ARTICLE 69

Table of Contents

<table>
<thead>
<tr>
<th>Text of Article 69</th>
<th>Paragraphs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introductory Note</td>
<td>1 - 7</td>
</tr>
<tr>
<td>I. General Survey.</td>
<td>8 - 18</td>
</tr>
<tr>
<td>II. Analytical Summary of Practice.</td>
<td>19 - 53</td>
</tr>
<tr>
<td>A. The competence of the Council to decide whether a matter is of &quot;particular concern&quot; to a Member of the United Nations</td>
<td>19 - 20</td>
</tr>
<tr>
<td>B. The meaning of the phrase &quot;matter of particular concern&quot; to a Member of the United Nations</td>
<td>21 - 24</td>
</tr>
<tr>
<td>C. The scope of the invitation issued by the Council</td>
<td>25</td>
</tr>
<tr>
<td>D. The scope of the participation of non-members in the deliberations of the Council</td>
<td>26 - 30</td>
</tr>
<tr>
<td>E. The extension of the provision of Article 69 to subsidiary organs of the Council</td>
<td>31 - 37</td>
</tr>
<tr>
<td>1. Regional economic commissions</td>
<td>31 - 33</td>
</tr>
<tr>
<td>2. Committees and functional commissions</td>
<td>34 - 37</td>
</tr>
<tr>
<td>F. The participation of States not Members of the United Nations in the deliberations of the Council and its subsidiary organ</td>
<td>36 - 49</td>
</tr>
<tr>
<td>1. The Council and its committees.</td>
<td>38 - 43</td>
</tr>
<tr>
<td>2. Regional economic commissions</td>
<td>44 - 46</td>
</tr>
<tr>
<td>3. Functional commissions.</td>
<td>47 - 49</td>
</tr>
<tr>
<td>4. The Ad Hoc Committee on Refugees and Stateless Persons.</td>
<td>49</td>
</tr>
<tr>
<td>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</td>
<td>50 - 53</td>
</tr>
</tbody>
</table>
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 present study deals with the application of Article 69 by the Economic and Social Council, and the practice followed by the Council in inviting Members of the United Nations not members of the Council to participate in the deliberations of the Council on matters of particular concern to them.

2. It also discusses the application of provisions similar to Article 69 which have been embodied by the Council in the terms of reference of its regional economic commissions and in the rules of procedure of its committees and functional commissions.

3. The General Survey reviews the main features of the procedure evolved by the Council to implement Article 69, and the frequency of the application of that Article.

4. The Analytical Summary of Practice deals with questions relating to the conditions under which Article 69 has been applied and to the scope of its application.

5. Although Article 69 relates exclusively to the participation of States Members of the United Nations in the deliberations of the Council, the present study also considers cases in which the Council agreed to invite States not Members of the United Nations to participate in its deliberations or in those of its subsidiary bodies.

6. Finally, since Article 69 has been invoked in connexion with the participation in the regional economic commissions as "full members" of States not Members of the United Nations, consideration is given to this particular question.

7. The participation in the Economic Commission for Asia and the Far East of "associate members" and in the Economic Commission for Europe of European nations not Members of the United Nations is dealt with in this Repertory under Article 68.

I. GENERAL SURVEY

8. The general conditions governing the implementation of Article 69 by the Economic and Social Council are summarized below.

9. In accordance with the practice evolved by the Council, States Members of the United Nations but not members of the Council are enabled to participate, without the right to vote, in the deliberations of the Council, at the invitation of the President, with the agreement of the Council. The invitation is extended by the President, either at the request of the State desiring to participate, or at the request of a member of the Council or on his own initiative.
10. Article 69 was applied for the first time at the first session of the Council. At that time, the Council agreed that requests under Article 69 would be referred to a sub-committee before being considered by the Council itself. This procedure, followed at the first session, has not, however, been followed on any subsequent occasion. When, at the sixth session, the next case of application of Article 69 arose, the States which were not Council members were invited directly by the President with the tacit agreement of the Council. At subsequent sessions, one or more States which were not members of the Council have been invited to participate in the deliberations of the Council by the simplified procedure followed at the sixth session. Whereas, at its first session, the Council had received a formal request, at subsequent sessions the invitations extended by the Council have resulted either from informal requests from States not members of the Council or from a proposal by the President or by a member of the Council. No draft resolution has ever been submitted on the subject, nor has a vote ever been taken. In each case, the President has ascertained the views of the Council by calling to its attention an informal request for an invitation under Article 69, or the desirability of inviting one or more States not members of the Council to participate in the deliberations of the Council in connexion with an item on its agenda. As no objections have ever been raised, the State or States concerned have, on every occasion, been invited to the Council table. In a few cases, the Governments thus invited did not send representatives to participate in the deliberations of the Council.

11. The decision whether a matter is of particular concern to a State which is not a member of the Council rests with the Council, as specified in rule 75 of its rules of procedure. In practice, however, the Council has on all occasions authorized States requesting invitations on that ground to participate in its deliberations upon their request. In addition, the Council, through its President, has taken the initiative of inviting States which were not represented on the Council to participate in its deliberations when a report or a statement before the Council has referred specifically to such States. In numerous cases, either Article 69 has been invoked or its language has been quoted, when an invitation has been issued by the Council. More recently, however, invitations have frequently been issued without explicit reference to the relevant Charter provision.

12. An invitation is always limited to a specific item or sub-item on the agenda of the Council, and a new invitation is extended if the same question is considered at a subsequent session.

13. The scope of the participation of a State not a member of the Council does not include the right to vote, but consists of the right to intervene in the discussions and to make proposals which may be put to the vote at the request of any member of the Council. In most cases, however, the representatives of States not members of the Council have limited their interventions to statements of the position of their Governments on the item under discussion.

14. It has been the practice for Members of the United Nations, not members of the Council, to designate "observers" to attend sessions of the Council; their names appear in the Official Records in the list of delegations present. The procedure for the participation of these observers in the proceedings of the Council is that described above.

15. During the eighteen regular sessions of the Council held from 1946 to 1954, fifty-nine invitations have been extended to States Members of the United Nations, but not members of the Council, to participate in the deliberations of the Council. The following table indicates, by sessions of the Council, the frequency with which the invitations were issued:
<table>
<thead>
<tr>
<th>Session</th>
<th>Invitations</th>
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<tbody>
<tr>
<td>First session</td>
<td>One invitation</td>
</tr>
<tr>
<td>Second to fifth sessions</td>
<td>None</td>
</tr>
<tr>
<td>Sixth session</td>
<td>Twelve invitations</td>
</tr>
<tr>
<td>Seventh session</td>
<td>None</td>
</tr>
<tr>
<td>Eighth session</td>
<td>Eleven invitations</td>
</tr>
<tr>
<td>Ninth and tenth sessions</td>
<td>None</td>
</tr>
<tr>
<td>Eleventh session</td>
<td>One invitation</td>
</tr>
<tr>
<td>Twelfth session</td>
<td>One invitation</td>
</tr>
<tr>
<td>Thirteenth session</td>
<td>Eight invitations</td>
</tr>
<tr>
<td>Fourteenth session</td>
<td>Nine invitations</td>
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<tr>
<td>Fifteenth session</td>
<td>Three invitations</td>
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<tr>
<td>Sixteenth session</td>
<td>Two invitations</td>
</tr>
<tr>
<td>Seventeenth session</td>
<td>Six invitations</td>
</tr>
<tr>
<td>Eighteenth session</td>
<td>Five invitations</td>
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16. States not Members of the United Nations have sent observers to attend Council sessions; their names also appear in the Official Records in the list of delegations present. Although the Council and the Technical Assistance Committee, in one instance, and the Social Committee, in another instance, have invited representatives of States not Members of the United Nations to make statements before them, there is no rule governing the participation of such non-member States. It should be noted in this connexion that the Council has not limited the categories of persons who may intervene in its debates to representatives of Governments, specialized agencies or non-governmental organizations. It has also invited representatives of international regional organizations accorded similar privileges by the General Assembly. Moreover, it has allowed certain persons to make statements in their personal capacity. For example, on one occasion, the Director-General of the United Nations Relief and Rehabilitation Administration was invited to the Council table. On another occasion, a rapporteur appointed by the Council participated in his personal capacity in the deliberations of the Council, although his Government was no longer a member of the Council.

17. The Council has embodied provisions similar to those of rule 75 of its own rules, which is derived from Article 69, in the terms of reference or in the rules of procedure of its subsidiary organs. In the implementation of such provisions, the committees and commissions of the Council have followed the practice evolved by the Council.

18. Before the Council accorded to certain States not Members of the United Nations full membership in the Economic Commission for Europe (ECE) and in the Economic Commission for Asia and the Far East (ECAFE), it authorized ECAFE to invite three States not Members of the United Nations to a conference organized by the Commission; it also authorized the participation of another such State in the sessions of the Economic Commission for Latin America (ECLA). Moreover, the Commission on Narcotic Drugs has on occasion invited certain States not Members of the United Nations to participate in its deliberations.

1/ E S C resolution 412 B (XIII); see also in this Repertory under Articles 57, 59 and 70.
2/ E S C (III), 2nd mtg., p. 16.
2/ E S C (XVII), 769th mtg., paras. 53-60; 774th mtg., paras. 23-32.
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

19. Article 69 was invoked \(^4\) at the first session of the Council. The Council was requested to consider the "equitable adjustment of prices on the international market" when it decided to call an "international conference on trade and employment". It was also requested to permit a State not represented on the Council "to take part without the right to vote in the deliberations of the Council regarding this matter in which it was particularly interested, such participation being in accordance with Article 69 of the Charter of the United Nations". The Council set up \(^5\) a sub-committee to determine whether the request was compatible with Article 69. The sub-committee reached the following conclusion, \(^6\) which was adopted \(^7\) by the Council:

"That... it was for the Economic and Social Council to decide whether a matter is of particular concern to a Member State not a member of the Council;"

This principle was embodied in the rules of procedure of the Council at its eighth session.

The first sentence of rule 75 reads: \(^8\)

"The Council shall invite any Member of the United Nations which is not a member of the Council to participate in its deliberations on any matter which the Council considers is of particular concern to that Member."

20. When the Council was considering the proposed rule, it was stressed that although the text of Article 69 did not specify that the Council alone had the right to decide whether a matter was of particular concern to a Member of the United Nations, the proposed rule said so explicitly. Some members of the Council doubted whether the Council, in its rules of procedure, was competent to adopt an interpretation of the Charter which would restrict the rights of Member States. Other members of the Council considered that the proposed rule did not violate Article 69, but simply clarified a point on which the Charter had not been precise. The present rule 75 was then adopted by 8 votes to none, with 10 abstentions. \(^9\)

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

21. In most cases where Article 69 was applied, and the Council invited a Member of the United Nations to participate in its deliberations on a "matter of particular concern to that Member", the meaning of the phrase was not elucidated. Consequently, the interpretation placed upon it by the Council cannot be given. Nevertheless, the specific instances set out below shed some light on that interpretation.

\(^4\) E S C (I), p. 124, annex 1 (E/6).
\(^5\) E S C (I), 7th mtg., p. 72.
\(^6\) E S C (I), p. 127, annex 1 C (E/10).
\(^7\) E S C (I), 8th mtg., p. 77.
\(^9\) For texts of relevant statements, see E S C (VIII), 279th mtg., pp. 631 and 632.
Article 69

Paragraphs 22-25

22. At its first session, the Council adopted the report 10/ of a sub-committee appointed to consider the first case of application of Article 69. The report contained the following conclusion: "The fact that a Member State has taken an initiative in proposing a subject for discussion either in the General Assembly, or elsewhere, does not constitute by itself a claim to be heard in the discussion of that matter in the Council.

23. During the eighth session of the Council, the President declared that eighteen countries had been accused of violating trade-union rights. Nine of those countries were Members of the United Nations but not of the Economic and Social Council; they should therefore, the President asserted, be given the opportunity of answering the charges brought against them. The representatives of the nine countries concerned could take part in the discussion if they so desired. 11/

24. At the eleventh session, when the President informed the Council that he had received a request from Argentina to be heard by the Council under Article 69, he stated that the reason for that request was that the survey of policies affecting private foreign investments, prepared by the Secretariat, contained certain references to the economic policy of Argentina, which called for comments. The President added that hitherto, requests for hearings made under Article 69 had always been granted by the Council, and he had no doubt that the members would wish to follow precedent in that particular case. 12/ The Council agreed to hear the Government concerned. 13/

C. The scope of the invitation issued by the Council

25. The practice of the Council has been to invite Members of the United Nations to participate in its deliberations in connexion with specific items or sub-items on its agenda. Separate invitations are issued if a Member is particularly concerned with various items on the agenda of the Council. Invitations issued by the President, on behalf of the Council, are not normally limited to a particular aspect of an item or sub-item under discussion. However, such a limitation may derive from the very wording of the request of the Member. For example, at the first session of the Council, the Government of Ecuador asked to participate in the deliberations of the Council on a specific aspect of the item under discussion. 14/ At the eleventh session of the Council the representative of Argentina was invited at his own request to make a statement on a particular section of a report which was before the Council. 15/

10/ E S C (I), pp. 127 and 128, annex 1 c (E/10).
11/ E S C (VIII), 252nd mtg., p. 328.
The representative of Argentina emphasized, however, that "the President's invitation to him to participate in the Council's work was not based on Article 69 of the Charter; it was simply an act of courtesy, for which he thanked the Council and the President", (E S C (VIII), 264th mtg., p. 476/.
12/ E S C (XI), 397th mtg., paras. 1 and 2.
13/ Ibid., para. 3.
14/ E S C (I), p. 124, annex 1 (E/16).
15/ E S C (XI), 397th mtg., para. 3.
D. The scope of the participation of non-members in the deliberations of the Council

26. Article 69 merely states that Members of the United Nations invited by the Economic and Social Council may "participate, without vote, in its deliberations". Rule 75 of its rules of procedure, adopted by the Council at its eighth session specifies, in its second sentence, \[16\] that:

"Any Member thus invited shall not have the right to vote, but may submit proposals which may be put to the vote by request of any member of the Council."

When the Council was considering the adoption of this rule \[numbered rule 74 at the time of discussion\], it was pointed out that Article 69 of the Charter established no restriction on the rights of States not members of the Council to participate in its deliberations, except with regard to the right to vote. It was therefore contended that the provision in the proposed rule, according to which proposals submitted by States which were not members of the Council could be put to the vote only by request of a member of the Council, was unduly restrictive and contrary to Article 69. Another argument put forward was that, although the proposed rule was identical with rule 38 adopted by the Security Council to implement Article 31 of the Charter, the provision of that Article was less stringent than that of Article 69. Under Article 31, States not members of the Security Council "may participate" in the deliberations of that organ, while under Article 69, the Economic and Social Council "shall invite" non-members to take part in its deliberations. Members of the United Nations therefore had a greater right to participate in the work of the Economic and Social Council than in that of the Security Council. Other members of the Council contested this interpretation of the Charter, and held that the proposed rule 75 was within the competence of the Council. It was pointed out that the Charter had delegated powers specifically to the eighteen members of the Council, and that it was not intended that States not members of the Council should enjoy all the rights of the members of the Council except the right to vote. \[17\]

27. Rule 75 was adopted by 8 votes to none, with 10 abstentions. \[18\]

28. The provisions of rule 75 have been reproduced in rule 76, which deals with the participation of Members of the United Nations in the committees of the Council, and in the cognate rule 72 of the rules of procedure of the functional commissions.

29. The practice of the Council has been to allow the representatives of Governments invited to participate in its deliberations to make statements, to submit written or verbal draft resolutions, and to participate in the work of drafting committees or working groups set up by the Council.

30. As an illustration of the scope of application of Article 69, it may be mentioned that, at the sixteenth session of the Council, the observer for the Government of Chile was invited \[19\] by the Social Committee to participate in the Committee's discussion of the report of the Commission on Human Rights. The observer introduced a draft

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\[16\] The same provision is made in rule 38 of the rules of procedure of the Security Council (United Nations Publications, Sales No.: 1952.I.18).

\[17\] For texts of relevant statements, see E S C (VIII), 278th mtg., pp. 620-623 and 279th mtg., p. 630.

\[18\] E S C (VIII), 279th mtg., p. 633.

\[19\] E/AC.7/SR.237, p. 4.
Article 69

Paragraphs 51-54

resolution which, 20/ in accordance with rule 76, the representative of Venezuela, 21/ a member of the Council, asked to have put to the vote. When a working party was subsequently set up by the Committee to consider various draft resolutions, the observer was included in its membership. 22/

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

1. Regional economic commissions

31. In the terms of reference of its regional economic commissions, the Council has embodied a provision similar to that of Article 69. Paragraph 11 of the terms of reference of the Economic Commission for Europe (ECE) 23/ and paragraph 4 of the terms of reference of the Economic Commission for Asia and the Far East (ECAFE) 24/ read:

"The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member."

32. The language of paragraph 6 of the terms of reference of the Economic Commission for Latin America (ECLA) is the same except that the phrase "following the practices of the Economic and Social Council" 25/ has been added.

33. The rules of procedure of the three regional economic commissions also contain provisions similar to rule 75 of the rules of procedure of the Council. 26/ The regional economic commissions follow the practice of the Council in the implementation 27/ of these provisions.

2. Committees and functional commissions

34. Rule 76 of the rules of procedure of the Council and rule 72 of the rules of procedure of the functional commissions extend the provision of Article 69 to committees and functional commissions of the Council respectively. Rule 76 reads: 28/

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20/ E/AC.7/SR.238, p. 6.
21/ Ibid., p. 10.
22/ Ibid., p. 12.
23/ E S C (XIII), Suppl. No. 1 (E/2152), Appendix II, p. 98.
24/ Ibid., p. 100.
25/ Ibid., p. 102.
26/ Rule 4 for ECE, rule 3 for ECAFE, rule 4 for ECLA.
27/ Canada participated in the eighth, ninth and tenth sessions of ECAFE, and a statement was made by the representative of Canada at the eighth session (E/CN.11/344, p. 169). Yugoslavia participated in the tenth session. There have been several occasions on which Members of the United Nations, not members of the Commission, have attended meetings of subsidiary bodies of ECAFE. Australia participated in the eighth and ninth sessions of ECE and Colombia in the ninth session; in ECLA no Member of the United Nations not a member of the Commission has yet taken advantage of this provision.
28/ The wording of rule 72 of the rules of procedure of the functional commissions is mutatis mutandis the same. (United Nations Publications, Sales No.: 1953.I.22).
"A committee may invite any Member of the United Nations which is not one of its own members to participate in its deliberations on any matter which the committee considers is of particular concern to that Member. Any Member thus invited shall not have the right to vote, but may submit proposals which may be put to the vote by request of any member of the committee."

35. While under the terms of Article 69 the Council "shall invite" any Member of the United Nations to participate in its deliberations on matters of particular concern to that Member, the wording used for the committees and commissions of the Council is "may invite any Member".

36. It was pointed out in the Committee which recommended that the Council should adopt that wording that the provision had an "optional character." The wording "may invite" does not seem therefore to create the same obligation for committees and commissions as that imposed by Article 69 upon the Council. However, there is no apparent difference between the practice followed by the subsidiary organs of the Council in implementing rule 76 or rule 72, as the case may be, and that of the Council in implementing Article 69.

37. Thus, the Commission on Narcotic Drugs has issued over thirty invitations to Member States not represented on the Commission. These invitations have been extended at the suggestion of the Chairman or of a member or at the request of a representative of the State wishing to be heard.

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

38. Article 69 refers explicitly only to Members of the United Nations which are not members of the Council. However, the question of the participation of countries not Members of the United Nations arose in five instances.

39. At the eighth session of the Council, the President declared, in connexion with the question of inviting representatives of countries not represented on the Council to answer allegations regarding infringements of trade-union rights that two countries were not Members of the United Nations and therefore did not enjoy the right of admission to the Council table.

40. At the twelfth session of the Council, the question arose of the participation of Hungary in the deliberations of the Council regarding infringements of trade-union rights. The President of the Council explained that the Charter made no provision for such participation by a non-member State. The Council could, if it so desired, decide to invite a representative of Hungary to take part in the discussion; if any delegation wished to present a proposal to that effect, it would be put to the vote. However, the matter was not pursued and no action was taken.

41. Nevertheless, at the sixteenth session of the Council, the observer for the Government of the United Kingdom of Libya, a country which is not a Member of the United Nations, was invited to make a statement on the "question of assistance to "

29/ E/AC.28/SR.28, p.11, statement by the representative of the Secretary-General.
30/ E/C (VIII), 252nd mtg., p. 320.
31/ E/C (XII), 443rd mtg., para. 71, statement by Poland.
32/ E/C (XII), 443rd mtg., para. 73.
33/ E/C (XVI), 746th mtg., paras. 24-36.
Article 69

Paragraphs 42-45

Libya", an item on the agenda of the Council. During the same session, the Chairman of the Technical Assistance Committee informed the Committee that the observer for the Government of Libya had expressed a desire to make a statement in the Technical Assistance Committee in connexion with the points on the agenda of the latter and added that there was no rule of procedure governing the hearing of representatives of States that were not Members of the United Nations, and it therefore rested with the Committee to take its own decision in the matter. 34/ A member of the Committee proposed that the "observer be granted a hearing", and the Committee so agreed. 35/

42. Again during the sixteenth session, 36/ the Chairman of the Social Committee informed the Committee that the observer for the Italian Government had asked to be allowed to reply to a statement. The representative of Cuba formally moved that the Committee hear the observer. The opinion of the Chairman was that there was nothing in the rules of procedure to preclude the action proposed. One member of the Committee contended 37/ that the Committee had exceeded its terms of reference in embarking upon such a discussion. The proposal to hear the observer for Italy was put to a vote and adopted by 14 votes in favour to none against, with 3 abstentions. Another member then stated 38/ that the vote taken could not be interpreted as creating a precedent for the hearing of States not Members of the United Nations. After hearing the observer for the Italian Government, a member expressed the view 39/ that the Committee had exceeded its powers in allowing the observer to speak, since the Committee was not expressly authorized by its rules of procedure to do so. Only the Council itself could grant such permission. The Chairman, however, ruled that this was within the Committee's power.

43. At the eighteenth session, in connexion with the application from the Romanian People's Republic for membership in the United Nations Educational, Scientific and Cultural Organization (UNESCO), 40/ a member of the Council proposed to hear the observer for Romania. The President stated that, since the rules of procedure did not provide for such a hearing, the observer could be permitted to express his views only with the unanimous consent of Council members. Two members considered such a hearing undesirable, and the President stated that in the circumstances permission to speak could not be given to the observer for Romania.

2. Regional economic commissions

44. The question of the participation in regional economic commissions or in conferences organized by such commissions of States not Members of the United Nations arose in two instances.

45. The first case concerned the participation in the second conference on trade promotion organized by ECAFE of countries not Members of the United Nations but participating in the work of ECE. When the Council considered 41/ this question at its resumed fourteenth session it was stated that ECAFE had authority to invite only Members of the United Nations to participate in a conference of this kind. Any invitation to States not Members of the United Nations would have to be authorized by the Council. The Council then adopted resolution 459 (XIV), which requested the

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34/ E/TAC/SR.41, p. 15.
35/ Ibid., statement by Egypt.
36/ E/AC.1/SR.252, pp. 4-6.
37/ Ibid., pp. 5 and 6, statement by USSR.
38/ Ibid., p. 6, statement by Poland.
39/ E/AC.1/SR.253, pp. 5 and 6, statement by USSR.
40/ E/SC (XVIII), 607th mtg., paras. 68-72.
41/ For texts of relevant statements, see E/SC (XIV), 671st mtg., paras. 43-60.
Secretary-General to authorize the Executive Secretary of ECAFE to extend invitations to the conference to Italy, Finland and Hungary "on the same basis as to Members of the United Nations not members of ECAFE".

46. In the second case, the Council, 42/ in resolution 515 B (XVII), agreed that Italy, a country not a Member of the United Nations but participating in the work of ECE, should be invited by the Executive Secretary of the Economic Commission for Latin America (ECLA) "to attend sessions of the Commission on a basis similar to that provided in paragraph 6 of the terms of reference of the Commission for Members of the United Nations not members of the Commission."

3. Functional commissions

47. On occasion, the Commission on Narcotic Drugs has invited States not Members of the United Nations to participate in its deliberations. However, such States were, in all cases, parties to one of the Narcotics Conventions, for which the Commission has specific responsibility under paragraph 2 (b) of its terms of reference. 43/ The procedure for these invitations is similar to that followed in the case of States Members of the United Nations.

48. The resolution establishing the Commission on International Commodity Trade contains a provision according to which the Commission, subject to prior authorization by the Council, may invite States which are not Members of the United Nations to take part in its discussions when their presence appears advisable for further clarification of the problems under study. 44/

4. The Ad Hoc Committee on Refugees and Stateless Persons

49. With regard to ad hoc committees, the Council specified in resolution 319 B, I (XI) that the Ad Hoc Committee on Refugees and Stateless Persons was "authorized to hear statements from such non-member States, because of their special interest in the problem, as may wish to participate as observers, without vote, in the deliberations of the Committee."

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

50. During the fourteenth and fifteenth sessions of the Council, Article 69 was invoked 45/ as possibly limiting the competence of the Council to admit States not Members of the United Nations to full membership, including the right to vote, in the regional economic commissions. At the fifteenth session, in connexion with a proposal to include in the membership of the regional economic commissions States not Members of the United Nations, the Secretary-General was requested to prepare a legal study which would give consideration to this question from the point of view of Articles 4 and 69 of the Charter.

42/ E S C (XVII), 790th and 791st mtgs.
43/ E S C resolution 1/9.
44/ E S C resolution 557 F (XVIII), para. 3 (b).
45/ For texts of relevant statements, see E S C (XIV), 596th mtg., Philippines, paras. 10-12; E S C (XV), 701st mtg., India, paras. 3-6; Egypt, paras. 14-16.
46/ E/2458. See also in this Repertory under Article 4.
51. The memorandum 46/ by the Secretary-General on this question concluded that "the Council has authority by virtue of Article 68 of the Charter to grant full membership in the regional commissions to States which are not Members of the United Nations." The following considerations were presented in the memorandum:

"The suggestion that Article 69 limits the Council in granting voting rights to non-members appears to be based on the idea that since Members of the United Nations may participate only without vote in the Council, it would not be proper to grant a vote to non-members in the Commissions. Stated in other words, it is suggested that the restriction in Article 69 which applies to the Council must also necessarily apply to the Commissions.

"There is, however, no legal reason why a rule in the Charter regarding voting in the Council itself must mandatorily be applied to its subsidiary organs. The fact that the Charter expressly provides that only members of the Council may vote in the Council does not imply that the Charter has restricted the Council in deciding upon membership or voting in its Commissions.

"The practice of the Council supports this interpretation. It has accorded voting rights in its commissions to Member States who are not members of the Council and in this sense it has already decided that the principle of Article 69 does not have to be applied in respect of the commissions.

"... The Council has granted voting rights to non-member States of the United Nations in the United Nations High Commissioner's Advisory Committee on Refugees..."

52. After mentioning that "Likewise non-member States enjoy full membership and voting rights in the Executive Board of UNICEF", the memorandum stated:

"The fact that the Council has not granted voting rights in the regional economic commissions to Member States of the United Nations which are not members of these Commissions is not a legal obstacle to the Council granting such rights to non-members of the United Nations, since participation in the work of the regional economic commissions appears to be determined by the geographical location and economic relationships of certain States and not by their membership in the United Nations. Members of the United Nations, of course, have a voice regarding matters of the regional economic commissions either at the Council, if they are members of that organ, or at the General Assembly by reason of Article 60."

53. At its seventeenth session, a majority of the members of the Council supported 47/ the views expressed in the memorandum of the Secretary-General, and the Council adopted resolution 517 A and B (XVII) according full membership in ECAFE and ECE to certain States not Members of the United Nations, "provided that in each case the States apply for such membership and agree to contribute annually such equitable amounts as the General Assembly shall assess from time to time in accordance with procedures established by the General Assembly in similar cases".

47/ E S C (XVIII), 779th and 781st mtgs.