ARTICLE 70

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 some issues of Charter interpretation in respect of the participation of specialized agencies, and the status of such participation. The present study records new practice under this Article and follows the organization utilized in previous Supplements of the Repertory, with the addition of subheadings under part II.4. in the Analytical Summary of Practice.

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 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 *de jure* specialized agency. However, new practice developed with respect to the World Trade Organization (WTO), which succeeded the General Agreement on Tariffs and Trade, itself formerly treated as a *de facto* specialized agency.\(^3\) This practice involved a formal framework for cooperation founded on, *inter alia*, reciprocal representation through an exchange of letters between the two organizations\(^4\).

3. On one occasion during the period under review, Article 70 was specifically cited. The Economic and Social Council also distinguished between Article 70 and Article 71 in its resolution 1996/31 entitled “Consultative relationship between the United Nations and non-governmental organizations”\(^5\) indicating the differences between participation by non-governmental organizations (NGOs) as opposed to specialized agencies.

4. Further attention was also given to the participation of specialized agencies in the deliberations of the General Assembly. As a result of General Assembly resolution 50/227 entitled “Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields”, the relationship between United Nations and the specialized agencies of the Bretton Woods institutions was revitalized.\(^6\) New forms of collaboration were established for more effective “participation in the context of the relationship agreements between the United Nations and the Bretton Woods institutions”\(^7\) with particular focus, *inter alia*, on intergovernmental and secretariat consultations, and on policy dialogues.\(^8\)

5. The Council also continued to strengthen its contacts with other intergovernmental organizations during this present period. In light of the Council’s rules of procedure, particularly rule 79,\(^9\) this study takes note of intergovernmental organizations allowed\(^10\) to

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\(^1\)See E/5715/Rev.1; E/5715/Rev. 2, Annex, note 6.
\(^2\)See Repertory, under Article 70, para. 3.
\(^4\)Ibid.
\(^6\)General Assembly resolution 50/227 of 1 July 1996.
\(^7\)E/1997/101, para. 17.
\(^8\)Ibid, para. 18.
\(^9\)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.”
participate in the deliberations of the Council by virtue of either the General Assembly’s grant of observer status in the General Assembly\textsuperscript{11} or the Council’s designation.\textsuperscript{12}

II. ANALYTICAL SUMMARY OF PRACTICE

1. INVITATIONS FOR RECIPROCAL REPRESENTATION

6. As noted, GATT had been treated as a United Nations specialized agency on a \textit{de facto} basis,\textsuperscript{14} however when WTO succeeded it,\textsuperscript{15} the United Nations and the WTO agreed upon a framework for cooperation, which involved reciprocal representation. This arrangement was brought to the attention of the Economic and Social Council by the Secretary-General under the agenda item entitled “Coordination of the Policies and Activities of the Specialized Agencies and Other Bodies of the United Nations System”.\textsuperscript{16}

\textsuperscript{11} For more analysis with respect to the General Assembly, it is advisable to cross-reference to the study of Article 21. The main procedure followed by the General Assembly in order to grant observer status includes the following: (1) Inclusion of a new item in its agenda, pursuant to a letter with explanatory memorandum to the Secretary-General, by representatives of Member States. (2) Consideration of the issue in Plenary meeting (3) Adoption of a resolution inviting the organization to participate in its sessions and work in the capacity of observer. See Supplement No. 8, under the Study of Article 57. General Assembly resolution 54/195 of 17 December 1999 amends this procedure by requiring the involvement of the Sixth Committee for all future applications and issues concerning the grant of observer status, before consideration of the issue in Plenary.

\textsuperscript{12} The general procedure followed by the Council to allow intergovernmental organizations to participate in its discussions includes the following: (1) Consideration of application at Council’s plenary meeting. (2) Council’s decision, citing rule 79 of its rules of procedure, designating the intergovernmental organization to participate on an ad hoc or continuing basis in the deliberations of the Council on questions within the scope of its activities. See Supplements Nos. 5, 6, 7 and 8, under Article 57.

\textsuperscript{14} \textit{Supra}, note 3. A/49/363, para. 45 of 6 September 1994: “There has never been any formal agreement between the United Nations and GATT regulating their mutual relationship. However, under the existing relationship, GATT is treated as a United Nations specialized agency on a \textit{de facto} basis. Cooperation and coordination between the United Nations and GATT has also been carried out through the Administrative Committee on Coordination, in which the Director-General of GATT participates. The United Nations and GATT are represented at each other’s official meetings as observers.”

\textsuperscript{15} For more details on this succession, see Supplements Nos. 8 and 9, under Article 57.

\textsuperscript{16} See Secretary-General’s report E/1995/125, “Coordination of the Policies and Activities of the Specialized Agencies and Other Bodies of the United Nations System” p. 5.
An exchange of letters\textsuperscript{17} between the United Nations and the WTO provided the parameters for cooperation based on the previous United Nations/GATT relationship.\textsuperscript{18} Under these terms, reciprocal relations between the United Nations and the WTO would involve \emph{inter alia}, the following:

\begin{quote}
“The Secretary-General of the United Nations, or his representative, is invited to attend sessions of the Contracting Parties, of the GATT Council and all regular GATT committees and working parties.

The Director-General of GATT, or his representative, is invited to attend plenary meetings of the General Assembly and its committee and meetings of the Economic and Social Council and, as appropriate, its subsidiary bodies.”\textsuperscript{19}
\end{quote}

\section{PARTICIPATION OF THE UNITED NATIONS IN MEETINGS OF THE SPECIALIZED AGENCIES}

7. Under the ongoing reforms of the period under review, the General Assembly in its resolution 50/227 adopted “Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields”. Under resolution 50/227, the Assembly identified “a need for an early exploratory review to be prepared jointly by the United Nations and the Bretton Woods institutions to assess mechanisms, programmes and relationships at the field, headquarters and intergovernmental levels, with a view to identifying areas in which communication, cooperation and coordination could be improved. …”\textsuperscript{20} The July 1997 initial findings of the consequent joint United Nations/Bretton Woods institutions review noted, “the United Nations has not had sufficient access to nor adequate participation in meetings of these bodies. \textit{i.e.}, the Bretton Woods two key intergovernmental decision-making bodies: the Interim Committee of the International Monetary Fund (Interim Committee of the IMF), and the Joint Ministerial Committee of the Board of Governors of the Bank and the Fund on the Transfer of Real Resources to Developing Countries (Development Committee)\textsuperscript{21} It was further suggested that a balance could be drawn “of the reciprocal participation of the United Nations and the Bretton Woods institutions in each others’ meetings, as well as the substantive aspects of their dialogue.”\textsuperscript{22} The Secretary-General’s note recommended that ways should be examined for more effective “participation in the context of the relationship agreements between the United Nations and the Bretton Woods

\textsuperscript{17} E/1995/125, pp. 1-8.
\textsuperscript{19} E/1995/125, p. 6 under “Reciprocal representation.”
\textsuperscript{20} General Assembly resolution 50/227 & Annexes of 1 July 1996, Annex VIII, para. 86. The Bretton Woods Institutions include the World Bank and the International Monetary Fund (IMF). \textit{See also} E S C resolution 1996/43 of 26 July 1996.
\textsuperscript{22} E/1997/101, para. 17.
institutions focusing particularly, *inter alia*, on intergovernmental and secretariat consultations, and on policy dialogues.

8. A series of events and initiatives during the years 1998 and 1999 strengthened and advanced the policy-oriented interaction and dialogue between the United Nations and the Bretton Woods institutions. Previously, interactions between the organizations had taken place at the United Nations, particularly at the General Assembly’s main committees, at the Economic and Social Council, as well as in subsidiary bodies and expert group meetings. During this period, however, there was an increasing tendency for a greater two-way interaction, with dialogue between the organizations also occurring at the Bretton Woods institutions. New avenues of collaboration were therefore explored. For example, in May 1998 at the initiative of the World Bank President, a group of Permanent Representatives to the United Nations in New York and the Executive Directors of the World Bank met in Washington, D.C. within a framework of an exchange programme. Following this example, the IMF hosted, in June 1999, the first ever “Special Dialogue” between the IMF Executive Board and a group of Permanent Representatives of the Council’s member states, which provided exchanges of information on their respective activities and policies, as well as an exchange of views. The ongoing United Nations system’s reforms therefore highlighted “the need for creating an environment in which the institutions’ [i.e., the United Nations and the Bretton Woods institutions] governing bodies may connect…. in response to the need for high-level discussions on policies at the national and global levels, development cooperation, and commitment to issues of common concern such as poverty, financial stability and economic and social sustainability.”

3. **Participation of Specialized Agencies in Meetings of the United Nations**

9. The reforms and initiatives mentioned similarly had an impact on the participation of specialized agencies in meetings of the United Nations. The Secretary-General recognized that successive moves towards greater dialogue and understanding of each other’s mandates, functions, work processes and strategic approaches resulted in “a major change” in the relationship between the United Nations and the Bretton Woods institutions’ governing bodies. Since 1992, what was termed by the Secretary-General
as “a major innovation” was the one-day policy dialogue conducted within the high-level segment of the Economic and Social Council’s annual substantive session with the heads of multilateral financial and trade institutions concerning key developments in the world economy and international economic cooperation. The practice developed, during the past and current period under review, for the Managing Director of the IMF and the President of the World Bank, together with the Executive Heads of the United Nations Conference on Trade and Development (UNCTAD) and the World Trade Organization to take part regularly in this policy dialogue.

10. A recent development for dialogue of a more direct intergovernmental nature has been the establishment of a special high-level meeting of the Council with the Bretton Woods institutions. As envisaged by the General Assembly in paragraph 88, Annex I to its resolution 50/227 of 1 July 1996, this meeting would be held periodically “at a time proximate to the semi-annual meetings of the Bretton Woods institutions with a view to benefiting, to the extent possible, from high-level ministerial participation and the participation of the heads of financial and trade institutions and other relevant organizations.” The first of these special high-level meetings was held on 18 April 1998, following the semi-annual meetings of the Bretton Woods’ two key intergovernmental decision-making bodies (i.e., the Interim Committee of the IMF and the Development Committee). The Secretary-General, the IMF Managing Director and the World Bank President, among others, attended this meeting, which focused on recent issues of global financial integration and development. Considered a success by the Secretary-General, this special high-level meeting with the Bretton Woods institutions was seen to have “served as valuable forum for an informal dialogue between ministers of finance, development cooperation and foreign affairs, representing their countries at the Bretton Woods institutions, on the one hand, and at the United Nations, on the other.” Consequently to further strengthen and deepen the relationship between the United Nations and the Bretton Woods institutions, a second such meeting was held on 29 April 1999 with the theme of “Financing of international financial markets and stability in financing for development”. The Secretary-General’s report also recommended that the Council undertake a similar event with the trade institutions, particularly UNCTAD and the WTO in the forthcoming round of negotiations for trade liberalization.

11. As noted, by its resolution 1996/31, the Economic and Social Council also sought to
distinguish between the status of participation by specialized agencies (SAs) under Article 70 and that of non-governmental organizations (NGOs) under Article 71. This was in the context of Article 71 and the Council’s review and update of the arrangements for consultations with non-governmental organizations, as had been set forth in its resolution 1296 (XLIV). The “Principles Governing the Nature of the Consultative Arrangements” highlighted the United Nations Charter’s distinction between participation by SAs without right to vote in the deliberations of the Council under Article 70, and the more limited arrangements for NGO consultation under Article 71. Specifically, the Council identified what it characterized a “fundamental” distinction between Article 71 “consultation” applying to NGOs and Article 70 “participation” applying to specialized agencies, in that the principle guiding the arrangements for consultation is not to transform the Council “into a general forum of discussion” through “participation”, but for the Council “to secure expert information or advice from organizations having special competence ... to make a significant contribution to the work of the Council . . .” The Council concluded that, under the Charter, NGOs should not be accorded the same rights of participation as those enjoyed by SAs brought into relationship with the United Nations.

4. PARTICIPATION OF REGIONAL AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

A. The Economic and Social Council

12. During this period, the Council decided to designate two intergovernmental organizations, the Union of Economic and Social Councils of Africa and the International Centre of Genetic Engineering and Biotechnology (ICGEB), to participate in its work under rule 79 of its rules of procedure.

13. At its eighth plenary meeting, the Council considered the application of the Union of Economic and Social Councils of Africa. In its decision 1996/225, the Council referred to rule 79 and designated such intergovernmental organization to participate on a continuing basis in the deliberations of the Council on questions within the scope of its activities.

this draft resolution was submitted by the President of the Council based on informal consultations.


46 Ibid., para. 19.

47 Ibid., para. 20.

48 Ibid., paras. 18 and 20.

49 Supra, note 9.

14. During the following year, at its 16th plenary meeting, the Council heard the recommendation of its Bureau with regard to the ICGEB request for accreditation. The Council again cited rule 79 in its decision 1997/215,51 then designated the ICGEB to participate, without right to vote, on a continuing basis in the discussions of the Council on questions within the scope of its activities.

**5. WRITTEN STATEMENTS**

**6. APPOINTMENT OF REPRESENTATIVES**

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