

# ARTICLE 69

## Table of Contents

	<u>Paragraphs</u>
Text of Article 69	
Introductory Note . . . . .	1 - 3
I. General Survey . . . . .	4 - 11
II. Analytical Summary of Practice . . . . .	12 - 23
** A. The competence of the Council to decide whether a matter is of "particular concern" to a Member of the United Nations	
B. The meaning of the phrase "matter of particular concern" to a Member of the United Nations . . . . .	12
** C. The scope of the invitations issued by the Council	
D. The scope of the participation of non-members in the deliberations of the Council . . . . .	13
E. The extension of the provision of Article 69 to subsidiary organs of the Council . . . . .	14 - 16
1. Regional economic commissions . . . . .	14
2. Committees and functional commissions . . . . .	15 - 16
F. The participation of States not Members of the United Nations in the deliberations of the Council and its subsidiary organs . . . .	17 - 21
1. The Council and its committees . . . . .	17
2. Regional economic commissions . . . . .	18
3. Functional commissions . . . . .	19 - 22
** 4. The <u>ad hoc</u> Committee on Refugees and Stateless Persons	
G. The question of the interpretation of Article 69 in connexion with the admission to membership in regional economic commissions of States not Members of the United Nations . . . . .	23

## TEXT OF ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

## INTRODUCTORY NOTE

1. The cases of application of Article 69 during the period under review reveal no significant change in the practice of the Council as described in the Repertory. The headings established in the corresponding study in volume III of the Repertory have accordingly been maintained.

2. The General Survey mentions only those of the general conditions governing the application of Article 69 which are relevant to specific cases which occurred during this period.

3. No new material has been found which requires treatment under the following existing headings of the Analytical Summary of Practice: The competence of the Council to decide whether a matter is of "particular concern" to a Member of the United Nations (II, A); The scope of the invitation issued by the Council (II, C).

### I. GENERAL SURVEY

4. During the period under review thirteen invitations were extended to States Members of the United Nations but not members of the Council to participate without the right to vote in the deliberations of the Council in plenary session.

5. In each case, the invitation was actually extended by the President, with the tacit consent of the Council, and the representative of the invited State participated immediately in the Council's deliberations.

6. The summary records of the Council usually either do not specify that the invitations were extended or mention only that an observer of a Member State not a member of the Council was speaking at the invitation of the President. In one case, mention was made of rule 75 of the Council's rules of procedure which governs the participation of Member States not members of the Council in the deliberations of that organ.

7. As in the past, each invitation was issued in connexion with a specific item of the agenda under discussion by the Council, and the representative of the invited State availed himself of the Council's invitation to present the views of his Government regarding the item or the draft resolution before the Council.

8. The practice has been continued of including in the list of representatives present at the Council's meetings the names of "observers" designated by Member States not members of the Council, and the summary records of the Council use the word "observer" rather than "representative" when mentioning statements made by representatives of Member States invited by the Council.

9. As in the past, States not Members of the United Nations have sent observers to attend the Council's sessions; their names also appear in the official records in the list of delegations present. <sup>1/</sup> No invitation to such States to participate in the Council's debates has been extended by the Council since 1 September 1954.

10. The practice followed by the committees and commissions of the Council in inviting representatives of Member States not members of these bodies has remained as described in the Repertory.

11. The following table indicates by sessions the frequency with which invitations to Members of the United Nations not members of the Council were issued since 1 September 1954 by the Council or by its committees of the whole:

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<sup>1/</sup> Six such States sent observers to the Council at the eighteenth session, none at the nineteenth, six at the twentieth, none at the twenty-first and four at the twenty-second.

Eighteenth session (resumed) . . . . .	None
Nineteenth session . . . . .	None
Twentieth session . . . . .	No invitation by the Council, 3 invitations by the Social Committee
Twenty-first session . . . . .	Six invitations by the Council
Twenty-second session . . . . .	Seven invitations by the Council, 2 by the Economic Committee, 2 by the Social Committee and 2 by the Technical Assistance Committee

## II. ANALYTICAL SUMMARY OF PRACTICE

**\*\* A.** The competence of the Council to decide whether a matter is of "particular concern" to a Member of the United Nations

**B.** The meaning of the phrase "matter of particular concern" to a Member of the United Nations

12. Since all invitations were issued with the tacit consent of the members of the Council, the meaning of the phrase "matter of particular concern" was not commented upon. However, the cases of application of Article 69 by the Council or its committees of the whole during the period under review shed some light on the interpretation given to the phrase.

The invited States 2/ were specifically mentioned in a draft resolution 3/ before the Council; or had been mentioned in reports 4/ under discussion; or had been referred to in a debate; or had sponsored or supported proposals of a functional commission which were under discussion. In other cases the observers of the invited States either were in a position to give information verbally 5/ relating to a question under discussion; or could indicate 6/ their Government's position on a proposal under discussion. In still other cases the observers of the invited States spoke 7/ in the course of general debate on items on the Council's agenda.

**\*\* C.** The scope of the invitations issued by the Council

- 2/ For statements of invited States see:  
E S C (XXI), 906th mtg., paras. 45 and 46; 918th mtg., paras. 25-33;  
E S C (XXII), 946th mtg., paras. 44-54; E/AC.7/SR.321, p. 5; E/AC.7/SR.323, p. 9;  
E/AC.7/SR.328, pp. 13 and 15; E/AC.7/SR.329, p. 4; E/AC.7/SR.345, pp. 5, 6, 10 and 11; E/AC.7/SR.346, p. 8.
- 3/ E S C (XXI), annexes, a.i. 10, E/L.700 and E S C (XXII), annexes, a.i. 12, p. 3, E/2912, para. 9, Draft resolution G.
- 4/ E S C (XX), Suppl. No. 8 (E/2768), pp. 155 and 156; E/2815, pp. 324-329.
- 5/ E S C (XXII), 946th mtg., paras. 19 and 20; E/TAC/SR.120, pp. 11 and 12.
- 6/ E/AC.6/SR.201, p. 14; E/AC.6/SR.214, p. 6; E/TAC/SR.110, pp. 6 and 7.
- 7/ E S C (XXI), 909th mtg., paras. 47-55; 910th mtg., paras. 17-22, 23-29, 30-31;  
E S C (XXII), 933rd mtg., paras. 79-85; 939th mtg., paras. 1-9, 10-17; 949th mtg., paras. 79-83; 950th mtg., paras. 14-18.

## D. The scope of the participation of non-members in the deliberations of the Council

13. The participation of observers of States invited to the Council's table, which has remained governed by rule 75 of the rules of procedure, has consisted in most cases of statements 8/ explaining the interest and position of their Governments regarding an item under discussion. Such statements have often included a description of the relevant situation existing in the invited State. In other cases 9/ the observers have presented the views of their Governments on specific proposals or draft resolutions before the Council or a committee of the whole.

## E. The extension of the provision of Article 69 to subsidiary organs of the Council

1. *Regional economic commissions*

14. In the period under review, an increasing number of States Members of the United Nations have participated in sessions of all three regional economic commissions 10/ in accordance with their terms of reference, which provide that the commission shall invite any Member of the United Nations not a member of that commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member.

2. *Committees and functional commissions*

15. During the period under review the Council approved 11/ the rules of procedure of the Commission on International Commodity Trade, which include the following rule: 12/

"A State, Member of the United Nations, not represented on the Commission, may participate in the Commission's deliberations on any item in which that Member has a direct concern, and designate a representative for this purpose. The representative of such Member shall not have the right to vote but may submit proposals which may be put to the vote by request of any representative on the Commission ..."

16. The above language is based on paragraph 3 (b) of Council resolution 557 F (XVIII) which lays down the terms of reference of the Commission. It differs slightly from that of rule 72 of the rules of procedure of the functional commissions which specifies that the commissions "may invite" a Member State on matters of "particular" concern to that Member. The scope of the participation of a representative of an invited State is the same as that defined in rule 72 for the other commissions.

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8/ Ibid.; E S C (XXI), 918th mtg., paras. 25-33; E S C (XXII), 946th mtg., paras. 18, 19 and 20.

9/ E S C (XXI), 906th mtg., paras. 45, 46 and 52; E S C (XXII), 946th mtg., para. 49; E/AC.7/SR.321, p. 5; E/AC.7/SR.323, p. 9; E/AC.7/SR.345, pp. 5, 6, 10 and 11; E/AC.7/SR.346, p. 8; E/AC.6/SR.201, p. 14; E/AC.6/SR.214, p. 6; E/TAC/SR.110, pp. 6 and 7; E/TAC/SR.120, pp. 11 and 12.

10/ Czechoslovakia, Israel and Yugoslavia participated in the eleventh and twelfth sessions of ECAFE, and Bulgaria, Canada, Colombia, Hungary, Poland and Romania participated in the twelfth session. Australia, Brazil, Canada and Israel participated in the tenth and eleventh sessions of ECE; Iran participated in the tenth session and Cuba and Venezuela in the eleventh. Czechoslovakia, Poland and Sweden participated in the sixth session of ECLA.

11/ E S C resolution 582 (XX).

12/ E S C (XXII), Suppl. No. 9 (E/2886-E/CN.13/20), annex IV, rule 73.

F. The participation of States not Members of the United Nations in the deliberations of the Council and its subsidiary organs

1. *The Council and its committees*

17. No invitations to States not Members of the United Nations were issued by the Council or its committees during the period under review.

2. *Regional economic commissions*

18. Referring to an earlier decision regarding the participation of Italy in Economic Commission for Latin America (ECLA) sessions, 13/ the Council at its twentieth session 14/ in resolution 581 (XX) agreed that Spain, a country which was not at that time a Member of the United Nations and which had not participated in the work of any regional economic commission, should be invited to attend sessions of ECLA "on a basis similar to that provided in paragraph 6 of the terms of reference of the Commission for States Members of the United Nations not members of the Commission". At its twenty-second session the Council, 15/ in resolutions 616 (XXII) and 617 (XXII), approved the participation of Japan and of the Federal Republic of Germany in the sessions of ECLA and Economic Commission for Asia and the Far East (ECAFE) respectively on the same basis.

3. *Functional commissions*

19. The Commission on Narcotic Drugs has, as in the past, 16/ invited at its two sessions held during the period under review States not Members of the United Nations to participate in its deliberations. 17/

20. The rules of procedure of the Commission on International Commodity Trade include a provision regarding the participation of States not Members of the United Nations in the deliberations of the Commission along the lines of the provision contained in the resolution of the Council establishing the Commission. 18/

21. The second paragraph of rule 73 reads:

"Subject to prior authorization by the Council, the Commission may invite any State which is not a Member of the United Nations to take part in its discussion through a designated representative, when the presence of that State appears advisable for the consideration by the Commission of a problem under study."

22. No cases of application of this rule occurred during the period under review.

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13/ See in the Repertory, vol. III, under Article 69, para. 46.

14/ E S C (XX), 891st mtg., para. 54.

15/ E S C (XXII), 941st mtg., paras. 81 and 82.

16/ See in the Repertory, vol. III, under Article 69, para. 47.

17/ Five States not Members of the United Nations were invited to send observers at the tenth session of the Commission (E S C (XX), Suppl. No. 8 (E/2768/Rev.1) para. 2) and two such States to send observers to the eleventh session (E S C (XXII), Suppl. No. 8 (E/2891), para. 2).

18/ E S C resolution 557 F (XVIII), para. 3 (b).

19/ The ad hoc Committee on Refugees and Stateless Persons met for the last time on 25 August 1950 (E/AC.32/SR.43).

**\*\* 4. The ad hoc Committee on Refugees and Stateless Persons 19/**

**G. The question of the interpretation of Article 69 in connexion with the admission to membership in regional economic commissions of States not Members of the United Nations**

23. The question of the interpretation of Article 69 has not been raised since the Council at its seventeenth session decided to accord full membership in ECAFE and Economic Commission for Europe (ECE) to certain States not Members of the United Nations. 20/ At its twentieth session, 21/ the Council accorded full membership in ECE to a further State not a Member of the United Nations: the Federal Republic of Germany.

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20/ E S C resolutions 517 A and B (XVII).

21/ E S C resolution 594 (XX); E S C (XX), 899th mtg.