

Repertory of Practice of United Nations Organs
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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. 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*.

I. GENERAL SURVEY

2. Pursuant to Article 70, rule 75¹ of the Economic and Social Council's rules of

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

procedure provides for participation and consultation with specialized agencies in accordance with the agreements concluded between the specialized agencies and the United Nations.² During this period, no relationship agreement was concluded between the United Nations and an intergovernmental organization, as a specialized agency.

3. The Council, as well as the General Assembly, continued to strengthen its contacts with other intergovernmental organizations during this current period.³ The General Assembly also considered a new agenda item on the “Question of criteria for granting of observer status in the General Assembly”.⁴ These are further discussed below in the Analytical Summary of Practice.

II. ANALYTICAL SUMMARY OF PRACTICE

**1. INVITATIONS FOR RECIPROCAL REPRESENTATION

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

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

4. PARTICIPATION OF REGIONAL AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

4. During this period, the Council decided to designate several intergovernmental organizations to participate in its work under rule 79⁵ of its rules of procedure.

5. At its 34th plenary meeting on 24 July 1989, the Council in its decision 1989/165 referred to rule 79 and decided that the following intergovernmental organizations: the Arab Security Studies and Training Center, and the Customs Co-operation Council, may participate, on an *ad hoc* basis, in the deliberations of the Council on questions within the scope of their activities.⁶

6. The Council, again citing rule 79 in its decision 1992/265 of 22 July 1992,⁷ designated the Regional Organization for the Protection of the Marine Environment, to participate on a continuing basis in the deliberations of the Council on questions within

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

³ See also *Supplements No. 5, 6 & 7*, under Article 70.

⁴ See A/49/231, A/49/PV.3, and A/49/797.

⁵ 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.

⁶ See E/1989/SR.34, E/1989/L.37.

⁷ See E/1992/SR.36, E/1992/L.27.

the scope of its activities.

7. During the period under review, the General Assembly increasingly granted observer status, and questions arose as to whether such status at the General Assembly is properly limited to non-member States and intergovernmental organizations.

8. In resolution 44/6 of 17 October 1989, the General Assembly requested the Secretary-General to invite the Council of Europe to participate in the sessions and work of the Assembly in the capacity of observer. Other grants of observer status in subsequent sessions included the International Committee of the Red Cross in General Assembly resolution 45/6 of 16 October 1990, in consideration of the special role and mandates conferred upon it by the Geneva Conventions⁸ of 12 August 1949; in General Assembly resolution 46/8 of 16 October 1991, the Caribbean Community; and in General Assembly resolution 47/4 of 16 October 1992, the International Organization for Migration.

9. The General Assembly's forty-eighth session saw five invitations for observers. These included the following: the Economic Cooperation Organization in resolution 48/2 of 13 October 1993; the Latin American Parliament in resolution 48/4 of 13 October 1993;⁹ Conference on Security and Cooperation in Europe in resolution 48/5 of 13 October 1993;¹⁰ the Commonwealth of Independent States in resolution 48/237 of 24 March 1994; and the Sovereign Order of Malta in resolution 48/265 of 24 August 1994.

10. After the adoption of the resolution concerning the Sovereign Order of Malta however, two delegations requested to speak in explanation of their positions. The first Government disassociated itself from the consensus reached because "[o]bserver status at the General Assembly is properly limited to non-member States and intergovernmental organizations."¹¹ The second Government stated that the General Assembly's granting of observer status for intergovernmental organizations other than specialized agencies, is not governed by express provision of the United Nations Charter and therefore, the Assembly has created its own practice.¹² This practice, "leaving aside national liberation movements, . . . covered only intergovernmental organizations."¹³ Both Governments further pointed out that although the General Assembly had earlier granted observer status in an exceptional and unique case to the International Committee of the Red Cross (ICRC)¹⁴ which is a non-governmental organization, the Sovereign Order of Malta does not possess similar stature, and thus, should be treated instead as the non-governmental organization that it is, subject to Article 71 of the Charter.

11. During its forty-ninth session, the General Assembly also invited the South Pacific

⁸ United Nations, *Treaty Series*, vol.75, Nos. 970-973.

⁹ See A/48/L.3 and Add.1.

¹⁰ See A/48/L.6 and Add.1.

¹¹ A/48/PV.103.

¹² See *ibid.*, agenda item 180.

¹³ *Ibid.*

¹⁴ General Assembly resolution 45/6 of 16 October 1990.

Forum, in resolution 49/1 of 17 October 1994, and the International Federation of the Red Cross and Red Crescent Societies in resolution 49/2 of 19 of October 1994, to participate in its sessions and work in the capacity of observers.

12. The General Assembly at its forty-ninth session also adopted a new agenda item on the “Question of criteria for granting of observer status in the General Assembly”.¹⁵ The issue was allocated to the Sixth Committee and considered there. After presentation of the Sixth Committee’s report and recommendations,¹⁶ the General Assembly in its decision 49/426 of 9 December 1994, “decided that the granting of observer status in the General Assembly should in the future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly.

****5. WRITTEN STATEMENTS**

**** 6. APPOINTMENT OF REPRESENTATIVES**

¹⁵ See A/49/231, A/49/PV.3, and A/49/797.

¹⁶ See A/49/747.