

REPERTORY OF PRACTICE SUPPLEMENT NO 7

ARTICLE 22

(Revised advance version, to be issued in volume II of Supplement No. 7 (forthcoming) of the
Repertory of Practice of United Nations Organs)

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ARTICLE 22

TEXT OF ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

INTRODUCTION

1. The structure and format of this Supplement differs from previous Supplements under Article 22: it is oriented towards a more streamlined, focused and succinct presentation of information relevant to noteworthy trends and developments in the application of Article 22 of the Charter. Emphasis is made on relevant examples demonstrating the dynamics of such an application, rather than on listing subsidiary organs and providing detailed information regarding various aspects of their functioning, composition, procedural and technical details. References are made to other relevant publications and materials, most of which are easily available in an electronic format, so as to enable the users to acquire more detailed information on the listings, functioning and composition of the above organs.

NOTE

2. During the period under review, the General Assembly continued the practice of utilizing various previously established bodies found to be necessary to assist it in the performance of its functions¹, such as those composed of representatives of States, such

¹ For the list of such bodies and relevant information regarding their work and composition see “Subsidiary, *ad hoc* and related bodies” in Appendix III, Yearbook of the United Nations, Vol. 39, 1985, pp. 1394 - 1408; Vol. 40, 1986, pp. 1238 - 1252; Vol. 41, 1987, pp. 1336 - 1349; Vol. 42, 1988, pp. 1006 - 1018. See also *Repertory, Supplement No.6*, vol. 2, under Article 22, para.2.

as the Committee on the Peaceful Uses of Outer Space and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization², and those composed of independent experts, such as the International Civil Service Commission and the International Law Commission.³

3. The bodies composed of representatives of States, continued the practice of accepting as their members either a limited number of States Members⁴ or all States Members of the United Nations⁵. The practice of inviting observers was also continued.⁶

4. It may be noted that functioning of some subsidiary organs of the Assembly also continued to be relevant to the work of other organs of the United Nations. Thus, the Committee for Programme and Co-ordination continued its work within the

² See, in this connection, G A resolutions 1472 (XIV), 35/16, 40/162, 41/64, 42/68, 43/56, 3499 (XXX), 40/78, 41/83, 42/157 and 43/170. In this connection, see also G A decisions 42/450, 43/418, 43/316; G A resolutions 41/177, 42/207, 43/222, 41/68, 41/62, 43/315, 40/77, 41/82, 42/210A and 43/172, 39/82, 40/71, 41/77, 42/152, etc. See also "Subsidiary, *ad hoc* and related bodies" in Appendix III, Yearbook of the United Nations, Vol. 39, 1985, pp. 1394 - 1408; Vol. 40, 1986, pp. 1238 - 1252; Vol. 41, 1987, pp. 1336 - 1349; Vol. 42, 1988, pp. 1006 - 1018. For the list providing, *inter alia*, a reference to the composition of relevant organs established by the General Assembly in 1985-88 see: U.N. GAOR, 40th - 43rd Sess., Annex I.

³ See, in this connection, G A resolutions 3042 (XXVII), 40/244, 41/207, 42/221, 43/226, 40/69, 41/75, 42/156 and 43/164. In connection with other expert bodies see also other resolutions, such as 40/259, 41/213, 42/218 and 43/221. See also "Subsidiary, *ad hoc* and related bodies" in Appendix III, Yearbook of the United Nations, Vol. 39, 1985, pp. 1394 - 1408; Vol. 40, 1986, pp. 1238 - 1252; Vol. 41, 1987, pp. 1336 - 1349; Vol. 42, 1988, pp. 1006 - 1018. For the list providing, *inter alia*, a reference to the composition of relevant organs established by the General Assembly in 1985-88 see: U.N. GAOR, 40th - 43rd Sess., Annex I.

⁴ Thus, among others, the *Ad Hoc* Committee on the Indian Ocean, United Nations Commission on International Trade Law, the Working Group on the Financing of UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) and the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa continued to function on the basis of such a membership: see Appendix III, Yearbook of the United Nations, Vol. 39, 1985, p.p. 1395, 1401, 1407; Vol. 40, 1986, p. 1241.

⁵ In particular, the *Ad Hoc* Committee of the Whole to Review the Implementation of the Charter of Economic Rights and Duties of States continued its work based on the "all States" formula within the period under consideration: see Appendix III, Yearbook of the United Nations, Vol. 39, 1985, p. 1394. Participation of all Members of the United Nations was also accepted by the Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter, which the Assembly decided to keep in the being following its meeting in 1967, and by the Committee on the Development and Utilization of New and Renewable Sources of Energy, open to the participation of all States: see Appendix III, Yearbook of the United Nations, Vol. 39, 1985, p. 1396.

⁶ Thus, Sweden continued to participate in the work of the *Ad Hoc* Committee on the Indian Ocean as an observer: see Appendix III, Yearbook of the United Nations, Vol. 39, 1985, p. 1395. The Special Committees on the Charter of the United Nations and on the Strengthening of the Role of the Organization and on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, in accordance with the General Assembly resolutions, agreed to accept the participation of observers of Member States, including in the meetings of their working groups: see, in this connection, G A resolutions 40/78, 40/70, 41/83, 42/157, 43/170. In addition, practice of granting observer status to entities other than States also continued. Thus, the Committee on the Peaceful Uses of Outer Space granted permanent observer status to the International Telecommunications Satellite Organization (INTELSAT), the International System and Organization of Space Communications (INTERSPUTNIK) and to the International Maritime Satellite Organization (INMARSAT): see G A resolutions 40/162 and 41/64.

period under consideration, being the main subsidiary organ of the Assembly and of the Economic and Social Council and reporting to both.⁷ The Joint Inspection Unit was mandated to submit an annual report not only to the Assembly, but also “to the competent organs of the other organizations”.⁸ The Secretary-General was entrusted by the Assembly to report on the follow-up of the implementation of the recommendations of the Unit.⁹ The Assembly also recognized the establishment by the Secretary-General of the Advisory Group on Financial Flows to Africa.¹⁰ The Assembly requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to “make concrete suggestions which could assist the Security Council in considering appropriate measures under the Charter with regard to developments in colonial Territories that are likely to pose a threat to international peace and security”.¹¹ The Assembly requested the *Ad Hoc* Committee on the Implementation of the Collective Security Provisions of the Charter of the United Nations to submit a progress report to the Security Council for its consideration and comments, and a final report to the Assembly.¹² The Assembly requested the Economic and Social Council to consider the appropriate contributions to be submitted to the *Ad Hoc* Committee of the Whole of the General Assembly to prepare the review and the appraisal of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990 “by all parties concerned and to make provisions for proper co-ordination of the contributions”, as well as to consider “the adoption of the necessary arrangements for the meeting of the *Ad Hoc* Committee”.¹³

5. The Assembly continued to monitor the work of the established bodies, not only by approving the necessary changes in their membership,¹⁴ but also by guiding their substantive work aimed at the implementation of their corresponding mandates.

6. The Assembly performed its guiding functions utilizing various techniques. In some cases the Assembly would, in one resolution, directly refer to the implementation of the mandate of the relevant body, providing specific guidance as regards the priorities in its work, decide on the dates of the next session and highlight the importance of certain elements of its *modus operandi*. Thus, in its resolution 40/78, the Assembly, considering that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization “has not yet fulfilled the mandate entrusted to it”, took note of its report, decided that the Committee shall convene its next session in the following year, requested the Committee “to accord priority...to the question of the maintenance of international peace and security” and “to be mindful of the importance of

⁷ See: Appendix III, Yearbook of the United Nations, Vol. 39, 1985, p. 1396.

⁸ See A/42/34, para.11, Article 10.

⁹ *Ibid*, para.44.

¹⁰ See G A resolution 42/163, para. 1.

¹¹ See G A resolution 41/41 B, para. 12 (b).

¹² See G A resolution 40/159, para. 4.

¹³ See G A resolution 42/163, paras. 18 and 19.

¹⁴ For the list providing, *inter alia*, a reference to the composition of relevant organs established by the General Assembly in 1985-88 see: U.N. GAOR, 40th - 43rd Sess., Annex I.

reaching general agreement whenever that has significance for the outcome of its work.”¹⁵

7. In some cases the Assembly would expressly state its regret in connection with the inability of the body to implement its mandate and request to exert necessary efforts. Thus, in its resolution 40/165, the Assembly noted “with regret” that the United Nations Conciliation Commission for Palestine “has been unable to find a means of achieving progress in the implementation” of paragraph 11 of its resolution 194(III) and requested the Commission to “exert continued efforts” to that end and to report to the Assembly “no later” than 1 September 1986.¹⁶ In its resolution 41/87, the Assembly requested the *Ad Hoc* Committee on the Indian Ocean to complete preparatory work to enable opening of the Conference on the Indian Ocean not later than 1988, “with a clear understanding that if preparatory work is not completed in 1987 serious consideration will be given to ways and means of more effectively organizing work in the ... Committee to enable it to fulfill its mandate”¹⁷.

8. Some other resolutions of the Assembly contained more general provisions as regards the mandate of its subsidiary organs combined with reference to relevant resolutions. Thus, in its resolution 40/163, the Assembly “reaffirmed and renewed” “the mandate given to the Special Committee on Peace-keeping Operations by the relevant resolutions of the General Assembly”.¹⁸ The Assembly requested, on an annual basis, the Committee on Relations with the Host Country “to continue its work, in conformity with... resolution 2819 (XXVI)...”.¹⁹

9. Within the period under review, the Assembly viewed the efficiency of the work of its subsidiary organs as an important component of the efficiency of the entire Organization. Thus, in 1985, the Assembly, “[b]earing in mind the work of the relevant subsidiary organs,” established, with a term of one year, a Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations²⁰. The Assembly invited its relevant subsidiary organs to submit to the Group, consisting of 18 members and appointed with due regard to equitable geographical distribution, information and comments pertaining to their work²¹. Recognizing “the need to avoid duplication and overlapping in the activities of subsidiary organs of the General Assembly”, the Assembly, *inter alia*, requested the Secretary-General to bring to the attention of the appropriate bodies of the United Nations system all reports of the Joint Inspection Unit, aimed at improving the functioning of relevant bodies.²² The Assembly also coordinated the work of relevant subsidiary organs. Thus, it

¹⁵ G A resolution 40/78, preambular para. 10, paras. 1-3 and 5.

¹⁶ Similar provisions were contained in the Assembly’s subsequent resolutions on the topic, such as G A resolutions 40/165A, para. 5, and 41/69A, para. 4.

¹⁷ G A resolution 40/87, para. 5.

¹⁸ G A resolution 40/163, para. 1.

¹⁹ G A resolutions 40/77, 41/82, 42/210A and 43/172, para.8.

²⁰ G A resolution 40/237.

²¹ *Ibid*, paras. 3, 4 and 7.

²² G A resolution 42/218. As regards the need to improve the functioning of the subsidiary bodies of the General Assembly see also G A (41), Suppl.No.49 (A/41/49).

requested the Joint Inspection Unit, in exercising its functions, “to take fully into account the mandates of other relevant bodies, especially the Committee for Programme and Coordination, the Board of Auditors and the International Civil Service Commission”.²³

10. In the study of Article 22 of the Charter in the previous *Supplement* a reference was made to the establishment by the General Assembly of various bodies necessary for the performance of its functions.²⁴ During the period under review, the General Assembly continued the practice of establishing such bodies found to be necessary to assist it in the performance of its functions under the Charter²⁵.

11. Various bodies established by the Assembly were mandated to deal with a wide range of issues under its consideration.²⁶ Thus, in 1985, the Assembly, by its resolution 40/40, decided to establish a Preparatory Committee of the Whole for the Special Session of the General Assembly on the Critical Economic Situation in Africa that would undertake to ensure the necessary preparations to ensure the success of the session.²⁷

12. In 1986, the Assembly, by its resolution 41/35 F, decided to establish an Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa and requested it to report to the Assembly at its forty-second session.²⁸ The Assembly authorized its President, in consultation with the chairmen of regional groups and the Chairmen of the Special Committee against *Apartheid*, to appoint eleven Member States as members of the Group “on the basis of equitable geographical distribution” and to ensure representation of oil-exporting and shipping States.²⁹

13. In 1986, the Assembly also established, by its resolution 41/60G, an open-ended Preparatory Committee for the Third Special Session of the General Assembly Devoted to Disarmament and requested it to examine all relevant questions relating to that session and to submit to the Assembly at its forty-second session its recommendations thereon³⁰.

14. In 1987, the Assembly established, by its resolution 42/163, an *Ad Hoc* Committee of the Whole to prepare the review and the appraisal of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990.

15. In 1988, the Assembly established, by its resolution 43/182, an *Ad Hoc* Committee of the Whole for the Preparation of the International Development Strategy

²³ G A resolution 42/218.

²⁴ See *Repertory, Supplement No.6*, vol. 2, under Article 22, paras 2-13.

²⁵ In cases where the General Assembly set up such bodies, no implication was intended as to whether these bodies did or did not fall under Article 22 of the Charter. See, in this connection, G A resolutions 40/40, 40/237, 41/35F, 41/60G, 42/163, 42/166, 43/182.

²⁶ See, in this connection, G A resolutions 40/40, 40/237, 41/35F, 41/60G, 42/163, 42/166, 43/182.

²⁷ G A resolution 40/40, para. 4.

²⁸ G A resolution 41/35F, paras. 5 and 7.

²⁹ *Ibid*, para. 6.

³⁰ G A resolution 41/60G, paras. 1 and 2. For the work of the Committee see A/S-15/1.

for the Fourth United Nations Development Decade and requested the Committee to submit a progress report to it at its forty-fourth session, with a view to finalizing the strategy in time for its adoption in 1990.³¹

16. During the period under consideration, some of the organs established by the Assembly have successfully fulfilled their mandates.³² Thus, in 1986, in its resolution 41/70, the Assembly endorsed the conclusions and recommendations contained in the final report³³ of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees which was established by its resolution 36/148 to undertake a comprehensive review of the problem of new massive flows of refugees in all its aspects “with a view to developing recommendations on appropriate means of international co-operation in this field”.³⁴ The Assembly also noted with satisfaction that the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy “has successfully concluded its work”.³⁵

17. In 1987, the Assembly, in its resolution 42/22, expressed its appreciation to the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations for completing its work by elaborating the Declaration on the issue.³⁶

18. In 1988, the Assembly endorsed the report of the Preparatory Committee for the Third Special Session of the General Assembly Devoted to Disarmament and the recommendations contained therein³⁷.

19. The Assembly, however, was not always successful in establishing relevant bodies requested in its resolutions. Thus, in its resolution 40/159, the Assembly expressed regret “that the *Ad Hoc* Committee on the Implementation of the Collective Security Provisions of the Charter of the United Nations which the General Assembly, by its resolution 38/191, decided to establish for the purpose of exploring ways and means of implementing the said provisions has not been constituted”.³⁸

³¹ See G A resolution 43/182, para. 1.

³² See, in this connection, G A resolutions 41/70, 41/212 and 42/22. See also decision S-15/22.

³³ See A/41/324, annex.

³⁴ G A resolution 36/148, paras .4 and 5.

³⁵ G A resolution 41/212, preambular para. 3.

³⁶ G A resolution 42/22, para. 2.

³⁷ See decision S-15/22. See also A/S-15/1.

³⁸ G A resolution 40/159, para. 1. [The Committee was not established also in 1986 owing to different opinions in regional groups pertaining to the allocation of the number of seats - see A/C.1/41/PV.52.]

