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ARTICLE 70

CONTENTS

Paragraphs

Text of Article 70

Introductory note.....1

I. General survey.....2 - 4

II. Analytical summary of practice.....5 - 12

1. Invitations for reciprocal representation.....5
2. Participation of the United Nations in meetings of the specialized agencies.....6
3. Participation of specialized agencies in meetings of the United Nations.....7
4. Participation of regional and other intergovernmental organizations.....8 - 11
5. Written statements.....12

**6. Appointment of representatives

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. During the period under review, the application of Article 70 raised no issues of Charter interpretation. The present study, therefore, merely records new practice under this Article and follows the organization utilized in previous *Supplements* of the *Repertory*. For further analysis of the relationship agreement concluded during this period, it is advisable to consult this *Supplement's* studies for Articles 57 and 63 of the Charter.

I. GENERAL SURVEY

2. Pursuant to Article 70, rule 75[1] of the Economic and Social Council's rules of procedure provides for participation and consultation with specialized agencies in accordance with the

[1] E/5715/Rev.1 and E S C resolution 1949 (LVIII) of 8 May 1975.

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agreements concluded between the specialized agencies and the United Nations.[2] During this period, a relationship agreement was concluded between the United Nations Industrial Development Organization (UNIDO) and the United Nations, establishing UNIDO as a specialized agency.[3]

3. The Council continued to strengthen its contacts with other intergovernmental organizations during this current period, through the use of rule 79 of its rules of procedure.[4]

4. Arrangements for reciprocal representation, as well as representation of intergovernmental organizations, are further discussed below in the Analytical Summary of Practice.

II. ANALYTICAL SUMMARY OF PRACTICE

1. INVITATIONS FOR RECIPROCAL REPRESENTATION

5. General Assembly resolution 40/180 of 17 December 1985 brought UNIDO into relationship with the United Nations as a specialized agency. The arrangements for reciprocal representation contemplated in Article 70 are detailed in article 3 of the relationship agreement between UNIDO and the United Nations,[5] providing that representatives of the United Nations[6] and of UNIDO[7] "shall be invited to attend" each other's meetings.

2. PARTICIPATION OF THE UNITED NATIONS IN MEETINGS OF THE SPECIALIZED AGENCIES

6. The relationship agreement between UNIDO and the United Nations follows the practice of allowing for the representatives of the United Nations "to participate, without right to vote, in the deliberations of" UNIDO, all its bodies and any other meetings it convenes.[8] The terms of United Nations' participation are without reference to the subject matter under consideration by UNIDO.

3. PARTICIPATION OF SPECIALIZED AGENCIES IN MEETINGS OF THE UNITED NATIONS

7. Article 3(a) of the relationship agreement provides for representatives of UNIDO "to participate, without right to vote and in accordance with in the relevant rules of procedure, in the deliberations of the Economic and Social Council, its commissions and committees, of the Main Committees and other organs of the General Assembly, of the Governing Council of the United Nations Development Programme, and of the conferences and meetings of the United Nations." This participation is however limited "to items of the agenda relating to industrial development matters within the scope of the activities of . . .[UNIDO] and other matters of mutual interest."[9]

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[2] *See Repertory*, under Article 70, para. 3; E/5715/Rev.1, Annex, note 6 on Rule 75.

[3] *See* this *Supplement*, under Articles 57 and 63.

[4] *See also Supplements No.* 5 *& 6*, under Article 70.

[5] Agreement between the United Nations and the United Nations Industrial Development Organization *in* GA resolution 40/180 of 17 December 1985, Annex.

[6] *Ibid., see* Article 3(a).

[7] *Ibid., see* Article 3(b) and (c).

[8] *Ibid., see* Article 3(a).

[9] *Ibid.*

With respect to article 3(a), the applicable rule for the Economic and Social Council is rule 75[10] of its rules of procedure.

4. PARTICIPATION OF REGIONAL AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

8. During the period under review, the Council decided to designate several intergovernmental organizations to participate in its work under rule 79[11] of its rules of procedure.

9. In its decision 1986/156 of 21 July 1986, the Council cited rule 79 and decided that the Organization of Ibero-American States for Education, Science and Culture may participate, on a continuing basis, in the deliberations of the Council on questions within the scope of the activities of the organization.[12]

10. Again in accordance with rule 79, the Council designated, in its decision 1987/161 of 8 July 1987,[13] the following organizations to participate in the deliberations of the Council on questions within the scope of their activities: (a) the African Development Bank, on a continuing basis; (b) the African Accounting Council, the African Cultural Institute, the Council of Arab Ministers of the Interior and the International Bauxite Association, on an *ad hoc* basis.

11. Subsequently, the African Development Bank was also invited by the General Assembly, in resolution 42/10 of 28 October 1987, to participate in the sessions and work of the Assembly in the capacity of observer. In General Assembly resolution 43/6 of 17 October 1988, the General Assembly invited another intergovernmental organization, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, to participate in its work and sessions as an observer.

5. WRITTEN STATEMENTS

12. Under the terms of the relationship agreement between UNIDO and the United Nations, and in line with Article 70 and rule 75[14] of the Economic and Social Council's rules of procedure, article 3(a) of the relationship agreement provides that UNIDO shall distribute to its members the written statements presented by the United Nations.[15] In addition, under article 3(b) of the relationship agreement, when UNIDO presents written statements, the Secretariat of the United Nations shall distribute such "in accordance with the relevant rules of procedure."[16]

** 6. APPOINTMENT OF REPRESENTATIVES

[10] E/5715/Rev.1 and E S C resolution 1949 (LVIII) of 8 May 1975, Annex.

[11] Rule 79 entitled "Participation of other intergovernmental organizations" provides: "Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on an *ad hoc* or a continuing basis by the Council on the recommendation of the Bureau, may participate, without the right to vote, in the deliberations of the Council on questions within the scope of the activities of the organizations." E/5715/Rev.1 and E S C resolution 1949 (LVIII) of 8 May 1975, Annex.

[12] *See* E/1986/SR.37.

[13] *See* E/1987/SR.35.

[14] E/5715/Rev.1 and E S C resolution 1949 (LVIII) of 8 May 1975, Annex.

[15] G A resolution 40/180 of 17 December 1985, Annex, article 3(a).

[16] G A resolution 40/180 of 17 December 1985, Annex, article 3(b).