

ARTICLE 69

Table of Contents

	<u>Paragraphs</u>
Text of Article 69	
Introductory Note	1 - 2
I. General Survey	3 - 5
II. Analytical Summary of Practice	6 - 15
** 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	
** 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	6
E. The extension of the provision of Article 69 to subsidiary organs of the Council	7 - 11
1. Regional economic commissions	7 - 9
2. Committees and functional commissions	10 - 11
F. The participation of States not Members of the United Nations in the deliberations of the Council and its subsidiary organs . .	12 - 15
1. The Council and its committees	12
2. Regional economic commissions	13
3. Functional commissions	14 - 15
** 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	

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 the application of Article 69 during the period under review reveal no significant changes in the practice of the Economic and Social Council as described in previous Repertory studies of this Article. The headings established in the earlier studies are accordingly maintained, with the exception of subheading II F 4, "The Ad Hoc Committee on Refugees and Stateless Persons", which has been omitted.

2. The account in the General Survey is limited to the general conditions governing the application of Article 69 that are relevant to the specific cases which occurred during this period.

I. GENERAL SURVEY

3. During the period under review, thirty-seven invitations to participate, without the right to vote, in the deliberations of the Economic and Social Council in plenary session were extended to States which were Members of the United Nations but were not members of the Council. 1/ In each case, the invitation was actually extended by the President, with the tacit consent of the Council.

4. The practices of the past regarding the mention of observers in the summary records of the Council, 2/ and the issuance of invitations to observers, 3/ were maintained. States which were not Members of the United Nations continued to send observers to attend the sessions of the Council. 4/

5. The following table shows the number of invitations issued by the Council or its committees of the whole to Members of the United Nations that were not members of the Council. The data cover the period from September 1956 to August 1959 and are shown by sessions of the Council:

<u>Session</u>	<u>Invitations</u>
Twenty-second (resumed).	None
Twenty-third	Three invitations by the Council, and two by the Social Committee
Twenty-fourth	Four invitations by the Council, one by the Economic Committee, one by the Social Committee, one by the Technical Assistance Committee and one by the Council Committee on Non-Governmental Organizations

1/ A suggestion was made that, pending an agreement regarding an increase in the membership of the Council, it could exercise its right under Article 69 to invite observers, and that it might appoint a standing committee to see that the provisions of the Article were implemented and thus assist in the Council's functioning. (G A (XIII), 2nd Com., 549th mtg., para. 16; see also 550th mtg., para. 34 and 551st mtg., para. 12.)

2/ Repertory, Supplement No. 1, vol. II, under Article 69, paras. 6 and 8.

3/ Ibid., paras. 7, 9 and 10.

4/ None of the non-Member States sent observers to the twenty-third session; three sent observers to the twenty-fourth, none to the twenty-fifth, three to the twenty-sixth, three to the twenty-seventh, and three sent observers to the twenty-eighth session.

<u>Session</u>	<u>Invitations</u>
Twenty-fifth	Twelve invitations by the Council
Twenty-sixth	Six invitations by the Council, two by the Economic Committee
Twenty-seventh	Nine invitations by the Council, two by the Economic Committee and one by the Social Committee
Twenty-eighth	Three invitations by the Council, four by the Economic Committee and one by the Social 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
- **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

6. As in the past, the interventions of observers of States invited to participate in the deliberations of the Economic and Social Council were governed by rule 75 of its rules of procedure. At the close of the twenty-third session, however, the President of the Council appealed 5/ to observers to limit their interventions to matters concerning the item under discussion. At the twenty-fourth session, the President, again recalling rule 75, asked 6/ that observers who wished to take part in the debate on specific items of the Council agenda should advise him of their desire to do so sufficiently in advance of the discussion to enable him to inform the members of the Council.

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

1. Regional economic commissions

7. The Economic and Social Council embodied a provision similar to that of Article 69 in the terms of reference of the Economic Commission for Africa (ECA). Paragraph 10 of the terms of reference of ECA 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

5/ E S C (XXIII), 971st mtg., para. 51.

6/ E S C (XXIV), 972nd mtg., paras. 17 and 18; for the rules of procedure of the Economic and Social Council, see E/3063 (United Nations Publication, Sales No.: 58.I.3).

matter of particular concern to that non-member, following the practices of the Economic and Social Council." 7/

8. The rules of procedure of ECA also contained provisions 8/ similar to rules 75 and 76 of the rules of procedure of the Council.

9. A number of States that were Members of the United Nations but were not members of ECA participated at its first session, in accordance with its terms of reference. 9/ In the period under review, an increasing number of Members of the United Nations participated in sessions of the Economic Commission for Europe (ECE), the Economic Commission for Asia and the Far East (ECAFE) and the Economic Commission for Latin America (ECLA). 10/

2. Committees and functional commissions

10. During the period under review, the Council reconstituted the Commission on International Commodity Trade (CICT) and included in its terms of reference the following clause:

"(c) Any Member of the United Nations not represented on the Commission may bring to the Commission's attention any development with respect to commodity markets or particular commodities affecting it and may take part in the Commission's discussion of the problem." 11/

11. The Council invited to the first session of the reconstituted commission, "on the one hand, States Members of the United Nations or members of specialized agencies directly interested in commodity problems, especially the States members of the Committee on Commodity Problems of the Food and Agriculture Organization of the United Nations, and, on the other hand, the Food and Agriculture Organization of the United Nations, the Interim Co-ordinating Committee on International Commodity Arrangements, the contracting parties to the General Agreement on Tariffs and Trade, and the other

7/ E S C (XXVIII), Suppl. No. 10 (E/3201), p. 12, annex III, para. 10.

8/ Ibid., p. 18, annex IV, rules 70 and 71.

9/ Austria, Brazil, Bulgaria, China, Czechoslovakia, Greece, Hungary, India, Israel, Japan, Netherlands, Pakistan, Poland, Turkey, USSR, United States and Yugoslavia participated in the first session of ECA.

10/ Argentina, Australia, Brazil, Canada, Cuba, Egypt, India, Israel, Japan and Syria participated in the twelfth session of ECE; Argentina, Canada, Cuba, India, Israel, Japan, Mexico, United Arab Republic and Uruguay participated in the thirteenth session; and Argentina, Australia, Canada, Cuba, India, Iran, Israel, Japan, Mexico, United Arab Republic and Venezuela participated in the fourteenth session.

Belgium, Czechoslovakia, Denmark, Hungary, Romania and Yugoslavia participated in the thirteenth session of ECAFE; Belgium, Czechoslovakia, Denmark, Hungary, Italy and Poland in the fourteenth session; and Belgium, Canada, Czechoslovakia, Hungary, Israel, Italy, Poland, Sweden and Yugoslavia in the fifteenth session.

Bulgaria, Czechoslovakia, Hungary, Italy, Japan, Romania, Spain and USSR participated in the seventh session of ECLA; Austria, Belgium, Canada, Czechoslovakia, Hungary, Italy, Japan, Poland, Spain, USSR and United Arab Republic participated in the eighth session; and Czechoslovakia, Hungary, Italy, Japan and Spain participated in the sixth session of ECLA's Committee of the Whole.

11/ E S C resolution 691 A (XXVI), operative para. 2 (c); see also this Supplement, under Article 68.

specialized agencies, to take part in the work of the proposed session under the rules of procedure in force". 12/

**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

12. At its twenty-third session, the Economic and Social Council, acting upon the recommendation 13/ of the General Assembly, increased 14/ the membership of its Technical Assistance Committee by six members, to be elected from among Members of the United Nations or members of the specialized agencies. Thus States that were not Members of the United Nations were elected members of the Technical Assistance Committee by virtue of their membership in specialized agencies. 15/

2. Regional economic commissions

13. In the terms of reference of the Economic Commission for Africa, the Council provided that any territory, part thereof or group of territories within the geographical scope of the work of ECA, upon becoming responsible for its own international relations, "may be admitted as a member of the Commission on itself presenting its application to the Economic and Social Council through the Commission." 16/ The Council referred specifically to the membership of "any State in the area which may hereafter become a Member of the United Nations". 17/

3. Functional commissions

14. As mentioned in paragraph 11 above, the Council issued invitations to members of various agencies directly interested in commodity problems to participate in the 1959 session of the Commission on International Commodity Trade. Since, for example, the membership of the Food and Agriculture Organization of the United Nations (FAO) and the contracting parties to the General Agreement on Tariffs and Trade (GATT) included States that were not Members of the United Nations, such States 18/ were indirectly invited to participate at the session.

15. As heretofore, 19/ the Commission on Narcotic Drugs invited States that were not Members of the United Nations to participate in its deliberations. This occurred 20/ during the three sessions falling within the period under review.

12/ E S C resolution 691 B (XXVI), operative para. 3.

13/ G A resolution 1036 (XI).

14/ E S C resolution 647 (XXIII); see also this Supplement, under Article 68.

15/ The Federal Republic of Germany and Switzerland thus served on the Committee.

16/ E S C (XXVIII), Suppl. No. 10 (E/3201), p. 12, annex III, para. 6.

17/ Ibid., para. 5.

18/ Federal Republic of Germany, Republic of Korea, Switzerland and Republic of Viet-Nam attended this session.

19/ See Repertory, Supplement No. 1, vol. III, under Article 69, para. 47.

20/ Three States which were not Members of the United Nations were invited to send observers to the twelfth, thirteenth and fourteenth sessions of the Commission (E S C (XXIV), Suppl. No. 10 (E/3010/Rev.1), para. 2; E S C (XXVI), Suppl. No. 9 (E/3133), paras. 2 and 3; E S C (XXVIII), Suppl. No. 9 (E/3254), para. 2).

****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**