

ARTICLE 69

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 the previous studies of this Article in the *Repertory* and its *Supplements Nos. 1, 2, 3 and 4*. The headings established in the earlier studies are accordingly maintained.

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 arose during the period under review.

I. GENERAL SURVEY

3. During the period under review, 174 States Members of the United Nations which were not members of the Economic and Social Council were invited to participate, without vote, in the plenary sessions of the Council.

4. On 30 July 1971, by its resolution 1621 (LI),¹ the Economic and Social Council recommended that the General Assembly amend Article 61 of the Charter of the United Nations in order to enlarge the membership of the Council from 27 to 54. The Economic and Social Council concurrently decided to enlarge its sessional committees to 54 members.² On 20 December 1971, in accordance with the recommendation contained in Council resolution 1621 (LI), the General Assembly adopted resolution 2847 (XXVI) to amend the Charter, welcoming the decision of the Council, pending the receipt of the necessary ratifications, to enlarge its sessional committees to 54 members.³

5. On 7 January 1972, at the fifty-second session of the Economic and Social Council, 27 States Members of the United Nations were elected by the Council as additional members of the Council's enlarged sessional committees, their terms of office to begin as of the date of their election.⁴ Pending the entry into force of the amendment to Article 61 of the Charter, the additional members were seated at the Council table and were invited by the President to participate in the debates of the Council on a basis similar to that provided for in the relevant terms of reference applicable to States Members of the United Nations not members of the Council. They did not vote or sponsor proposals in the plenary meetings but, where they so desired, their support of a proposal was recorded.⁵

6. The amendment to Article 61 of the Charter entered into force on 24 September 1973. At its 2152nd plenary meeting, on 12 October 1973, the General Assembly decided, as an interim arrangement, that the 27 additional members of the sessional committees of the Economic and Social Council should be empowered to serve as full members on the Council itself from 12 October to 31 December 1973.⁶ At its 2177th plenary meeting, on 23 November 1973, the General Assembly elected these 27 additional members as full members of the Council.⁷

7. The previous practice of the past regarding the mention of observers in the summary records of the Economic and Social Council⁸ and the issuance of invitations to observers⁹ was maintained. States which were not Members of the United Nations continued to send observers to attend sessions of the Council.

8. The following table shows, by session, the number of States that were not members of the Council invited to participate in the deliberations of the Council or its Committees of the Whole. It covers the period from 1 January 1970 to 31 December 1978.

⁶G A (28), 2152nd mtg.

⁷G A (28), 2177th mtg, agenda item 17.

⁸See *Repertory, Supplement No. 1*, vol. II, under Article 69, paras. 6 and 8; and *Supplement No. 2*, vol. III, under Article 69, para. 4. The inclusion of the list of participants (Council members and non-members) in individual summary records was resumed with the forty-ninth session.

⁹*Repertory, Supplement No. 1*, vol. II, under Article 69, paras. 7, 9 and 10; and *Supplement No. 2*, vol. III, para. 4, respectively.

¹E S C resolution 1621 (LI), E S C (51), 1798th mtg.

²Ibid.

³G A resolution 2847 (XXVI).

⁴E S C (52), 1813th mtg.; E/5183, p.28.; E/L.1473.

⁵E S C (52), E/SR.1814, paras. 23-26; see para. 29 below.

<i>Session</i>	<i>Invitation</i>	<i>Session</i>	<i>Invitation</i>
Forty-eighth . . .	Two invitations by the Council, three by the Social Committee	Fifty-seventh . . .	Three invitations by the Council, three by the Economic Committee, four by the Coordination Committee
Forty-ninth . . .	Eight invitations by the Council, two by the Economic Committee, five by the Coordination Committee	Fifty-seventh (resumed) . . .	Three invitations by the Council
Forty-ninth (resumed) . . .	One invitation by the Council	Fifty-eighth . . .	One invitation by the Council, two by the Economic Committee, seven by the Social Committee
Fiftieth	Six invitations by the Council, six by the Social Committee	Fifty-ninth	Five invitations by the Council, two by the Economic Committee, two by the Coordination Committee
Fifty-first	Eleven invitations by the Council, six by the Economic Committee, three by the Coordination Committee	Fifty-ninth (resumed) . . .	One invitation by the Council
Fifty-second . . .	Fourteen invitations by the Council, two by the Social Committee	Sixtieth	Ten invitations by the Council, nine by the Social Committee
Fifty-third	Twenty invitations by the Council, one by the Economic Committee, two by the Coordination Committee	Sixty-first	Sixteen invitations by the Council, three by the Economic Committee, nine by the Coordination Committee
Fifty-third (resumed) . . .	Eleven invitations by the Council	Sixty-first (resumed) . . .	Three invitations by the Council
Fifty-fourth	Five invitations by the Council, five by the Economic Committee, seven by the Social Committee, two by the Coordination Committee	Sixty-second	Thirteen invitations by the Council, 12 by the Social Committee
Fifty-fifth	Five invitations by the Council, six by the Economic Committee, six by the Coordination Committee	Sixty-third	Thirteen invitations by the Council, seven by the Economic Committee, 12 by the Coordination Committee
Fifty-fifth (resumed) . . .	None	Sixty-third (resumed) . . .	Two invitations by the Council
Fifty-sixth	One invitation by the Council, two by the Economic Committee, seven by the Social Committee	Sixty-fourth	Twenty invitations by the Council, 10 by the Economic Committee, 12 by the Social Committee, 11 by the Coordination Committee

II. ANALYTICAL SUMMARY OF PRACTICE

A. Competence of the Economic and Social Council to decide whether a matter is of "particular concern" to a Member of the United Nations

9. On 8 May 1975, pursuant to its decision to revise its rules of procedure on 10 January 1974,¹⁰ the Economic and Social Council adopted resolution 1949 (LVIII),¹¹ according to which rules 75 and 76 of the rules of procedure of the Economic and Social Council, concerning the participation in the Council's deliberations of Members of the United Nations not members of the Council, were merged and renumbered under rule 72.

10. The Economic and Social Council concurrently decided to abandon the reference in its rules of procedure to the principle stating that it was for the Council to decide whether a matter was of particular concern to a Member State not a member of the Council, as formerly embodied in rule 75 of the rules of procedure.¹² By this, the Council confirmed its established practice of accepting all requests of Member States not members of the Council to take part in its deliberations.¹³

¹⁰E S C decision 1 (LVI), 1890th mtg.

¹¹E S C resolution 1949 (LVIII).

¹²See *Repertory*, under Article 69, paras. 19 and 20.

11. Rule 72 of the rules of procedure, as amended under resolution 1949 (LVIII), reads as follows:¹⁴

"1. The Council shall invite any Member of the United Nations that is not a member of the Council, and any other State,¹⁵ to participate in its deliberations on any matter of particular concern to that State.

"2. A committee or sessional body of the Council shall invite any State¹⁶ that is not one of its own members to participate in its deliberations on any matter of particular concern to that State.

"3. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned."

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

C. Scope of the invitations issued by the Council

12. The footnote to rule 72 of the rules of procedure of the Economic and Social Council, as amended by the Council in resolution 1949 (LVIII), provides that the Council, in discharging its functions under Article 69, will follow the practice of the General Assembly in implementing an "all States" clause, and that in all cases where it is advisable it will request the opinion of the General Assembly before taking appropriate decisions. The Council thereby confirmed its practice of inviting States not Members of the United Nations to take part in its deliberations by virtue of their membership in any of the specialized agencies of the United Nations.¹⁷

13. During the fiftieth session of the Economic and Social Council, the request of the observer for India to make a statement under rule 75 of the rules of procedure of the Council was challenged on the ground that the observer should not be allowed to reiterate in a plenary meeting what his delegation had already stated in a meeting of a Committee of the Whole, the agenda of which was different from the one under consideration by the Council. In accordance with the practice of the Council, the President of the Council confirmed that statements by observers must be germane to the item before the Council.¹⁸

14. During the sixty-second session of the Economic and Social Council, at a meeting of the Social Committee, the Chairman of the Committee ruled the observer for Turkey out of order on the ground that he was speaking in reply to a statement made earlier and that, under the rules of procedure, observers could not speak in exercise of the right of reply.¹⁹

15. Also during the sixty-second session of the Council, at a further meeting of the Social Committee, the participation of the observer for Israel in the deliberations of the Committee was challenged by some delegations on the grounds that

since the Committee was preparing to vote on a draft resolution and was no longer at the deliberation stage, delegations could speak only in explanation of their vote, before or after the vote.²⁰ It was argued that only voting members could speak; the Committee could not invite non-members to participate under rule 72 of the rules of procedure of the Economic and Social Council.²¹ Nevertheless, the observer for Israel was permitted to make a statement before the Committee at the invitation of the Chairman.²²

D. Scope of the participation of non-members in the deliberations of the Council

16. During the period under review, questions concerning the scope of the participation of non-members in the deliberations of the Economic and Social Council were raised on several occasions.

17. During its forty-ninth session, the Council allowed the observer for Malta to introduce draft resolution E/4907, paragraph 6, to be put to the vote of the Council.²³

18. During its fiftieth session, at its 1750th meeting, on 5 May 1971, the Economic and Social Council was addressed by the Director of the General Legal Division on the question of whether observers had the right to sponsor draft resolutions under Article 69 of the Charter and rule 75 of the Council's rules of procedure, which had been raised at the 1749th meeting in relation to draft resolution E/L.1391, jointly introduced by a member of the Council and the observers for India and Chile.²⁴

19. The Director of the General Legal Affairs Division explained that although Article 69 did not define the meaning of participation, rule 75 of the Council's rules of procedure did provide that any Member of the United Nations invited to take part in the Council's deliberations might submit proposals which might be put to the vote by request of any member of the Council. It was therefore clear that a Member of the United Nations which was not a member of the Council and was participating in accordance with an invitation issued under rule 75 might itself submit a draft resolution. Since the non-member of the Council might itself submit a draft resolution, it was the opinion of the Office of Legal Affairs that it might join in co-sponsoring a draft resolution submitted by a member or members of the Council, provided that the other sponsors so agreed.²⁵ The Director of the General Legal Division further explained that the word "proposal" in rule 75 of the rules of procedure covered draft resolutions and substantive amendments or motions, as rules 56 and 57 of the rules of procedure indicated, and referred to the rules of procedure of the General Assembly in which draft resolutions were described only by the word "proposal".²⁶ During the debate that followed, however, the members of the Council failed to reach a conclusion on the question and the debate was adjourned.

20. The question was raised again at the Council's 1751st meeting, also on 5 May 1971, in relation to draft decision E/L.1394, submitted by three members of the Council and referring to the observers for Chile and India as co-sponsors

¹³E/AC.60/SR.1-9.

¹⁴E/5715/Rev.2, rule 72.

¹⁵Ibid., Footnote 29 to rule 72 of the rules of procedure of the Economic and Social Council reads as follows: "It is the understanding of the Economic and Social Council that in discharging its functions under this rule it will follow the practice of the General Assembly in implementing an 'all States' clause, and that in all cases where it is advisable it will request the opinion of the Assembly before taking appropriate decisions."

¹⁶Ibid.

¹⁷E/AC.60/SR.1-9; E/5634, annex, pp.26-27; E/5677, annex, p. 24.

¹⁸E S C (50), 1771st mtg. paras.35 et seq.

¹⁹Social Committee, Summary Records, (62), 811th mtg, para. 21.

²⁰Ibid., 815th mtg, paras. 91-95.

²¹Ibid.

²²Ibid.

²³E S C resolution 1537 (XLIX), para. 6.

²⁴E S C (50), 1749th and 1750th mtgs., paras. 31-33 and 20-50, respectively.

²⁵E S C (50), 1750th mtg., para. 20.

²⁶Ibid., para.22.

of draft resolution E/L.1391/Rev.1. The President of the Council said that the matter would be discussed by the officers of the Council and would be brought up in due course, if necessary.²⁷

21. At its 1757th meeting, on 10 May 1971, the Council adopted draft resolution E/L.1391/Rev.2.²⁸ During the debate, several delegations had emphasized that the inclusion of Chile and India as co-sponsors of the draft could not be interpreted as resulting from a decision of the Council based on the provisions of rule 75 of the rules of procedure. It was also emphasized that the inclusion could not be regarded either as a precedent or as a decision of principle of the Council to be invoked as a precedent.²⁹ However, the text of draft resolution E/L.1391/Rev.2, as adopted, explicitly refers to rule 75 of the rules of procedure of the Council in relation to the inclusion of Chile and India as co-sponsors.³⁰

22. The question concerning the scope of participation of non-members in the deliberations of the Council was raised in another instance. At the Council's 1768th meeting, a member of the Council proposed an amendment to draft resolution E/L.1408 on measures to improve the organization of the work of the Council, with the effect of inviting Member States not members of the Council to make full use of the right accorded them in rule 75 of the rules of procedure of the Council, by presenting draft resolutions, draft decisions or amendments in their own name or in conjunction with members of the Council, in such a manner as to provide adequate treatment for the interests of all Members of the United Nations.³¹ The proposal was interpreted by the members of the Council as a proposed amendment to its rules of procedure. No further action was taken pending the proposal's submission in writing, in accordance with rule 56 of the rules of procedure.³²

23. The question was raised again at the Council's 1769th meeting in relation to draft proposals E/AC.7/L.585 and E/AC.7/L.585/Rev.1, referring to India, then not a member of the Council, as co-sponsor of the draft proposals and adopted as such by the Council.³³

24. The question was raised again at the Council's 1790th meeting in relation to draft resolution E/L.1438/Rev.1, referring to Turkey, then not a member of the Council, as co-sponsor of the draft resolution and adopted as such by the Council.³⁴ The President of the Council confirmed that the interpretation of the observer for Turkey, who considered that the acceptance of a non-member as co-sponsor of a draft resolution was in accordance with rule 75 of the rules of procedure, did not constitute a precedent for the practice of the Council.³⁵ The text of draft resolution E/L.1438/Rev.1, as adopted, explicitly refers to rule 75 of the rules of procedure of the Council with regard to Turkey's co-sponsorship.³⁶

25. During the sixty-first session, at the 601st meeting of CPC, the observer for the Netherlands was permitted to introduce a draft decision before the Committee at the invita-

tion of the Chairman and upon the request of a member of the Committee, in accordance with rule 72 of the rules of procedure of the Economic and Social Council.³⁷ The Committee confirmed this practice during the sixty-third session³⁸ and the 1978 second regular session.³⁹

26. During the fifty-fourth session of the Council, in reply to a request by the observer for Greece to have his remarks included in the Council's reports and summary records, the President of the Council recalled that, under rule 75 of the rules of procedure of the Council, proposals by non-members could be put to the vote at the request of a member of the Council.⁴⁰

27. During the resumed sixty-first session, the President of the Council pointed out that he could not entertain an appeal by Iraq, then not a member of the Council, calling upon the Council to defer final action on a draft resolution before the Council, unless a member of the Council put such appeal forward as a formal proposal.⁴¹

28. During the fifty-second session, the question regarding the additional 27 members of the enlarged sessional committees of the Council⁴² was raised at the Council's 1814th meeting, on 15 May 1972. In that instance, the Council drew on the precedent established at its thirty-seventh session, prior to the entry into force of the increase in the Council's membership from 18 to 27. The President of the Council explained that, pending ratification of the relevant amendment to the Charter, the additional members were asked to take a place at the Council table and to participate fully in the debates in plenary meetings, without the right to vote or sponsor proposals. Support by such additional members for proposals would be indicated in the text concerned or in the record of the meeting in question. The members of the Council agreed to follow this precedent.⁴³ This agreement notwithstanding, the Council, at its 1834th meeting on 25 July 1972, adopted draft resolution E/L.1508, sponsored and introduced by Pakistan, then participating as observer in the Council's deliberations in its capacity as an additional member of the sessional committees of the Council.⁴⁴

E. Extension of the provision of Article 69 to the subsidiary organs of the Council

1. REGIONAL ECONOMIC COMMISSIONS

29. On 9 August 1973, by its resolution 1818 (LV), the Economic and Social Council established the Economic Commission for Western Asia, to start its operations on 1 January 1974, and to be composed of States Members of the United Nations situated in Western Asia.

30. As in the past, a considerable number of Members of the United Nations, not members of the regional economic commissions, participated in a consultative capacity in those bodies in accordance with their respective rules of procedure:

²⁷E S C (50), 1751st mtg., paras. 22-23.

²⁸E S C resolution 1568 (L).

²⁹E S C (50), 1757th mtg.

³⁰E S C E/L.1391/Rev.2, footnote 1.

³¹E S C (50), 1768th mtg., para. 34.

³²Ibid., paras. 34 et seq.

³³E S C (50), 1769th mtg., para. 18; E/5023, paras. 2, 4-6.

³⁴E S C resolution 1612 (LI).

³⁵E S C (51), 1790th mtg., paras. 47-48.

³⁶E/L.1438/Rev.1, footnote 1.

³⁷A/C.24/601, paras. 45-50.

³⁸E S C (63), 615th mtg., para. 2.

³⁹E S C, 1978, 2nd regular session, 16th mtg., para. 7.

⁴⁰E S C (54), 1858th mtg., para. 167.

⁴¹E S C (61), 2033rd mtg., paras. 8-9.

⁴²Elected by the Council on 7 January 1972 pursuant to resolution 1621 (LI); see paras. 4-7, above.

⁴³E S C (52), 1814th mtg.; E/SR.1809-1818, paras. 22-26.

⁴⁴E S C resolution 1704 (LIII).

Economic Commission for Europe

Twenty-fifth session: Australia, Canada, Cuba, Ethiopia, Israel and Japan.

Twenty-sixth session: Algeria, Canada, Cuba, Israel and Japan.

Twenty-seventh session: Algeria, Canada, Iran, Israel and Japan.

Twenty-eighth session: Algeria, Canada and Japan.

Twenty-ninth session: Israel and Japan.

Thirtieth session: Argentina, Israel and Japan.

Thirty-first session: Argentina and Israel.

Thirty-second session: Australia, Israel and Mongolia.

Thirty-third session: Argentina, Australia, Israel and Tunisia.

Economic Commission for Asia and the Far East

Twenty-sixth session: Austria, Belgium, Brazil, Canada, Czechoslovakia, Hungary, Israel, Italy, Norway, Saudi Arabia, Sweden and Yugoslavia.

Twenty-seventh session: Austria, Canada, Czechoslovakia, Hungary, Israel, Poland, Romania, Saudi Arabia, United Arab Republic and Yugoslavia.

Twenty-eighth session: Arab Republic of Egypt, Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, Hungary, Israel, Italy, Norway, Saudi Arabia, Sweden and Yugoslavia.

Twenty-ninth session: Arab Republic of Egypt, Austria, Belgium, Brazil, Canada, Colombia, Czechoslovakia, Hungary, Iraq, Israel, Italy, Norway, Poland, Romania, Saudi Arabia, Sweden, Turkey and Yugoslavia.

Thirtieth session: Belgium, Bulgaria, Canada, Czechoslovakia, Egypt, German Democratic Republic, Germany (Federal Republic of), Hungary, Israel, Italy, Maldives, Poland, Romania and Sweden.

Thirty-first session: Belgium, Canada, Czechoslovakia, Egypt, German Democratic Republic, Germany (Federal Republic of), Hungary, Iraq, Ireland, Israel, Italy, Poland, Romania, Sweden, Trinidad and Tobago and Yugoslavia.

Thirty-second session: Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Egypt, Germany (Federal Republic of), Hungary, Israel, Italy, Norway, Poland, Sweden and Turkey.

Thirty-third session: Austria, Belgium, Brazil, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, Germany (Federal Republic of), Hungary, Israel, Italy, Norway, Poland, Sweden and Turkey.

Thirty-fourth session: Austria, Belgium, Canada, Czechoslovakia, Denmark, Germany (Federal Republic of), Hungary, Israel, Italy, Norway, Poland, Romania, Sweden and Turkey.

Economic Commission for Latin America

Fifth extraordinary session: Belgium, India and Italy.

Sixth extraordinary session: Australia, Austria, Belgium, Bulgaria, Ceylon, Czechoslovakia, Dahomey, Denmark, Finland, Ghana, Greece, India, Israel, Italy, Japan, Mauritania, New Zealand, Norway, Pakistan, Philippines, Poland, Romania, Sierra Leone, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia and Zambia.

Fourteenth session: Belgium, Bulgaria, Czechoslovakia, Hungary, Israel, Norway, Poland, Romania, Spain, Sweden, Union of Soviet Socialist Republics and Yugoslavia.

Fifteenth session: Bulgaria, Czechoslovakia, Hungary, Israel, Japan, Poland, Romania, Spain, Sweden, Union of Soviet Socialist Republics and Yugoslavia.

Seventh extraordinary session: Union of Soviet Socialist Republics.

Eighth extraordinary session: Germany (Federal Republic of).

Sixteenth session: Germany (Federal Republic of), Hungary, Spain and Union of Soviet Socialist Republics.

Ninth extraordinary session: none.

Seventeenth session: Denmark, Germany (Federal Republic of), Hungary, Italy, Japan, Romania, Spain, Sweden and Union of Soviet Socialist Republics.

Economic Commission for Africa

Tenth session: Belgium, Bulgaria, Canada, Czechoslovakia, Hungary, India, Netherlands, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

Eleventh session: Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Hungary, India, Israel, Italy, Netherlands, Pakistan, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

Twelfth session: Australia, Belgium, Canada, Denmark, German Democratic Republic, Hungary, Italy, Jamaica, Netherlands, Norway, Pakistan, Sweden, Trinidad and Tobago, Union of Soviet Socialist Republics and United States of America.

Thirteenth session: Austria, Belgium, Canada, Cuba, Czechoslovakia, German Democratic Republic, Germany (Federal Republic of), Hungary, Italy, Japan, Netherlands, Poland, Turkey, Union of Soviet Socialist Republics and United States of America.

Economic Commission for Western Asia

First session: Austria, Canada, Egypt, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Italy, Japan, Pakistan, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

Second session: Australia, Belgium, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Italy, Netherlands, Pakistan, Poland, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

First special session: none.

Third session: Finland, Germany (Federal Republic of), Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America.

Second special session: France, Germany (Federal Republic of) and United Kingdom of Great Britain and Northern Ireland.

Fourth session: Algeria, Czechoslovakia, Egypt, Finland, France, Germany (Federal Republic of), Greece, India, Japan, Morocco, Netherlands, Pakistan, Romania, Turkey, Union of Soviet Socialist Republics, United King-

dom of Great Britain and Northern Ireland and United States of America.

Fifth session: Belgium, France, Germany (Federal Republic of), Greece, Hungary, India, Italy, Netherlands, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

2. COMMITTEES AND FUNCTIONAL COMMISSIONS

31. On 13 January 1970, by its resolution 1472 (XLVIII), the Economic and Social Council reconstituted the Committee for Programme and Coordination to consist of 21 States Members of the United Nations elected by the Council on the basis of equitable geographic distribution.⁴⁵ In accordance with past practice, the Committee for Programme and Coordination invited States not members of the Committee to participate in its deliberations.⁴⁶ During the Council's resumed fifty-first session, the issue of the participation in its deliberations of States not members of the Committee was raised in relation to the examination of the Committee's report before the Council at its 1806th meeting, on 23 November 1971.⁴⁷

32. By its resolution 1535 (XLIX) of 27 July 1970, the Economic and Social Council established the Committee on Natural Resources as a standing committee of the Council, composed of 27 States Members of the United Nations elected by the Council on the basis of equitable geographic distribution.⁴⁸ During the period under review, the Committee on Natural Resources invited States not members of the Committee to participate in its deliberations.⁴⁹

33. On 30 July 1971, by its resolution 1621 B (LI), the Economic and Social Council established the Committee on Science and Technology for Development as a standing committee of the Council, composed of 54 States Members of the United Nations elected by the Council on the basis of equitable geographic distribution.⁵⁰ During the period under review, the Committee on Science and Technology for Development invited States not members of the Committee to participate in its deliberations.⁵¹

34. On 5 December 1974, by its resolution 1913 (LVII), the Economic and Social Council established the Commission on Transnational Corporations as a standing committee of the Council, composed of 48 States Members of the United Nations, elected by the Council on the basis of equitable geographic distribution.⁵² During the period under review, the Commission on Transnational Corporations invited States not members of the Commission to participate in its deliberations.⁵³

⁴⁵E S C resolution 1472 (XLVIII).

⁴⁶One such State sent observers to participate in the proceedings of the Committee's sixth session; two in the seventh session; four in the ninth session; four in the tenth session; four in the eleventh session; six in the twelfth session; four in the thirteenth session; one in the fourteenth session; four in the fifteenth session; seven in the sixteenth session; eleven in the seventeenth session; 12 in the eighteenth session.

⁴⁷E S C (51), 1806th mtg., paras. 60-77.

⁴⁸E S C resolution 1535 (XLIX).

⁴⁹Six such States sent observers to participate in the proceedings of the Committee at its first session; six at the second session; six at the third session; eight at the fourth session; 22 at the first special session; 13 at the second special session; six at the fifth session.

⁵⁰E S C resolution 1621 B (LI).

⁵¹Four such States sent observers to take part in the proceedings of the Committee at its first session; seven at the second session; four at the third session; eight at the fourth session.

⁵²E S C resolution 1913 (LVII).

35. On 4 August 1978, by its resolution 1978/71, the Economic and Social Council established the Committee on an International Agreement on Illicit Payments, "open to all States".⁵⁴

36. The Committee on Review and Appraisal during the reporting period invited States not members of the Committee to participate in its deliberations.⁵⁵

37. During the period under review, the following committees and functional commissions extended an invitation, in accordance with their past practice, to States not members of the body in question to participate in its deliberations: Committee on Housing, Building and Planning;⁵⁶ Commission on Human Rights;⁵⁷ Population Commission;⁵⁸ Commission on the Status of Women;⁵⁹ Commission for Social Development;⁶⁰ Commission on Narcotic Drugs;⁶¹ and Statistical Commission.⁶²

F. 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. During the period under review, the Economic and Social Council continued its practice of inviting the participation of States not Members of the United Nations to participate in the deliberations of the Council and its subsidiary organs.

39. At the forty-ninth session of the Council, the observer for the Holy See was permitted to make a statement before the Council.⁶³ In 1978, at the first regular session of the Council, the observer for the Holy See was permitted to make a statement before the Social Committee.⁶⁴ At the

⁵³Four such States sent observers to participate in the proceedings of the Commission at its first session; five at the second session; eight at the third session; six at the fourth session.

⁵⁴E S C resolution 1978/71.

⁵⁵Two such States sent observers to take part in the proceedings of the Committee at its first session; seven at the second session; nine at the third session; four at the fourth session.

⁵⁶Four such States sent observers to take part in the proceedings of the Committee at its seventh session; four at the eighth session; four at the ninth session.

⁵⁷Seventeen such States sent observers to take part in the proceedings of the Commission at its twenty-sixth session; 17 at the twenty-seventh session; 19 at the twenty-eighth session; 24 at the twenty-ninth session; 23 at the thirtieth session; 28 at the thirty-first session; 27 at the thirty-second session; 42 at the thirty-third session; 45 at the thirty-fourth session.

⁵⁸Six such States sent observer to take part in the proceedings of the Commission at its sixteenth session; 24 at the seventeenth session; two at the first special session; 10 at the second special session; 40 at the third special session; 23 at the eighteenth session; five at the nineteenth session.

⁵⁹Eleven such States sent observers to take part in the proceedings of the Commission at its twenty-third session; 13 at the twenty-fourth session; nine at the twenty-fifth session; 18 at the twenty-sixth and resumed twenty-sixth sessions; 13 at the twenty-seventh session.

⁶⁰Ten such States sent observers to take part in the proceedings of the Commission at its twenty-first session; six at the twenty-second session; 13 at the twenty-third session; 12 at the twenty-fourth session; 12 at the twenty-fifth session.

⁶¹Twenty-five such States sent observers to take part in the proceedings of the Commission at its twenty-fourth session; 34 at the twenty-fifth session; 20 at the first special session; 11 at the second special session; 25 at the third special session; 24 at the twenty-sixth session; 26 at the fourth special session; 28 at the twenty-seventh session; 33 at the fifth special session.

⁶²Three such States sent observers to take part in the proceedings of the Commission at its seventeenth session; three at the eighteenth session; three at the nineteenth session.

⁶³E S C (49), 1727th mtg., paras. 11-12.

fifty-seventh session of the Council, the observer for the Holy See was permitted to make a statement before the Policy and Programme Coordination Committee at the invitation of the Chairman of the Committee.⁶⁵ The Holy See and Switzerland were permitted to attend two sessions of the Committee on Review and Appraisal, as observers.⁶⁶ The Holy See was permitted to attend the third session of the Committee on Science and Technology for Development as an observer.⁶⁷

40. During the fifty-first session of the Economic and Social Council, the observer for Switzerland, following the admission of Switzerland as a full member of the Economic Commission for Europe,⁶⁸ was permitted to make a statement before the Council upon the request of a member of the Council and at the invitation of the President, on condition that no objection was raised by the members of the Council,⁶⁹ in accordance with the previous practice of the Council.⁷⁰ The President of the Council pointed out, however, that such participation in the deliberations of the Council by a State not a Member of the United Nations was exceptional and did not constitute a precedent.⁷¹ In addition, the observer for Switzerland was permitted to make a statement before the Council at the sixty-fourth session.⁷² During the fifty-ninth session, the observer for Switzerland was permitted on two occasions to make a statement before the Economic Committee at the invitation of the Chairman of the Committee.⁷³ During the fifty-ninth and sixty-third sessions of the Council, the observer for Switzerland was permitted to make a statement before the Policy and Programme Coordination Committee at the invitation of the Chairman of that Committee.⁷⁴ During the first and second special sessions of the Committee on Natural Resources, Switzerland was allowed to participate in the deliberations of that Committee as an observer.⁷⁵

41. During the fifty-fourth session of the Economic and Social Council, the observer for Bangladesh, following the admission of Bangladesh as a full member of the Economic Commission for Asia and the Far East,⁷⁶ was permitted to make a statement before the Council at the invitation of the President of the Council.⁷⁷ During the fifty-seventh session of the Council, the observer for Bangladesh was permitted to make statements on three occasions before the Council at the invitation of the President of the Council.⁷⁸ During the fifty-fourth session, the question of whether the Social Committee had the right to invite Bangladesh, then not a Member of the United Nations, to participate in its deliberations was raised on the ground that neither Article 69 of the Charter nor rule 76 of the rules of procedure of the Council

provided for the possibility of inviting States not Members of the United Nations to take part in the proceedings of the Council or its sessional committees.⁷⁹ At the invitation of the Council, the Director of the General Legal Division explained that, in fact, the Council had been following the practice of inviting States not Members of the United Nations to make statements on specific questions and that a distinction must be drawn between that type of statement and participation in deliberations in accordance with the provisions of the Charter. The Director further explained that in the case of the Committees of the Council, a Committee could invite a person whom it believed to be in a position to provide information of interest to it to speak, even though such an invitation was not covered by the provisions of the Charter or the Council's rules of procedure. Following this explanation, the observer for Bangladesh was permitted to make a statement before the Social Committee at the invitation of the Chairman and upon acceptance by the members of the Committee.

42. During the resumed fifty-third session of the Economic and Social Council, the observer for the German Democratic Republic, following the admission of the German Democratic Republic as a full member of the Economic Commission for Europe,⁸⁰ was permitted to make a statement before the Council at the invitation of the President of the Council.⁸¹

43. During the third session of the Committee on Natural Resources, Bangladesh and the German Democratic Republic were allowed to observe the deliberations of the Committee at the invitation of the Secretariat of the United Nations.⁸² The Secretariat noted that although the granting of observer status to States not Members of the United Nations required the prior authorization of the Economic and Social Council, the Council was not in session at the time the requests to participate as observers in the session of the Committee on Natural Resources were received from Bangladesh and the German Democratic Republic. The Secretariat therefore extended facilities in accordance with established practice to enable observers for those States to follow the proceedings at the public meetings of the Committee.⁸³

2. REGIONAL ECONOMIC COMMISSIONS

44. On 22 July 1977, by its decision 244 (LXIII), the Economic and Social Council decided to recommend that ECAFE, ECLA, ECA and ECWA invite the Holy See to attend sessions of those commissions on a basis similar to that provided for in the relevant terms of reference applicable to States Members of the United Nations not members of the commissions.⁸⁴

45. As in the past, the following regional economic commissions invited States not Members of the United Nations to participate in their respective sessions: Economic Commission for Europe,⁸⁵ Economic Commission for Asia and

⁶⁴E/1978/C.2/SR.21, paras. 27-38.

⁶⁵E/AC.24/SR.541.

⁶⁶E S C (59), Suppl. No.5, E/5693, E/C.9/7, p.8; E S C (63), Suppl. No.6, E/5994, E/C.9/10, para. 13.

⁶⁷E S C (61), Suppl. No.3, E/5777, E/C.8/43, para. 199.

⁶⁸E S C resolution 1600.

⁶⁹E S C (51), 1785th mtg., paras. 4-6.

⁷⁰See *Repertory*, vol. III, under Article 69.

⁷¹*Ibid.*, para. 11.

⁷²E S C 1978, 26th mtg., paras. 26-28.

⁷³E/AC.6/SR.737; E/AC.6/SR.741.

⁷⁴E/AC.24/SR.566 and E S C (63), 626th mtg., E/AC.24/SR.626, paras. 26-28.

⁷⁵E S C (56), Suppl. No.4, E/5778, E/C.7/59, para.61; E S C (58), Suppl. No.2, E/5907, E/C.7/62, para. 73.

⁷⁶E S C resolution 1735 (LIV).

⁷⁷E S C (54), 1853rd mtg., paras. 33-35.

⁷⁸E S C (57), 1905th mtg., paras. 10-17; 1915th mtg., paras.29-31; 1918th mtg., paras. 41-42.

⁷⁹E/AC.7/SR.723, pp. 182-187.

⁸⁰E S C resolution 1732 (LIII).

⁸¹E S C (53), 1846th mtg., para.31.

⁸²E S C (54), Suppl. No. 4, E/5247, E/C.7/43, para. 6.

⁸³*Ibid.*, footnote 1.

⁸⁴E S C decision 244 (LXIII).

the Far East,⁸⁶ Economic Commission for Latin America⁸⁷ and Economic Commission for Africa.⁸⁸

46. The Economic Commission for Western Asia during the reporting period invited one State not a Member of the United Nations to participate in its sessions.⁸⁹

3. FUNCTIONAL COMMISSIONS

47. During the period under review, the following functional commissions invited States that were not Members of the United Nations to participate in their respective sessions: Commission on Narcotic Drugs,⁹⁰ Population Commission;⁹¹ Commission for Social Development;⁹² Commission on the Status of Women,⁹³ and Commission on Human Rights.⁹⁴

48. The Commission on Transnational Corporations during the reporting period invited States that were not Members of the United Nations to participate in its sessions.⁹⁵

G. Question of the interpretation of Article 69 in connection with the admission to membership in regional economic commissions of States not Members of the United Nations

49. At its fifty-first session, by its resolution 1600 (LI) of 20 July 1971, the Economic and Social Council accorded full membership in the Economic Commission for Europe to Switzerland, a State not a member of the United Nations.⁹⁶ The draft resolution, adopted on the recommendation of the Economic Committee, had been amended to avoid the mention of membership in other organizations as

⁸⁵San Marino was invited to send observers to the thirtieth and thirty-second sessions of the Commission, ECE Annual Report, E S C (59), Suppl. No.8, decision K (XXX), 15 April 1975; Liechtenstein was invited to send observers to the thirty-first and thirty-second sessions, ECE Annual Report, E S C (61), Suppl. No.8, decision M (XXXI), 30 March 1976; the Holy See was invited to send observers to the thirty-first and thirty-second sessions, *ibid.*, decision N (XXXI), 5 April 1976.

⁸⁶Switzerland was invited to send observers to the twenty-sixth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third and thirty-fourth sessions of the Commission; the Holy See was invited to send observers to the thirty-fourth session.

⁸⁷Switzerland was invited to send observers to the fifteenth session and seventh and ninth extraordinary sessions.

⁸⁸Guinea-Bissau and Mozambique were invited to send observers to the tenth session of the Commission; Switzerland was invited to send observers to the twelfth and thirteenth sessions; the Holy See was invited to send observers to the thirteenth session.

⁸⁹The Holy See was invited to send observers to the fifth session of the Commission.

⁹⁰Observers for the Holy See attended the Commission's twenty-fourth to twenty-seventh sessions and second, third and fifth special sessions; observers for the Republic of Viet Nam attended the twenty-fourth to twenty-sixth sessions and the third special session; observers for the Republic of Korea attended the twenty-fifth to twenty-seventh sessions and the fifth special session; observers for Switzerland attended the twenty-seventh session and the fifth special session.

⁹¹Observers for the Holy See attended the seventeenth to nineteenth sessions and the third special session.

⁹²Observers for the Holy See attended the twenty-fourth session.

⁹³Observers for the Holy See attended the twenty-seventh session.

⁹⁴Observers for the Holy See attended the thirty-second to thirty-fourth sessions; observers for Switzerland attended the thirty-fourth session.

⁹⁵Observers for the Holy See attended the first session; observers for Switzerland attended the first to third sessions.

⁹⁶E S C resolution 1600 (LI).

implicitly qualifying States not Members of the United Nations to become members of regional economic commissions.⁹⁷

50. At its fifty-first session, by its resolutions 1604 (LI) and 1605 (LI), of 20 July 1971, respectively, the Economic and Social Council accorded full membership in the Economic Commission for Asia and the Far East to two States not Members of the United Nations: the Kingdom of Tonga and the Republic of Nauru.⁹⁸

51. At its resumed fifty-third session, by its resolution 1732 (LIII) of 13 December 1972, the Economic and Social Council accorded full membership in the Economic Commission for Europe to the German Democratic Republic, a State not a Member of the United Nations.⁹⁹

52. At its fifty-fourth session, by its resolution 1735 (LIV) of 17 April 1973, the Economic and Social Council accorded full membership in the Economic Commission for Asia and the Far East to Bangladesh, a State not a Member of the United Nations.¹⁰⁰

⁹⁷E/AC.6/L.422; E/5054, paras.4-5, 15; E/AC.6/SR.524.

⁹⁸E S C resolutions 1604 (LI) and 1605 (LI).

⁹⁹E S C resolution 1732 (LIII).

¹⁰⁰E S C resolution 1735 (LIV).