

ARTICLE 70

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TEXT OF ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

INTRODUCTORY NOTE

1. Article 70 is related to Article 63 which provides, in paragraph 1, that the Economic and Social Council may enter into agreements with any of the specialized agencies, defining the terms on which the agency concerned shall be brought into relationship with the United Nations, and, in paragraph 2, that the Council "may co-ordinate the activities of the specialized agencies through consultation with ... such agencies". Arrangements for reciprocal representation contemplated in Article 70 have been provided in specific articles of the agreements 1/ negotiated between the United Nations and the specialized agencies under Article 63 (1), and this reciprocal representation has constituted one of the means by which the consultation indicated in Article 63 (2) has taken place. 2/

2. The agreements with the specialized agencies provide for "representatives of the United Nations" 3/ rather than representatives of the Economic and Social Council to attend meetings of the specialized agencies; similarly, provision is made for representatives of the specialized agencies to attend meetings of other United Nations bodies as well as those of the Council. The practices with respect to the representation of the United Nations and of the specialized agencies differ, and are treated separately in the Analytical Summary of Practice below.

I. GENERAL SURVEY

3. The Economic and Social Council, in accordance with Article 70, has made arrangements for reciprocal representation, without vote, between the United Nations and the specialized agencies by including provisions therefor in a standard clause of

1/ United Nations Publications, Sales No.: 1951.X.1. See also in this Repertory under Article 63.

2/ In some cases, it has been found that co-ordination can be better and more economically achieved by consultation, particularly by inter-secretariat co-operation, through the Administrative Committee on Co-ordination (ACC). See also in this Repertory under Article 63 (2).

3/ See para. 4 below.

the agreements between the United Nations and the specialized agencies. ^{4/} The Council has also provided in rule 7⁸ of its rules of procedure, ^{5/} that the specialized agencies shall be entitled to be represented at meetings of the Council and its committees and to participate in the deliberations with respect to items of concern to them. A similar rule (rule 73), is included in the rules of procedure of the functional commissions ^{6/}. Provisions for attendance and participation by representatives of specialized agencies are also included in the terms of reference ^{7/} of the regional commissions of the Council.

II. ANALYTICAL SUMMARY OF PRACTICE

4. Article 70 specifies that the Economic and Social Council may make arrangements for the specialized agencies to participate in "its" deliberations and in those of the commissions established by it, and for "its" representatives to participate in the deliberations of the specialized agencies. The Committee on Negotiations with Specialized Agencies discussed ^{8/} this provision at its second meeting, when it considered the draft agreement between the United Nations and the International Labour Organisation (ILO). The view was expressed by several representatives that the proposed agreement should be concluded between ILO and the Economic and Social Council, and therefore should not contain provisions relating to representation with regard to other organs of the United Nations, such as the General Assembly, the Security Council and the Trusteeship Council. The majority of the representatives in the Committee, however, were of the opinion that the language of the Charter and the terms of reference of the Committee clearly contemplated that any agreements negotiated would be with the United Nations as a whole and not with the Council only, and that it was therefore within the competence of the Committee to propose the inclusion of such provisions. The agreements between the United Nations and the specialized agencies as finally approved, therefore, refer not to representatives of the Economic and Social Council, but to "representatives of the United Nations". Furthermore, in all but one of the agreements ^{9/} the article in question provides for representation of the specialized agencies not only at meetings of the Economic and Social Council, its committees and commissions, but also for attendance at meetings of the General Assembly and its Main Committees, as well as at those of the Trusteeship Council.

^{4/} Article II of the agreements with the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the International Bank for Reconstruction and Development (the Bank), the International Monetary Fund (the Fund), the International Refugee Organization (IRO), the Universal Postal Union (UPU), the International Telecommunication Union (ITU), the World Meteorological Organization (WMO), the Inter-governmental Maritime Consultative Organization (IMCO); article III of the agreements with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Civil Aviation Organization (ICAC). For a history of the agreements and an analysis by articles, see E S C (IX), Suppl. No. 17. See also E/NSA/1-25 and E/C.1/SR.1-63.

^{5/} United Nations Publication, Sales No.: 1953.I.21. For a study of the rules of procedure of the Council, see in this Repertory under Article 72.

^{6/} United Nations Publication, Sales No.: 1953.I.22.

^{7/} E S C (XIII), Suppl. No. 1, appendix II, Economic Commission for Europe (ECE), para. 12; Economic Commission for Asia and the Far East (ECAFE), para. 11; Economic Commission for Latin America (ECLA), para. 7 (a).

^{8/} E/NSA/8.

^{9/} The only exception is the agreement with UPU which does not provide for attendance at meetings of the Trusteeship Council.

1. *Invitations for reciprocal representation*

5. Most of the agreements 10/ between the United Nations and the specialized agencies provide reciprocally that representatives of the United Nations and of the agency concerned "shall be invited to attend meetings", thus placing the responsibility for ensuring representation upon the host organization. Two of the agreements, 11/ however, provide that representatives of both parties "shall be entitled to attend" the meetings, and stipulate that "advance notice of these meetings and their agenda shall be given so that, in consultation, arrangements can be made for adequate representation".

6. The rules of procedure of the Council and of the functional commissions provide respectively that in accordance with the agreements concluded between the United Nations and the specialized agencies, the latter shall be entitled to be represented at meetings of the Council and of its committees and of the functional commissions and their subsidiary bodies. The terms of reference of the regional commissions stipulate that the commissions shall invite representatives of specialized agencies. In practice, however, the procedure is the same; invitations for reciprocal representation at meetings are issued by the United Nations and all the specialized agencies, including the Bank and the Fund.

2. *Participation of the United Nations in meetings of the specialized agencies*

7. Each of the agreements between the United Nations and the specialized agencies provides for "participation without vote", as regards participation of the United Nations in the meetings of the specialized agencies, such as general conferences, assemblies, governing bodies, et cetera, without reference to the subject-matter under consideration by them. In a number of agreements 12/, provision is made for participation of the United Nations without vote at meetings of subsidiary bodies or at special meetings 13/ of the agencies in the discussion "of items of concern [or interest] to the United Nations."

8. The extent to which the United Nations has been represented at meetings of the specialized agencies 14/ is indicated by the fact that during 1954, for example, the United Nations received eighty-one invitations from specialized agencies to attend sessions or meetings of main or subsidiary organs or of committees on special subjects. Of these invitations, fifty-four were accepted, and representatives of the United Nations attended the number of sessions or meetings held under the auspices of the various agencies set forth below: ILO, ten; FAO, twelve; UNESCO, seventeen; ICAO, two; joint session of the Bank and the Fund, one; WHO, nine; ITU, one; UPU, one; WMO, one.

3. *Participation of specialized agencies in meetings of the United Nations*

9. Each of the agreements between the United Nations and the specialized agencies provides for "participation without vote" by the specialized agency concerned in the deliberations of the Economic and Social Council, its commissions and committees, with

10/ Agreements with ILO, FAO, UNESCO, ICAO, WHO, IRO, UPU, ITU, WMO and IMCO.

11/ Agreements with the Bank and the Fund.

12/ Agreements with the Bank, the Fund, ITU and WMO.

13/ The agreement with ITU specifies that such invitations for United Nations representation will be issued "after appropriate consultation".

14/ For details of the representation of specialized agencies at meetings of the United Nations, see para. 17 below.

certain limitations, such as "with respect to items on their agenda in which the [agency] has indicated that it has an interest"; 15/ "with respect to items on their agenda relating to matters within the scope of its [the agency's] activities"; 16/ "with respect to items on their agenda relating to educational, scientific and cultural matters"; 17/ "with respect to items on their agenda relating to civil aviation matters"; 18/ "with respect to items on their agenda relating to health matters"; 19/ concerning "matters in which the [agency] has an interest"; 20/ "within the competence of [the agency]"; 21/ "with respect to items on the agenda in which the [agency] may be concerned"; 22/ and "with regard to items on the agenda in which the [agency] may be concerned". 23/

10. Rule 78 of the rules of procedure of the Council and rule 73 of the rules of procedure of its functional commissions simplify the question by providing uniformly that the specialized agencies shall "be entitled ... to participate, through their representatives, in the deliberations with respect to items of concern to them, and to submit proposals 24/ regarding such items, which may be put to the vote on request of any member of the Council or of the committee concerned." It should be noted that the consultations indicated in Article 63 (2) and rule 80 of the rules of procedure of the Council represent an important function of the representatives of specialized agencies attending meetings of the Council.

11. The terms of reference of ECE and ECAFE provide for participation of the representatives of the specialized agencies "in a consultative capacity in its considerations of any matter of particular concern to that agency"; in the case of ECLA, provision is made for participation by specialized agencies in its deliberations on items on its agenda relating to matters within the scope of their activities. 25/

12. In order to afford a basis for comparison, the provisions relating to the participation of representatives of the specialized agencies in meetings of the General Assembly and its Main Committees and of other United Nations organs, are set forth below. With reference to meetings of the General Assembly, the agreements make certain stipulations regarding participation; thus, provision is made for participation "in a consultative capacity" of representatives who "shall be afforded full opportunity for presenting ... the views [of the agency] on questions within the scope of its activities"; 26/ "on matters which lie within its competence"; 27/ "for purposes of consultation on educational, scientific and cultural matters"; 28/ "on matters within

15/ Agreement with ILO. The stipulation in the draft agreement which would have left the form of the participation of ILO to the Chairman of the body concerned was deleted; see E/NSA/13, pp.2-5, and E/NSA/16, p.3. See also in this Repertory under Article 63.

16/ Agreements with FAO and IMCO.

17/ Agreement with UNESCO.

18/ Agreement with ICAO.

19/ Agreement with WHO.

20/ Agreement with the Bank and the Fund.

21/ Agreement with IRO.

22/ Agreements with UPU and ITU.

23/ Agreement with WMO.

24/ This latter clause was added to the rules of procedure as amended under E S C resolution 217 (VIII).

25/ See footnote 7 above.

26/ Agreement with ILO.

27/ Agreement with IRO.

28/ Agreement with UNESCO.

the scope of its activities"; 29/ "within the scope of its competence"; 30/ "on civil aviation matters"; 31/ "[when] questions within [its] competence ... are under discussion"; 32/ "for the purposes of consultation on telecommunication matters"; 33/ and "for purposes of consultation". 34/

13. With reference to the Main Committees of the General Assembly, provision is made for attendance at meetings "in which [the agency] has an interest and to participate, without vote, in the deliberations thereof"; 35/ participation "when educational, scientific and cultural matters are under discussion, ... without vote"; 36/ "when matters within the scope of its activities [or competence] are under discussion"; 37/ "when civil aviation matters are under discussion"; 38/ "with respect to items concerning [it]"; 39/ and attendance at meetings "dealing with matters in which [the agency] has an interest". 40/

14. With reference to meetings of the Trusteeship Council, provision is made for attendance on terms similar to those governing attendance at meetings of the Economic and Social Council.

15. While the wording of the relevant paragraphs of the articles in the agreements and of the rules of procedure differs, as indicated above, the representatives of all the specialized agencies are in practice accorded the same treatment in the various meetings of the United Nations which they attend.

16. Provision has also been made for the representation of the specialized agencies at special international conferences, under rule 8 of the rules for the calling of international conferences of States as approved by the General Assembly under resolution 366 (IV). This rule provides that the Council "may invite specialized agencies in relationship with United Nations ... to take part in conferences called under these rules". In practice the Economic and Social Council has usually included instructions to the Secretary-General to invite the interested specialized agencies in the resolution authorizing the calling of such conferences. 41/

17. The extent to which the specialized agencies have been represented at various meetings of sessions of United Nations bodies 42/ is indicated by the fact that in the

29/ Agreements with FAO and IMCO.

30/ Agreement with WHO.

31/ Agreement with ICAO.

32/ Agreement with UPU.

33/ Agreement with ITU.

34/ Agreements with the Bank and the Fund.

35/ Agreement with ILO.

36/ Agreement with UNESCO.

37/ Agreements with FAO, ITU, IRO, WHO and IMCO.

38/ Agreement with ICAO.

39/ Agreement with UPU.

40/ Agreements with the Bank and the Fund.

41/ See, for example, E S C resolution 435 (XIV), para. 5.

42/ The sessions or meetings covered in 1954 have included those of the General Assembly, the Economic and Social Council, the Trusteeship Council, the regional economic commissions, the four functional commissions which met in 1954, the Executive Board of the United Nations Children's Fund, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the World Population Conference, the United Nations Conference on Customs Formalities for the Temporary Importation of Private Road Vehicles and for Tourism, and those meetings of the Technical Assistance Committee which were not held during the sessions of the Economic and Social Council.

year 1954, for example, ILO was represented at fourteen such sessions or meetings, FAO at twelve, UNESCO at fourteen, ICAO at four, the Bank at six, the Fund at seven, WHO at thirteen, ITU at four, UPU at one, WMO at three, and IMCO at one.

18. During the negotiation of the agreement with ICAO, the delegation of the Provisional International Civil Aviation Organization contended ^{43/} that the agency, under certain articles of its Convention, would have duties affecting world security which entitled it to representation at meetings of the Security Council and the right to submit items for inclusion in the agenda of the Security Council. That contention was met by including in the agreement a special article (article XX) under which the agreement then negotiated should not preclude the conclusion of further appropriate arrangements between ICAO and the United Nations with respect to air matters within the competence of ICAO affecting world security, as contemplated in article 64 of the Convention on International Civil Aviation, rather than by providing for representation of ICAO at meetings of the Security Council. The duties of ICAO under article 64 of the Convention were also specified in the preamble of the agreement.

4. Representation of regional inter-governmental organizations

19. Although Article 70 refers explicitly to arrangements for representation of the specialized agencies, attention may here be called to the fact that both the General Assembly and the Economic and Social Council adopted resolutions ^{44/} by which provision was made for inviting observers of two regional organizations, the League of Arab States and the Organization of American States, to attend their sessions. Furthermore, the terms of reference of ECE and ECAFE provide that they "may invite representatives of any inter-governmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to that ... organization, following the practice of the Economic and Social Council". The terms of reference of ECLA provide that it "may invite observers from such other inter-governmental organizations as it may consider desirable in accordance with the practices of the Council". The Economic and Social Council, at its fourth session requested ^{45/} the Secretary-General to "make arrangements for the presence of observers from regional inter-governmental organizations in the field of women's rights at sessions of the Commission on the Status of Women to act in an advisory and informative capacity".

20. The term "representatives" is used in Article 70 as well as in the agreements between the United Nations and the specialized agencies in connexion with the arrangements for reciprocal representation. The term "representatives" is also used in the terms of reference of ECE and ECAFE in connexion with the representation of other inter-governmental organizations. The term "observers", however, is used in the resolutions of the General Assembly and Economic and Social Council mentioned above, as well as in the terms of reference of ECLA in connexion with the representation of international regional organizations and other inter-governmental organizations.

5. Written statements

20. The article on reciprocal representation in the agreements with ICAO, IRO, UPU, ITU and IMCO provides for the distribution to the organs of these agencies of written statements presented by United Nations organs. In some of the above-mentioned agreements the wording "any written statement" or "any relevant written statement" is used. All the

^{43/} E/CT.1/7; E/CT.1/9; E/CT.1/10. See also in this Repertory under Article 63.

^{44/} G A resolutions 253 (III) and 477 (V); E S C resolution 412 B (XIII).

^{45/} E S C resolution 48 (IV), section B, para. 7.

agreements, except those with the Bank and the Fund, contain a clause stipulating that written statements submitted by the agencies shall be distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council, "as appropriate". ^{46/}

6. Appointment of representatives

22. In response to an inquiry regarding the selection of the representatives of the United Nations to attend the meetings of the specialized agencies, the Chairman of the Committee on Negotiations with Specialized Agencies ^{47/} said that the representation of the United Nations might, on some occasions, be undertaken by a representative of the Council, and on other occasions by a representative of the Secretariat. He presumed that the Secretary-General would be authorized by the Council to appoint a representative to act on those occasions when representation at the Secretariat level might be the more appropriate and convenient procedure.

23. In practice, the United Nations and the specialized agencies are, as a rule, represented at each others' meetings by their executive heads or by members of their staff designated by them. There have been a few exceptions to this general rule. For example, on one occasion, the Council, by resolution 6 (III), appointed the Chairman of the Economic and Employment Commission to take part in the deliberations of a meeting called by FAO to consider proposals for the establishment of a World Food Board. Among the agencies, ILO ^{48/} has been represented at meetings of the General Assembly by members of its Governing Body, and ITU ^{49/} and UPU ^{50/} respectively have been represented by officials of one of their member administrations. At the 1951 session of the Commission on Human Rights, ^{51/} ILO was represented by the Director-General and by a tripartite delegation of the Governing Body. At the fifth session of the Council, ILO was represented at meetings of the Economic and Social Council by a tripartite delegation of its Governing Body.

24. In order to facilitate the representation of the specialized agencies by senior officials, the Council has followed the practice, recommended by the Administrative Committee on Co-ordination (ACC) ^{52/} of organizing its business in such a manner as to concentrate the items of particular interest to the specialized agencies within a relatively short period of time and of fixing specific dates for the opening of the debates on such items.

^{46/} See para. 10 above concerning the submission of proposals by specialized agencies
^{47/} E/NSA/8.
^{48/} United Nations Publication, Sales No.: 1954.I.10, P.111.
^{49/} Ibid., p. 115.
^{50/} United Nations Publication, Sales No.: 1952.I.34, p. 109.
^{51/} E S C (XIII), Suppl. No. 9, p.1.
^{52/} E S C (VIII), Suppl. No. 5 (E/10/6), paras. 18-21.

