the rules prescribed by the United Nations under that Article provide that the Economic and Social Council may call international conferences. In practice, the Council has itself convened the various conferences except that, by resolution 296 (XI), it authorized the Secretary-General to convene inter-governmental conferences on primary commodity problems under certain conditions and laid down the rules for the calling of such conferences. The Council reaffirmed this authorization by resolutions 373 (XIII) and 462 A (XV). Resolution 296 (XI) contained the following provisions:

"Having considered the recommendation of the Interim Co-ordinating Committee for International Commodity Arrangements:

"(a) That there should be no procedural delays in the summoning of a commodity conference by the United Nations, and

"(b) That a commodity conference should, so far as possible, not be held until there is some assurance that an agreement is a possibility and that there has been adequate preparation of the necessary documentation, and

"Bearing in mind General Assembly resolution 366 (IV) on 'Rules for the calling of international conferences of States',

^{95/} Ibid., 191st mtg., paras. 27-83; 192nd mtg., paras. 2-103; 193rd mtg., paras. 1-63.

^{96/} G A (IV), 6th Com., 192nd mtg., paras. 48 and 80.

^{97/} G A (IV), Plen., Annex, p. 203, A/1165, para. 10.

"Authorizes the Secretary-General, pending consideration by the Council of the study referred to below, to convene, on the advice of the Interim Co-ordinating Committee for International Commodity Arrangements acting on the request of an appropriate inter-governmental study group, inter-governmental conferences whose terms of reference shall be to discuss measures designed to meet special difficulties which may exist or may be expected to arise concerning a particular primary commodity;

"Requests the Interim Co-ordinating Committee for International Commodity Arrangements, in considering its advice to the Secretary-General, to follow the principles of Chapter VI of the Havana Charter relating to the calling of commodity conferences;"

60. The Secretary-General has so far, under the authority conferred on him in the Council resolutions, convened two conferences, namely, the United Nations Tin Conference, which held two sessions, and the United Nations Sugar Conference.

F. The question of the inclusion in the rules prescribed by the United Nations of provision for consultation with Member States by the Economic and Social Council prior to the calling of a conference of States

61. At its fourth session, the General Assembly, in prescribing rules for the calling of international conferences of States rejected a proposal to provide for consultation with Members of the United Nations before the Economic and Social Council may call a conference of States.

62. The supplementary rule of procedure on the calling of international conferences by the Economic and Social Council, 98/ adopted at the first part of the first session of the General Assembly, had provided that the Council might, "after due consultation with Members of the United Nations, call international conferences". The draft rules, as approved by the Economic and Social Council 99/ and submitted by the Secretary-General to the General Assembly at its fourth session pursuant to General Assembly resolution 173 (II), did not include any reference to consultation with Member States, a proposal to that effect having been rejected by the Economic and Social Council at its eighth session. 100/ An amendment, introduced in the Sixth Committee of the General Assembly, to include the clause "after due consultation with Members of the United Nations", was rejected. 101/

63. During the discussion in the Committee 102/ certain representatives, in supporting the amendment, pointed out that the supplementary rules of procedure had provided for such consultations. Furthermore, it was desirable that Member States should be consulted before an international conference was convened, since the holding of a conference would entail considerable sacrifice and expense on their part. The Council, being composed of only eighteen members, could not be given authority to act

98/ For text of the supplementary rule, see para. 11 above.

99/ E S C resolution 220 (VIII), draft rule 1.

100/ E S C (VIII), 258th mtg., p. 404.

101/ During the discussion on the draft rules for the calling of non-governmental conferences at the fifth session of the General Assembly, a reference was made to the question of consultation with Member States before the calling of non-governmental conferences, but the matter was not specifically discussed. (See G A (V), 6th Com., 250th mtg., paras. 11 and 12.)

102/ G A (IV), 6th Com., 188th mtg., para. 48; 189th mtg., paras. 63 and 64; 190th mtg., paras. 14, 15, 21, 22, 28, 29, 32-36, 38, 39, 41 and 54-56.

independently of the wishes of the Member States comprising the United Nations as a whole. Moreover, under the provisions of Articles 7 and 60, the Council was placed under the authority of the General Assembly, in which all Member States were represented; it could not, therefore, act without consulting those States. The provisions of Article 62 (4), which stated that the Council might call international conferences "in accordance with the rules prescribed by the United Nations", indicated that it was not the intention of the authors of the Charter to give the Council unlimited discretion in calling such conferences. Moreover, it was explained that the aim of the amendment was to enable the Council to ascertain the opinions and wishes of the Member States and not to deprive it of its initiative or authority to take a final decision on the convening of a conference, since the manner in which the consultations were to be carried out or the number of favourable opinions required before a conference could be called were not specified.

64. Those representatives who opposed the amendment contended that it included a proviso not contained in the Charter and that its adoption would be tantamount to requiring that the Council perform functions assigned to it by the Charter only after consultation with all the Member States. ^{103/} All principal organs of the United Nations represented the Organization as a whole in their respective fields of interest, and in the absence of clear provisions in the Charter to the contrary, they should be left free to decide, in matters falling within their competence, what measures should be taken in the interest of the Organization. It would be illogical and unreasonable to insist that the Council, which represented the various regions of the world and the different economic, social and political systems, should first consult all the Member States and obtain their authorization whenever it deemed it essential to convene an international conference on any matter falling within its competence. Moreover, such a provision would complicate the procedure of the Council and would entail delay and loss of time, especially as it did not indicate the number of favourable opinions which the Council should obtain before calling a conference.

65. In practice, the Council has generally consulted with Member States in one way or another before convening a conference. ^{104/}

G. The question of the inclusion in the rules prescribed by the United Nations of provision with regard to the binding force of the decisions of the Economic and Social Council relating to a conference of States

66. The draft rules for the calling of international conferences, which were submitted to the General Assembly at its fourth session, pursuant to General Assembly resolution 173 (II), contained a provision which stipulated that those accepting an invitation to

^{103/} G A (IV), 6th Com., 189th mtg., paras. 58, 59 and 65; 190th mtg., paras. 11, 12, 16-20, 23-26, 43-46 and 47-51.

^{104/} For example, by resolution 395 B (XIII), the Council requested the Secretary-General to submit the principles of the draft protocol relating to the limitation of the production of opium drafted by the Commission on Narcotic Drugs during its sixth session, to States Members of the United Nations and to non-member States parties to the international treaties on narcotics for their observations; the Council intended to study, in the light of their observations, the possibility of convening an international conference to prepare and to adopt such a protocol. Again, the Council by resolution 476 A (XV), requested the Secretary-General to continue consultations with Governments and appropriate inter-governmental organizations on the subject of holding regional cartographic conferences and subsequently convened the United Nations Regional Cartographic Conference for Asia and the Far East.

a conference would be "bound by all decisions made by the Council in respect of the conference under these rules". 105/ This provision was rejected by the General Assembly.

67. The draft rules also contained a provision stating that the Council "shall approve the terms of reference and, unless it decides otherwise, the agenda of the conference". It was further provided in the draft rules that the Council "may prescribe rules of procedure for the conference". 106/ As adopted by the General Assembly, the rules provided that the Council "shall prescribe the terms of reference and prepare the provisional agenda of the conference" and that it "shall prepare, or request the Secretary-General to prepare, provisional rules of procedure for the conference". 107/

68. The rejection of the draft rule to make the decisions of the Council in respect of a conference binding was preceded by discussion in the Sixth Committee on the question whether the decisions referred to in the draft rule related to the calling of conferences or also to other matters, and, in this connexion, references were made to the scope of Article 62 (4). 108/ The view was expressed that that Article referred to rules binding on the Council and not binding on conferences. The Council, a body of eighteen member States, could not be given absolute powers in all matters affecting a conference of sovereign States. It could only lay down general terms of reference and undertake the necessary preparatory work for conferences, but it could not deal with their functioning in detail, or take a final decision on all questions affecting the conferences. Another point of view expressed was that Article 62 (4) covered more than the issuing of invitations to a conference. The United Nations could both invite States to participate and make the basic arrangements for a conference; the General Assembly had the right to delegate the power to make those arrangements to the Council. The rejection of the draft rule, it was argued, might imply that certain rules were to be laid down under the Charter but that international conferences could proceed to disregard them. Some representatives interpreted the rejection of the draft rule as not affecting the proposition that any set of rules was by its very nature binding and did not require any explicit statement to that effect. 109/

69. During the discussion in the Sixth Committee the view was expressed that the Council, rather than a conference, should decide upon the agenda and the rules of procedure. 110/ In this way, it was claimed, a great deal of time and effort would be saved. Since the Council called a conference for a specific purpose, it should fix its agenda and should not allow it too much latitude; otherwise items might be included in the agenda which were only remotely connected with the main purpose of the conference or which dealt with matters for which those attending the conference were unprepared. Moreover, the Council had wide experience in matters relating to rules of procedure,

105/ E S C resolution 220 (VIII), rule 11. G A (IV), 6th Com., 194th mtg., para. 96.

106/ E S C resolution 220 (VIII), rules 2 and 6 (a).

107/ See annex I, rules 2 and 7 (a).

108/ G A (IV), 6th Com., 194th mtg., paras. 29-100.

109/ On the understanding that the rejection of this draft rule signified that any international conference convened by the Council was entitled, on its own initiative, to invite States other than those invited by the Council to attend the conference, a proposal by which the Council might "decide to authorize the conference to invite other States to attend the conference if the need for the participation of such States becomes evident in the course of proceedings at the conference," was withdrawn (G A (IV), 6th Com., 194th mtg., paras. 17, 52 and 101-104).

110/ Ibid., 191st mtg., paras. 1-26; 199th mtg., paras. 1-26.

which a conference composed of technicians might not have. The representatives who favoured the rules as adopted by the General Assembly argued that under Article 62 (4) the role of the Council was limited to convening a conference and to laying down its general terms of reference. For other purposes a conference should be free to make its own decisions. The Council could not impose its decisions on a conference composed of sovereign States. However, in order to simplify the task of the conference, the Council could provide a provisional agenda and provisional rules of procedure, especially as the latter would be useful at the beginning of a conference.

70. It may be noted that the general practice of the Council has been to provide the provisional agenda and draft rules of procedure.

H. The question of the inclusion in the rules prescribed by the United Nations of provision relating to consultation by the Economic and Social Council with Member States concerned before issuing invitations to non-governmental organizations to attend non-governmental conferences

71. The draft rules which were submitted by the Secretary-General to the Assembly after consultation with the Council pursuant to General Assembly resolution 367 (IV), provided that the Council should determine who should be invited to non-governmental conferences. 111/ As approved by the General Assembly, the relevant rule also provided that when the Council decided to invite non-governmental organizations, it should have regard to the terms of Article 71, and that national organizations without consultative status might be invited only after consultation with the Members of the United Nations concerned. 112/

72. During the discussion of the draft rule in the Sixth Committee 113/ at the fifth session of the General Assembly, it was observed that the Council, in convening non-governmental conferences, must apply the principles for consultation with non-governmental organizations prescribed in Article 71 and the arrangements made by the Council for consultation with such organizations under that Article. Accordingly, it was suggested that it would be preferable to apply different rules to national or international organizations enjoying consultative status on the one hand, and to those without consultative status on the other, and that, in particular, national organizations without consultative status should be invited only after consultation with the Members of the United Nations concerned.

111/ E S C resolution 335 (XI), rule 2, para. 1 (c).

112/ See annex II, rule 2, paras. 1 (c) and 2.

113/ G A (V), 6th Com., 250th mtg., paras. 16, 17, 87 and 88. Doubt was expressed during the discussion in the Committee as to whether the Council could invite non-governmental organizations to a conference without consulting the States in which they were domiciled. An amendment was submitted which would provide that, before issuing an invitation, the Council should in each case obtain the approval of the State within the jurisdiction of which the person or organization concerned fell. The amendment, however, was subsequently withdrawn because it was felt that it might make it difficult for the Council to call conferences consisting of persons not representing non-governmental organizations and because it did not refer to the distinction between organizations having consultative status and those not having such status. (Ibid., paras. 10 and 54-56.)

ANNEX I

Rules for the calling of international conferences of States

(Approved by General Assembly resolution 366 (IV))

Rule 1

The Economic and Social Council may at any time decide to call an international conference of States on any matter within its competence, provided that, after consultation with the Secretary-General and the appropriate specialized agencies, it is satisfied that the work to be done by the conference cannot be done satisfactorily by any organ of the United Nations or by any specialized agency.

Rule 2

When the Council has decided to call an international conference, it shall prescribe the terms of reference and prepare the provisional agenda of the conference.

Rule 3

The Council shall decide what States shall be invited to the conference.

The Secretary-General shall send out as soon as possible the invitations, accompanied by copies of the provisional agenda, and shall give notice, accompanied by copies of the provisional agenda, to every Member of the United Nations not invited. Such Member may send observers to the conference.

Non-member States whose interests are directly affected by the matters to be considered at the conference may be invited to it and shall have full rights as members thereof.

Rule 4

With the approval of the responsible State, the Council may decide to invite to a conference of States a territory which is self-governing in the fields covered by the terms of reference of the conference but which is not responsible for the conduct of its foreign relations. The Council shall decide the extent of the participation in the conference of any territory so invited.

Rule 5

The Council shall, after consultation with the Secretary-General, fix the date and place of the conference or request the Secretary-General to do so.

Rule 6

The Council shall make arrangements for financing the conference, except that any arrangements involving the expenditure of funds of the United Nations shall be subject to the applicable regulations, rules and resolutions of the General Assembly.

Rule 7

The Council:

(a) Shall prepare, or request the Secretary-General to prepare, provisional rules of procedure for the conference;

(b) May establish a preparatory committee to carry out such functions in preparation for the conference as the Council shall indicate;

(c) May request the Secretary-General to perform such functions in preparation for the conference as the Council shall indicate.

Rule 8

The Council may invite specialized agencies in relationship with the United Nations and non-governmental organizations having consultative status with the Council to take part in conferences called under these rules. The representatives of such agencies or organizations shall be entitled to the same rights and privileges as at sessions of the Council itself, unless the Council decides otherwise.

Rule 9

Subject to any decisions and directions of the Council, the Secretary-General shall appoint an executive secretary for the conference, provide the secretariat and services required and make such other administrative arrangements as may be necessary.

ANNEX II

Rules for the calling of non-governmental conferences by the Economic and Social Council

(Approved by General Assembly resolution 479(V))

Rule 1

The Economic and Social Council, after consultation with the Secretary-General, may at any time decide to call a non-governmental conference on any matter within its competence.

Rule 2

1. When the Council has decided to call a conference, as provided for in rule 1, it shall:

- (a) Prescribe the terms of reference;
- (b) Fix the date, the place and the appropriate duration of the conference and prepare its provisional agenda;
- (c) Determine who shall be invited;
- (d) Make recommendations for financing, subject to the applicable regulations, rules and resolutions of the General Assembly;
- (e) Make such other arrangements in connexion with the conference as it sees fit.

2. In applying rule 2, sub-paragraph (c) of paragraph 1, the Economic and Social Council shall, when it decides to invite non-governmental organizations, have regard to the terms of Article 71 of the Charter. National organizations without consultative status may be invited only after consultation with the Member of the United Nations concerned.

3. The Council may decide to entrust the Secretary-General with any of the tasks mentioned in sub-paragraphs (b), (d) and (e) of paragraph 1. It may also authorize him to make such modifications as circumstances may require in carrying out any decision of the Council made pursuant to sub-paragraphs (b), (d) and (e).

Rule 3

The Secretary-General shall notify all Members of the United Nations of the conference and shall send them copies of the provisional agenda. He shall also inform each Member State of the invitations issued.

ANNEX III

List of international conferences of States

A

1. International Health Conference, New York, June-July 1946
Economic and Social Council resolutions 1/1 and 1/2.
2. United Nations World Statistical Congress, Washington, D.C., September 1947
Economic and Social Council resolution 40 (IV).
3. United Nations Conference on Trade and Employment, Havana (Cuba), November 1947-March 1948
Economic and Social Council resolutions 13/1 and 62 (V).
4. United Nations Maritime Conference, Geneva, February-March 1948
Economic and Social Council resolutions 35 (IV) and 113 (VI).
5. United Nations Conference on Freedom of Information, Geneva, March-April 1948
General Assembly resolution 59 (1); Economic and Social Council resolutions 46 (IV), 74 (V) and 119 (VI).
6. United Nations Conference on Road and Motor Transport, Geneva, August-September 1949
Economic and Social Council resolution 147 B (VII).
7. First Technical Assistance Conference, Interim Headquarters, June 1950
Economic and Social Council resolution 222 A (IX) and General Assembly resolution 304 (IV).
8. United Nations Opium Conference, Headquarters, May-June 1953
Economic and Social Council resolution 436 A (XIV).
9. United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Motor Vehicles and for Tourism, Headquarters, May-June 1954
Economic and Social Council resolution 468 F (XV).
10. United Nations Conference of Plenipotentiaries on the Status of Stateless Persons, Headquarters, September 1954
Economic and Social Council resolution 526 A (XVIII).
11. United Nations Regional Cartographic Conference for Asia and the Far East, Dehra Dun (India), February 1955
Economic and Social Council resolution 556 (XVIII).

B

Inter-governmental conferences on primary commodity problems: United Nations Tin Conference, Geneva, first session October-November 1950, second session November-December 1953; United Nations Sugar Conference, London, July-August 1953.

Economic and Social Council resolutions 296 (XI), 373 (XIII) and 462 A (XV).

ANNEX IV

List of non-governmental conferences

1. United Nations Scientific Conference on the Conservation and Utilization of Resources, Interim Headquarters, August-September 1949.
Economic and Social Council resolutions 32 (IV), 109 (VI) and 141 (VII).
2. World Population Conference, Rome, August-September 1954.
Economic and Social Council resolution 435 (XIV).
3. Conference of Non-Governmental Organizations interested in the Eradication of Prejudice and Discrimination, Geneva, March-April 1955.
Economic and Social Council resolution 546 (XVIII).