

Repertory of Practice of United Nations Organs
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Repertory of Practice of United Nations Organs)

VOLUME IV

ARTICLE 68

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TEXT OF ARTICLE

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

INTRODUCTORY NOTE

1. During the period under review, the Council established one new Commission, namely, the Special Commission of the Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields. The Council also took a number of decisions with regard to the functioning of the Commission on the Status of Women. The present Supplement deals with the abovementioned commissions, as well as with the establishment of certain other new bodies, such as committees and groups created by the Council and with any decisions affecting the status of existing bodies.

2. The current material is arranged under the same major headings as those appearing in the *Repertory* and previous supplements. One new subheading has been added. The subheading I.A.4 has been introduced to review the changes affecting existing subsidiary bodies of the Council. [For example: the renaming of subsidiary bodies, the need to relocate the headquarters of certain subsidiary bodies, and the addition of new official or working languages.]

I. GENERAL SURVEY

A. Types of organs established by the Council

3. In addition to the organs and bodies that the Economic and Social Council had previously established and which continued to assist it in performing its functions¹, the Council established a new commission, the Special Commission of the Council on the In-depth study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields. The Council also made decisions approving or authorizing the establishment of a number of working groups, intergovernmental expert groups, a regional meeting, and the appointment of special rapporteurs and representatives by some of its subsidiary bodies.

1.COMMISSIONS

4. At its fourth plenary meeting, on 6 February 1987, the Economic and Social Council established the Special Commission of the Council on the In-depth study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields and decided that its proceedings, except for those regarding participation of States Members of the United Nations², would be governed by the relevant rules of procedure³ of the Economic and Social Council.⁴

**2.OTHER ORGANS AND BODIES ESTABLISHED BY THE COUNCIL

¹ See Repertory, Supplement 6, under this Article, Annex I, for an overview of the standing commissions of the Council. See also annexes II and III for a list of committees and bodies established by the Council.

² Membership of the Special Commission was open to all member states of the United Nations.

³ E/5715/Rev.2.

⁴ E S C decision 1987/112. See also E S C decisions 1987/64, 1988/112 and 1988/182.

3.SUBORDINATE BODIES OF COMMISSIONS AND COMMITTEES ESTABLISHED WITH THE COUNCIL'S APPROVAL

5. During the period under review, the Council took a number of decisions authorizing its commissions and committees to establish or continue certain subordinate bodies, expert bodies, rapporteurs or sessional and intersessional working groups.

6. The Council decided, that the Special Commission of the Council on the In-depth study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields should establish, as appropriate, drafting or working groups that would help it undertake its task.⁵ At its third session, the Special Commission agreed to establish an informal working group of the whole to undertake a preliminary review of the General Assembly and the Economic and Social Council.⁶

7. Throughout the period, the Council continued to act on resolutions of the Commission on Human Rights requesting the establishment of open-ended working groups,⁷ or authorizing or approving the appointment of Special Rapporteurs by the Commission to study specific human rights issues.⁸ The Council took several decisions regarding the human rights situation in Guatemala⁹ and accepted an invitation to visit Cuba to observe its human rights situation.¹⁰

⁵ See E S C decision 1987/112.

⁶ E/1988/75, p. 9-10.

⁷ See e.g. E S C resolutions 1986/37 and 1987/59. (Authorizing two open-ended working groups to meet for a period of one week prior to respectively the forty-third and the forty-fourth sessions of the Commission on Human Rights, with a view to continuing the elaboration of a draft declaration on the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms); E S C resolutions 1986/40 and 1987/58. (Authorizing two meetings of an open-ended working group for a period of one week prior to respectively the forty-third and the forty fourth sessions of the Commission on Human Rights with a view to completing the work on the Draft Convention on the Rights of the Child at those sessions); and G A resolution 42/101. (Requesting the Secretary-General to authorize convening, if necessary and within existing resources, the open-ended working group of the Commission on Human Rights for an additional week at its January 1988 session in order to complete a draft convention so as to facilitate its conclusion in 1989, the year of the thirtieth anniversary of the Declaration on the Rights of the Child and of the tenth anniversary of the International Year of the Child).

⁸ See e.g. E S C resolution 1986/43 (urging the Commission on Human Rights to appoint a Special Rapporteur on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination); and subsequently E S C resolution 1987/61 (endorsing the decision of the Commission on Human Rights to appoint a Special Rapporteur on this subject) and E S C decision 1987/144 and G A resolution 42/96 (approving the Commission's decision to appoint a Special Rapporteur on this subject); E S C decision 1986/134 and G A resolution 41/112 (approving the Commission's decision to appoint for one year a Special Rapporteur to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief); E S C decision 1985/144 (approving the Commission's decision to appoint for one year a Special Rapporteur to examine questions relevant to torture); E S C resolution 1988/34 (endorsing the Commission's recommendation in its resolution 1988/42 to appoint a Special Rapporteur to review the implementation of the recommendations made by the Working Group on Contemporary Forms of Slavery and to submit recommendations with a view to achieving further progress in the prevention and suppression of slavery-like practices, the traffic in persons and the exploitation of the prostitution of others, as well as other contemporary forms of slavery).

⁹ See e.g. E S C decision 1986/140 (approving the Commission on Human Rights' decision to appoint a Special Representative to receive and evaluate full and detailed information, which the Government of Guatemala had expressed its willingness to provide, on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms in Guatemala); E S C decision 1987/149

8. As in the previous *Supplement*, the Council continued to act on the recommendations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It took decisions authorizing the establishment of working groups of the Commission on Human Rights referred to it by the Sub-Commission.¹¹

9. With regard to the Commission on Narcotic Drugs, the Council adopted various resolutions and decisions authorizing or approving the establishment of intergovernmental expert groups,¹² and a regional Meeting of Operational Heads.¹³

4. CHANGES AFFECTING EXISTING SUBSIDIARY BODIES OF THE COUNCIL

10. During the period under review, the Council took several decisions by which it affected existing subsidiary bodies. It decided to change the names of several organs it had previously established, began to relocate certain headquarters, and discussed the addition of official or working languages.

a. Commissions

11. During its second regular session of 1985, the Council, aware of the extreme importance of social development in the context of the overall development of the economies of Member States, and with the aim of achieving congruence between the subject-matter of the major activities undertaken by the Commission in the economic and social sectors, decided to change the name of the Economic Commission for Western Asia to the "Economic and Social Commission for Western Asia".¹⁴

12. In order to reflect the new name, the Council decided to amend the terms of reference of the Commission as contained in Council resolution 1918 (LV).¹⁵

13. With respect to relocation of headquarters, at its thirteenth session, the Economic and Social Commission for Western Asia took note of the wish of the host country that, for security reasons, the headquarters should relocate to other premises in Baghdad and recommended to the Council that the Executive Secretary of ESCWA be authorized to enter into discussions with the Government of the

(approving the Commission on Human Rights' request to the Secretary-General to appoint an expert with a view to assisting the Government of Guatemala in taking the necessary action for the further restoration of human rights).

¹⁰ E S C decision 1988/139 (approving the Commission's decision that the Chairman and five of its members, appointed on the basis of regional consultations, should accept the invitation of the Government of Cuba to visit that country in order to observe the human rights situation there and prepare a report to be submitted for consideration by the Commission)

¹¹ See e.g. E S C decisions 1985/138, 1986/142, 1987/141 and 1988/127 (approving the Commission on Human Rights' decision to set up a working group composed of five members to meet for one week prior to respectively its forty-second, forty third, forth-fourth and forty-fifth sessions to examine such particular situations as might be referred to the Commission by the Sub-Commission).

¹² See e.g. E S C resolution 1987/27 (deciding to establish an open-ended intergovernmental Expert Group to meet in 1987 to reach agreement on the articles of the Draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and to prepare a revised working document on this subject).

¹³ See e.g. E S C resolution 1987/34 (inviting the Governments of the Latin American and Caribbean countries and other interested Governments to participate in the regional meeting of the heads of national drug law enforcement agencies with a view to establishing the Meeting of Operational Heads of National Narcotics Law Enforcement Agencies, Latin American and Caribbean Region, and deciding to grant to this meeting the status of a subsidiary organ of the Commission on Narcotic Drugs).

¹⁴ E S C resolution 1985/69.

¹⁵ *Ibid.*

host country on the new location.¹⁶ At its second regular session of 1986, the Council authorized the Executive Secretary of ESCWA to enter into discussions with the Government of the host country on the abovementioned matters.¹⁷

14. Considering the number of states of ECA and the growing numbers of people in those countries that use Portuguese as an official language, the Council decided that Portuguese should be introduced gradually as an official working language of the Economic Commission for Africa and requested the General Assembly to make the necessary arrangements to this effect.¹⁸

b. Other organs and bodies

15. The Council decided to rename the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights established by Council decision 1978/10 and modified by Council decision 1981/158 and resolution 1982/33, to "Committee on Economic, Social and Cultural Rights".¹⁹

c. Subordinate bodies of commissions and committees

16. Recalling the Council's resolutions 1982/20 and 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, the Commission on Human Rights endorsed the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, that the name of the Working Group on Slavery be changed to "Working Group on Contemporary Forms of Slavery".²⁰

****B. Methods of establishment**

C. Functions and powers

1. COMMISSIONS AND COMMITTEES

17. As in the past, the Council assigned various functions and powers to both its existing as well as its newly established bodies. On some occasions, the Council decided to expand the terms of reference or mandate of a particular body or incorporate certain subject matters in its programme of work. On other occasions, the Council concerned itself with improving the work or optimizing the functioning of its bodies.

18. The Council decided that the newly renamed Committee on Economic, Social and Cultural Rights would be entrusted, from 1987 on, with the important task of overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights.²¹ The Assembly welcomed this decision at its fortieth and forty-first sessions.²² In the Committee's first meeting on 18 March 1987, the acting Chairman, Mr. Herndl, Assistant Secretary-General for Human Rights said that the Committee's task was to assist the Economic and Social Council in fulfilling its responsibilities, as

¹⁶ See ESCWA resolution 152 (XIII).

¹⁷ E S C resolution 1986/60.

¹⁸ E S C resolution 1985/68.

¹⁹ E S C resolution 1985/17.

²⁰ E/CN.4/1988/42.

²¹ E S C resolution 1986/3.

²² G A resolutions 40/114 and 41/117.

outlined in articles 16 to 19, 22 and 23 of the Covenant on Economic, Social and Cultural Rights, which included *inter alia*, considering reports; establishing stages for the submission of reports; making arrangements with the specialized agencies for reporting on progress made in achieving the observance of the Covenant's provisions that fell within the scope of their activities; and transmitting reports to the Commission on Human Rights.²³

19. In discussing the functions and powers of the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, the Council in its decision 1987/112, referred to Recommendation 8 of the report of the Group of High Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations.²⁴ Paragraph 3 of Recommendation 8 of the Group of High-level Intergovernmental Experts read as follows:

“Recommendation 8

“(3) The purpose of the study should be, *inter alia*, to:

“ (a) Identify measures to rationalize and simplify the intergovernmental structure, avoid duplication and consider consolidating and co-ordinating overlapping activities and merging existing bodies in order to improve their work and make the structure more responsive to present needs;

“ (b) Develop criteria for the establishment and duration of subsidiary bodies, including periodic reviews of their work and mechanisms for implementing their decisions;

“ (c) Define in precise terms areas of responsibility for the various bodies. Particular attention should be given to strengthening the coherence and integrity of the structure, to facilitating the formulation of a comprehensive approach to development issues and to the necessity of putting more emphasis on regional and subregional co-operation.”

20. During the period under review. The Council considered the expanding functions of the Commission on the Status of Women over the years, to include monitoring of the implementation of the World Plan of Action for the Implementation of the Objectives of the International Women's Year²⁵ and the Nairobi Forward-looking Strategies for the Advancement of Women,²⁶ and reviewing and appraising progress made in achieving the objectives of the United Nations Decade for Women: Equality, Development and Peace.²⁷ In addition, the Council considered the necessity of strengthening the capacity of the Commission to carry out the tasks deriving from the world conferences on women and of improving its effectiveness and efficiency.²⁸ The Council decided to expand the terms of reference of the Commission on the Status of Women to include the functions of promoting the objectives of equality, development and peace, monitoring the implementation of

²³ E/C.12/1987/SR.1, p. 2.

²⁴ GA (41), Suppl. No.49 (A/41/49).

²⁵ Report of the World Conference of the International Women's Year, Mexico City, 19 June-2 July 1975 (United Nations publication, Sales No. E.76.IV.1), chap. II, sect. A. E/CONF.66/34.

²⁶ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A. A/CONF.116/28/Rev.1.

²⁷ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), annex I, document A/CONF.116/C.2/L.21. A/Resolution/3520 (XXX).

²⁸ E S C resolution 1987/22 and Annex. *See also* E S C resolution 1986/28.

measures for the advancement of women, and reviewing and appraising progress made at the national, subregional, regional, sectoral and global levels.²⁹

21. Two subsidiary organs were designated as preparatory bodies for world conferences. During its first session of 1987, the Council recommended that world conferences to review and appraise the progress achieved in the implementation of the Forward-looking Strategies for the Advancement of Women³⁰ were to be held during the decade of the 1990s. The Council decided that the Commission on the Status of Women should be designated as the preparatory body for those world conferences.³¹ In another instance, the Council, acting upon a General Assembly request,³² decided³³ to invite the Commission on Narcotic Drugs to act as the preparatory body for the Conference on Drug Abuse and Illicit Trafficking.³⁴

22. At its 13th plenary meeting, the Council decided³⁵ to approve the statutes and rules of procedure of the United Nations Group of Experts on Geographical Names.³⁶

2. REGIONAL COMMISSIONS

23. Expressing deep concern at the inadequate response of the regional commissions to the need to incorporate the interests of women in their economic and social policies and programmes, the General Assembly invited³⁷ the executive secretaries of the five regional commissions³⁸ to propose to their governing bodies measures for reassessing all individual work programmes in order to incorporate women's concerns at all levels in their overall work programmes for the biennium 1988-1989, taking into account the roles and responsibilities of the regional commissions in developing and implementing the system-wide, medium-term plan for women and development and the Nairobi Forward-looking Strategies for the Advancement of Women.³⁹ Subsequently, the Council urged the five regional commissions to implement the system-wide medium-term plan for women and development and to make every effort to develop fully its regional dimensions.⁴⁰

24. Conscious of the considerable contribution made to the preparations for the Interregional Consultation on Developmental Social Welfare Policies and Programmes⁴¹ by, *inter alia*, the Commission for Social Development⁴² and the regional commissions, the General Assembly invited the Executive Secretaries of the regional commissions to give appropriate consideration to the

²⁹ E S C resolution 1987/22 and Annex. *See also* E S C resolution 1986/28.

³⁰ *See supra* note 27.

³¹ E S C resolution 1987/20.

³² G A resolution 40/122.

³³ E S C resolution 1986/114.

³⁴ Vienna 17-26 June 1987: A/CONF.133/12 (87.I.18).

³⁵ E S C resolution 1988/116.

³⁶ E/1988/22 annex II.

³⁷ G A resolution 40/105. *See also* G A resolution 42/178.

³⁸ The five regional commissions are: Economic Commission for Africa, Economic and Social Commission for Asia and the Pacific, Economic Commission for Europe, Economic Commission for Latin America and Caribbean, and the Economic and Social Commission for Western Asia.

³⁹ *See supra* note 27.

⁴⁰ E S C resolution 1987/86.

⁴¹ Vienna 7-15 Sept. 1987: E/CONF.80/10.

⁴² The Commission acted as preparatory body for the Interregional Consultation on Developmental Social Welfare Policies and Programmes.

Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future⁴³ in the formulation of the respective regional work programmes and planning for regional intergovernmental conferences on social welfare and social development.⁴⁴

D. Membership

25. During the period under review, membership of the subsidiary organs of the Council has included, according to the resolutions or decisions establishing them or amending their terms of reference, representatives of the regional groups, States Members of the United Nations, and experts serving in their personal capacity.

1. COMMISSIONS

a. Functional commissions

26. During the period under review, the Council did not change the membership of any of its existing commissions. However, upon discussing measures on improvement of the work of the Commission for Social Development, it decided to consider the question of membership in the Commission at its first regular session of 1989.⁴⁵

27. With regard to the newly established Special Commission of the Council on the In-depth study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, the Council decided that its Bureau would be composed of five members,⁴⁶ one from each regional group, who would serve for the entire duration of the work of the Special Commission.⁴⁷

b. Regional commissions

28. During its second session of 1985 and 1986 respectively, the Council decided to amend the terms of reference of the Economic and Social Commission for Asia and the Pacific to include the new membership of Brunei Darussalam and Tuvalu,⁴⁸ and the admission of the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau as associate members of the Commission.⁴⁹

29. Noting that the Territory of American Samoa had become an associate member of the Economic and Social Commission for Asia and the Pacific, the Council decided, at its 40th plenary meeting, to amend the terms of reference of the Commission accordingly.⁵⁰

30. The terms of reference of the Economic Commission for Latin America and the Caribbean by the Council were amended to reflect the addition of the Caribbean region to the Commission in 1984. The amendments read: "Membership in the Commission shall be open to the Members of the UN in

⁴³ E/CONF.80/10.

⁴⁴ G A resolution 42/125.

⁴⁵ E S C resolution 1987/50.

⁴⁶ In its decision 1987/112, the Council appointed Ambassador Abdel Halim Badawu (Egypt) as Chairman of the Special Commission.

⁴⁷ *Ibid.*

⁴⁸ E S C resolution 1985/60.

⁴⁹ E S C resolution 1986/57.

⁵⁰ E S C resolution 1988/170.

North, Central and South America and in the Caribbean area, and to France, the Netherlands, Portugal, Spain and the United Kingdom”⁵¹ and “The geographical scope of the Commission’s work comprises the Latin American and the Caribbean States Members of the UN and participating territories in Central America and the Caribbean.”⁵²

2. COMMITTEES AND OTHER BODIES ESTABLISHED BY THE COUNCIL

31. The Council decided⁵³ that the Committee on Economic, Social and Cultural Rights would have eighteen members who would be experts with recognized competence in the field of human rights, serving in their personal capacity, due consideration being given to equitable geographical distribution and to the representation of different forms of social and legal systems.⁵⁴

32. Welcoming all forms of international co-operation at the regional level tending to reinforce co-ordination of the fight against the illicit traffic in narcotic drugs and psychotropic substances, the Council, during its first session of 1988, authorized the enlargement of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East with an endorsement of the membership of Egypt, India and Jordan.⁵⁵ The Council, furthermore, requested the Secretary-General, at his discretion, to invite States outside the region, that request observer status and that are actively involved in countering the illicit drug traffic in, through or from the region to send observers to the meetings of the Sub-Commission.⁵⁶

33. With regard to the Commission on Human Settlements the Assembly decided that, beginning with the terms of office commencing on 1 January 1987, membership in the Commission on Human Settlements would be for a term of four years instead of three.⁵⁷

34. In its review of the efficiency of the administrative and financial functioning of the United Nations⁵⁸, the Assembly decided that the planning, programming and budgeting process should include, *inter alia*, improvement of the representation of Member States in the Committee for Programme and Co-ordination in conformity with the provisions of paragraph 46 of the annex to General Assembly resolution 32/197.⁵⁹ The following year, at its 98th plenary meeting, the General Assembly, on the recommendation of the Economic and Social Council⁶⁰ concerning broad representation in the Committee for Programme and Co-ordination decided that the Committee should, from 1988 onward, be composed of thirty-four States Members of the United Nations, elected for three-year terms on the basis of equitable geographical distribution.⁶¹ It also decided that for the purpose of electing the new members, the Assembly would dispense with the requirement of nomination by the Council.⁶²

⁵¹ E S C decision 1986/175.

⁵² *Ibid.*

⁵³ E S C resolution 1985/17.

⁵⁴ *See also infra* para. 72.

⁵⁵ E S C resolution 1988/14.

⁵⁶ *Ibid.*

⁵⁷ G A resolution 40/202.

⁵⁸ G A resolution 41/213.

⁵⁹ *Ibid.*

⁶⁰ E S C resolution 1987/94. *See also* A/42/862.

⁶¹ G A decision 42/450. *See also* E S C resolution 1987/94.

⁶² *Ibid.*

35. Taking note of the report of the Secretary-General concerning the work of the Committee of Experts on the Transport of Dangerous Goods, particularly questions of extended participation and membership, the Council invited the Secretary-General to take, *inter alia*, the following measures to widen the decision-making base of the Committee: (a) encouraging the participation of experts on a wider geographical basis; (b) welcoming, in particular, the participation of interested developing countries, upon request, as full members of the Committee; and, (c) with respect to the active participation of observers in the work of the Committee, appointing experts designated by the Netherlands and Sweden as full members of the Committee.⁶³ Having considered resolution 1986/66, the Council endorsed the decision of the Secretary-General in his note on the Committee⁶⁴ to appoint an expert designated by China as a full member of the Committee of Experts on the Transport of Dangerous Goods.⁶⁵

36. During its first session of 1987, the Council decided⁶⁶ that the Chairman of the Committee on Crime Prevention and Control should appoint special consultants from among the members of the Committee who would give advice on behalf of the Committee in respect of the regional and interregional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.⁶⁷

E. Duration and termination

37. At its 19th plenary meeting, the Council, noting Commission on Human Rights resolution 1986/55,⁶⁸ approved the Commission's decision to extend for two years, on an experimental basis, the mandate of the Working Group on Enforced or Involuntary Disappearances, as laid down in the Commission's resolution 20 (XXXVI),⁶⁹ in accordance with the recommendations of the Working Group, while maintaining the Working Group's annual reporting cycle.⁷⁰

38. During the period under review, the Council did not terminate or discontinue any of its bodies.

F. Sessions or meetings

39. During the period under review, the Council took several decisions on the scheduling of sessions or meetings of its subsidiary bodies. The Council took several decisions adding sessions or meetings for particular circumstances.

40. The Council requested the Special Commission of the Council on the In-depth study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields to consider, in the context of the in-depth study, the relevant provisions of Recommendation 2 of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations.⁷¹ Recommendation 2 reads as follows:

⁶³ E S C resolution 1986/66.

⁶⁴ E/1988/97.

⁶⁵ E S C resolution 1988/149.

⁶⁶ E S C resolution 1987/49.

⁶⁷ Havana 27 Aug-7 Sept 1990: A/CONF.144/28/Rev.1.

⁶⁸ E/CN.4/1986/55.

⁶⁹ E/CN.4/1408, p. 180.

⁷⁰ E S C decision 1986/139.

⁷¹ See E S C decision 1987/112.

“The number of conferences and meetings can be significantly reduced and their duration shortened without affecting the substantive work of the Organization. To this end:

“(b) The General Assembly and the Economic and Social Council should request their subsidiary bodies to review urgently their current agenda and schedules of meetings in order to reduce substantially their number, frequency and duration. In this context, the move towards biennialization of conferences and meetings, which has been initiated particularly in the economic and social fields, should be vigorously pursued.”⁷²

41. At its first regular session for 1985, the Council decided that the newly renamed Committee on Economic, Social and Cultural Rights was to meet annually for a period of up to three weeks, taking into account the number of reports to be examined by the Committee, with the venue alternating between Geneva and New York.⁷³

42. At its third plenary meeting of 24 April 1986, the Economic and Social Commission for Western Asia, desirous of providing more time for its members and for the secretariat of the Commission to prepare for meetings at the ministerial level, thereby ensuring optimum performance, requested the secretariat, in its resolution 153 (XIII), to carry out a study on the possibility of amending rule 1(a) of the Commission’s provisional rules of procedure so that its session would normally be held every two years, provided that the said study was to include details of the consequences of such an amendment for the activities and work of the Commission.⁷⁴

43. In the same resolution, the Commission decided to amend rule 1(a) to state that the Commission shall hold its sessions in April of each year, on a date to be agreed upon in advance by the members of the Commission. It further decided to consider its rules of procedure, as amended, as its permanent rules of procedure.⁷⁵

44. With regard to the Commission on Narcotic Drugs, the Council decided that the Commission should hold a special five-day session in 1986 to consider scheduling of substances under the provisions of the 1971 Convention on Psychotropic Substances,⁷⁶ follow-up action to General Assembly resolutions 39/141 and 39/143, review of the report of the International Narcotics Control Board for 1985,⁷⁷ and other urgent matters.⁷⁸ The following year, the Council decided⁷⁹ to extend by one week the ninth special session of the Commission, so as to enable the Commission to consider the agenda and the organizational arrangements for the Conference on Drug Abuse and Illicit Trafficking.⁸⁰

45. Similarly, the following year, the Council decided that the Commission should hold a special session of ten working days in 1988 to expedite the preparation of the new convention against illicit traffic in narcotic drugs and psychotropic substances and to consider appropriate measures to give effect to relevant recommendations of the International Conference on Drug Abuse and Illicit

⁷² GA (41), Suppl. No.49 (A/41/49).

⁷³ E S C resolution 1985/17.

⁷⁴ ESCWA 153 (XIII).

⁷⁵ *Ibid.*

⁷⁶ E/CONF.58/7 (73.XI.3).

⁷⁷ E/INCB/1985/1 (85.XI.1).

⁷⁸ E S C resolution 1985/79.

⁷⁹ E S C resolution 1986/114.

⁸⁰ Vienna 17-26 June 1987: A/CONF.133/12 (87.I.18).

Trafficking,⁸¹ the question of the scheduling of a number of substances under the provisions of the international drug control treaties, the report of the International Narcotics Control Board for 1987,⁸² an interim report of the United Nations Fund for Drug Abuse Control,⁸³ and other urgent matters.⁸⁴ In light of these discussions, and due to the resulting need for the Commission to consider measures to be taken prior to the entry into force of the convention, the Council decided that the duration of the thirty-third session of the Commission should be extended to ten working days and that the calendar of conferences and meetings for 1989 should be amended accordingly.⁸⁵

46. In the same year, the Council requested the Secretary-General to convene regular meetings of the operational heads of the national drug control and law enforcement agencies of States in the African region to study questions related to illicit drug traffic in the region and to establish more effective mechanisms for co-operation and mutual assistance in the suppression of illicit drug traffic within, from and into the region.⁸⁶ The Council decided that the first regional meeting would be held at the headquarters of the Economic Commission for Africa.⁸⁷ Subsequently, during its first session of 1987, the Council invited the Governments of the Latin American and Caribbean countries and other interested Governments to participate in the regional meeting of the heads of national drug law enforcement agencies with a view to establishing the Meeting of Operational Heads of National Narcotics Law Enforcement Agencies, Latin American and Caribbean Region.⁸⁸

47. The following year, noting that these regional meetings had been granted the status of subsidiary organs of the Commission on Narcotic Drugs, to which they report, the Council requested the Secretary-General to take the necessary measures to convene these three regional meetings at the capitals of States in the respective regions that might wish to act as host or at the headquarters of the regional commission concerned, annually, beginning in 1988, except in years when an interregional meeting is held.⁸⁹ It also requested the Secretary-General, at his discretion, to invite States, outside the region, to send observers to the meetings. This would apply to States that requested such observer status and were actively involved in countering the illicit drug traffic in, through or from the region.⁹⁰

48. The Council decided that the Working Group on Indigenous Populations should meet for up to eight working days before the annual sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the first three working days to be devoted to unserved meetings for the purpose of the preliminary drafting of international standards.⁹¹

49. With regards to the Commission on the Status of Women, the Council requested the Secretary-General in 1986, to convene an interregional seminar, including heads of national machineries, to examine the question of national machineries and to make recommendations for consideration by the Commission on the Status of Women with a view to strengthening that essential mechanism for the implementation of the Forward-looking Strategies⁹² at national, regional and international levels.⁹³

⁸¹ Vienna 17-26 June 1987: A/CONF.133/12 (87.I.18).

⁸² E/INCB/1987/1 (87.XI.3).

⁸³ E S C resolution 1559 (XLIX).

⁸⁴ E S C resolution 1987/33.

⁸⁵ E S C decision 1988/118.

⁸⁶ E S C resolution 1985/11.

⁸⁷ *Ibid.*

⁸⁸ E S C resolution 1987/34.

⁸⁹ E S C resolution 1988/15.

⁹⁰ *Ibid.*

⁹¹ E S C resolution 1986/34.

⁹² See *supra* at note 27.

50. On the same subject, the Council decided to convene a session of the Commission on the Status of Women in January 1987 of five working days, prior to the organizational session of the Council. The Commission should consider, *inter alia*, the following: proposals for the preparation by the Secretariat of the medium-term plan for the period 1990-1995 and proposed guidelines for the long-term programme of work of the Commission to the year 2000.⁹⁴ The following year, convinced that the current schedule of meetings of the Commission on the Status of Women was inadequate, decided that, commencing with its thirty-second session, the Commission should meet annually until the year 2000, with a long-term programme of work that would allow sufficient preparation for each session.⁹⁵

51. During its first session of 1987, the Council recommended⁹⁶ that a session of the Commission on the Status of Women of extended duration be held in 1990, with high-level representation of member States, to review and appraise the progress achieved in the implementation of the Forward-looking Strategies.⁹⁷ The following year, the Council decided that the duration of the thirty-fourth session of the Commission on the Status of Women, in 1990, should be ten days, in order that the Commission could review and appraise progress made by Governments, international organizations and non-governmental organizations in the implementation of the Forward-looking Strategies.⁹⁸

52. Having considered resolution 8/14 adopted by the Commission on Human Settlements and decision 13/12 adopted by the Governing Council of the UNEP, the Assembly decided to discontinue the annual meetings of the Executive Director of the United Nations Centre for Human Settlements (Habitat) and the Bureau of the Commission on Human Settlements with the Executive Director of the UNEP and the bureau of its Governing Council.⁹⁹ The Assembly also welcomed¹⁰⁰ the decision of the Commission on Human Settlements that, beginning in 1987, its sessions would, on an experimental basis, be held only in odd-numbered years as well as endorsing the decision of the Commission on Human Settlements to hold a special session of shorter duration in 1988 devoted exclusively to ensuring effective follow-up to the International Year of Shelter for the Homeless.¹⁰¹

53. The Council authorized the Commission on Transnational Corporations to reconvene its special session on 6 April 1987 in order to recommend procedures for the expeditious finalization of the code of conduct, also authorized the chairman presiding the special session to convene a meeting of the open-ended enlarged Bureau of the special session on 2 and 3 April 1987 to discuss all matters related to the outstanding issues, and invited the Secretary-General to assist the commission in reaching agreement on the code of conduct.¹⁰²

54. Having considered the report of the Committee for Programme and Co-ordination on the work of its twenty-eighth session,¹⁰³ and endorsing the conclusions and recommendations contained therein, the Council authorized the Committee, subject to established procedure, to resume its twenty-eighth

⁹³ E S C resolution 1986/31.

⁹⁴ E S C resolution 1986/30. *See also* G A resolution 41/111.

⁹⁵ E S C resolution 1987/21.

⁹⁶ E S C resolution 1987/20.

⁹⁷ *See supra* at note 27.

⁹⁸ E S C resolution 1988/19.

⁹⁹ G A resolution 40/199.

¹⁰⁰ G A resolution 40/202.

¹⁰¹ A/Res/36/71.

¹⁰² E S C decision 1987/106.

¹⁰³ *Official Records of the General Assembly, Forty-third Session, Supplement No. 16 (A/43/16).*

session from 6 to 19 September 1988 in order to consider those pending items of the agenda indicated in the Committee's report.¹⁰⁴

55. Considering that it was not found possible to complete the work on the draft convention on the rights of the child in the sessions of the Commission of Human Rights during the period under review, the Council authorized annually meetings of an open-ended working group of the Commission for a period of one week prior to the each session of the Commission during the period under review, with a view to completing the work on a draft convention.¹⁰⁵ The Council further authorized, both in 1987¹⁰⁶ and in 1988,¹⁰⁷ additional fully serviced meetings, including the provision of summary records, for the Commissions forty-fourth and forty-fifth sessions respectively.

56. Finally, conscious of the need to ensure that the frequency and duration of the meetings of the functional commissions of the Council enable them to discharge properly their important functions, the Council decided to consider the frequency and duration of the meetings of the Commission for Social Development at its first regular session of 1989.¹⁰⁸

G. Methods of reporting

57. During the period under review, the principal organs of the United Nations took several decisions regarding the reporting methods of the Economic and Social Council's subsidiary bodies. The Council centered its attention on the reporting mechanisms of the Committee on Economic, Social and Cultural Rights to the Council, the development and implementation by regional commissions of simple, concise and direct forms of reporting to the Commission on the Status of Women, and on the discontinuation of a practice used by the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to report to its parent commission. Similarly, the General Assembly, focused on the reporting systems of the Committee on Economic, Social and Cultural Rights and the Committee against Torture with regards to the implementation of the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, respectively.

58. By its resolution 1985/17, the Economic and Social Council decided that the Committee on Economic, Social and Cultural Rights was to submit to the Council a report on its activities, including a summary of its consideration of the reports submitted by States parties to the Covenant, and shall make suggestions and recommendations of a general nature on the basis of its consideration of those reports and of the reports submitted by the specialized agencies, in order to assist the Council to fulfill, in particular, its responsibilities under articles 21 and 22 of the Covenant.¹⁰⁹

59. In 1987, the Council invited the Secretary-General, the executive secretaries of the regional commissions, and the executive heads of the specialized agencies and other organizations of the United Nations system to develop and implement, as an integral part of their programmes, a simple, concise and direct form of reporting to the Commission on the Status of Women on the impact of their programmes and activities on women and the effectiveness of those programmes and activities in bringing the interests and needs of women into the mainstream of their organizations, and to ensure

¹⁰⁴ E S C resolution 1988/62.

¹⁰⁵ E S C resolution 1985/42. *See also* G A resolution 40/113.

¹⁰⁶ E S C decision 1987/154.

¹⁰⁷ *See* E S C decision 1988/141.

¹⁰⁸ *See* E S C resolution 1987/50.

¹⁰⁹ *See* E S C resolution 1985/17.

that such reports are submitted in a timely manner to permit them to be taken into account in the United Nations programming and budgeting process.¹¹⁰ In the same resolution, the Council requested¹¹¹ that the Secretary-General, in developing and implementing such a reporting system, would take into account, *inter alia*, the following guidelines: reporting at the global level should address the priority themes identified by the Commission in its future programme of work, and the reports should be made available to the Commission for its consideration of those themes; the reports submitted by States to the Committee on the Elimination of Discrimination against Women were of direct relevance to the Commission's task of monitoring and appraising the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women.¹¹² The Council, furthermore, affirmed¹¹³ the appropriateness of a two-year cycle of system-wide monitoring of progress made in implementing the Forward-looking Strategies and a five-year cycle of longer-term review and appraisal to continue the cycle established by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace.¹¹⁴

60. Subsequently, the following year, the Council endorsed the comprehensive reporting system to monitor, review and appraise the implementation of the Forward-looking Strategies¹¹⁵ set out in the annex to 1988/22.¹¹⁶ The Council decided that the Secretary-General should prepare a biennial report on monitoring of the implementation of the Strategies by the organizations of the United Nations system, including monitoring at the regional level. Such a report should address the three interrelated and mutually reinforcing objectives of the Strategies: equality, development and peace. Each objective should be reported on separately, as appropriate.¹¹⁷ Also every five years, the Commission should review its conclusions on priority themes on the basis of a compilation of relevant resolutions and select priority themes for the following five-year period¹¹⁸ and finally, intergovernmental and non-governmental bodies should be invited to submit reports for the review and appraisal.¹¹⁹

61. The Council requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit to the Commission on Human Rights, after a thorough examination, the studies and reports prepared by the Special Rapporteurs of the Sub-Commission with a brief written introductory statement by the Special Rapporteur, and to discontinue the practice of requesting Special Rapporteurs to introduce their reports personally to the Commission. It further requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that Special Rapporteurs responsible for preparing reports and studies were brief and concise.¹²⁰

¹¹⁰ E S C resolution 1987/18. *See also* G A resolution 42/62, in which the Assembly reaffirmed the need for the United Nations to develop an integrated reporting system with the Commission on the Status of Women at its centre and, building upon existing information and resources, to monitor the review and appraisal of progress in the advancement of women, based on clear and relevant statistical and other measurable indicators which will assist Member States in identifying problems and in developing remedial measures, at the national, regional and international levels.

¹¹¹ *Ibid.*

¹¹² *See supra* note 27.

¹¹³ E S C resolution 1987/18.

¹¹⁴ *See supra* note 27.

¹¹⁵ *See supra* note 27.

¹¹⁶ E S C resolution 1988/22.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ E S C resolution 1986/33.

62. The General Assembly also took decisions regarding reporting methods of subsidiary bodies of the Council. It invited the newly renamed Committee on Economic, Social and Cultural Rights to give early attention to the question of the reporting system on implementation of the International Covenant on Economic, Social and Cultural Rights, taking due account of reporting guidelines developed by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights.¹²¹ Similarly, the Assembly also recognized the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, taking due account of the draft guidelines of the Secretary-General on reporting and the activities of the Human Rights Committee, as well as of the other human rights treaty bodies, established under the relevant international instruments in the field of human rights.¹²²

II. ANALYTICAL SUMMARY OF PRACTICE

****A. Types of organs which article 68 empowers the Council to set up**

B. The need for commissions and committees to assist the Council in carrying out its functions

63. As in the past, this section deals with the criteria the Council has applied in setting up or abolishing its subsidiary bodies.¹²³ It also looks at what type of subsidiary body (e.g. functional commissions, ad hoc committees or groups of experts) the Council has found to be most appropriate for the kind of assistance required.¹²⁴ The Council has usually indicated the reasons for the establishment of its bodies in the preamble of the resolution establishing the body, which included the terms of reference.

64. With respect to the need for the establishment of the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, the Council, in its decision 1987/112, referred to General Assembly resolution 41/213 which decided that the Council should implement Recommendation 8 of the Report of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations¹²⁵

“Recommendation 8

“(1) A careful and in-depth study of the intergovernmental structure in the economic and social fields should be undertaken by an intergovernmental body to be designated by the General Assembly. This body should preferably have a limited membership, at the highest possible level of representation and based on the principle of equitable geographical distribution. In discharging its tasks, the body should seek the co-operation of the intergovernmental organs whose functions are being reviewed in the study and draw on the expertise of relevant United Nations bodies, such as the Joint Inspection Unit and the United Nations Institute for Training and Research.”¹²⁶

¹²¹ G A resolution 41/121.

¹²² G A resolution 42/123.

¹²³ *See Repertory*, para. 120.

¹²⁴ *Ibid.*

¹²⁵ *See GA (41), Suppl. No. 49 (A/41/49).*

¹²⁶ *Ibid.*

65. When discussing the above-mentioned report, the General Assembly also recognized, by its resolution 41/213, “the need for measures to improve the efficiency of the administrative and financial functioning of the United Nations with a view to strengthening its effectiveness in dealing with political, economic and social issues”, as well as “the need to improve the planning, programming and budgeting process in the Organization”.

66. The following year, the Chairman of the Special Commission stated in the 1988 Report of the Special Commission¹²⁷ that there was agreement among all members of the Special Commission that the main purpose of the exercise was to enhance the efficiency and effectiveness of the United Nations intergovernmental structure in the economic and social fields.¹²⁸ He also said that there is general agreement that the Council had so far been unable to carry out effectively the functions and responsibilities entrusted to it by the Charter and relevant General Assembly resolutions.¹²⁹

67. The main recommendations of the Special Commission in its report on the subject of subsidiary bodies were the following:¹³⁰

“The intergovernmental responsibilities of the following subsidiary bodies would be assumed directly by the Council:

- “(a) Intergovernmental Committee on Science and Technology for Development;
- “(b) Committee on Negotiations with Intergovernmental Agencies;
- “(c) High-level Committee on the Review of Technical Co-operation among Developing Countries;
- “(d) Committee on Natural Resources;
- “(e) Committee on the Development and Utilization of New and Renewable Sources of Energy.

“The Council would convene, as and when required, meetings of experts to advise it on:

- “(a) New and renewable sources of energy;
- “(b) Energy;
- “(c) Mineral resources;
- “(d) Water;
- “(e) Public administration and finance;
- “(f) Geographical names.

“The following intergovernmental/expert bodies would be amongst those to be discontinued:

- “(a) Intergovernmental Committee on Science and Technology for Development;
- “(b) Committee on Natural Resources;
- “(c) High-level Committee on the Review of Technical Co-operation among Developing Countries;
- “(d) United Nations Group of Experts on Geographical Names.”

68. The Chairman also said that it is recognized that the restructuring measures as outlined above could not by themselves ensure the achievement of the main objective of reform unless accompanied by the necessary political will on the part of Member States to make better use of the United Nations as a viable forum for international co-operation.¹³¹

¹²⁷ E/1988/75.

¹²⁸ E/1988/75, p99.

¹²⁹ *Ibid.*

¹³⁰ E/1988/75, p103-104.

¹³¹ E/1988/75, p99.

69. In 1988, the Council decided to transmit the report of the Special Commission to the General Assembly at its forty-third session for consideration and appropriate action.¹³² The General Assembly decided to consider the matter to its forty-fourth session.¹³³

70. The need for renaming the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to “The Committee on Economic, Social and Cultural Rights” was not specifically discussed during the period under review. It was however, noted in Council resolution 1985/17 that “the procedures and methods of work [of the Working Group] established by Council resolution 1979/43¹³⁴ and the other resolutions and decisions referred to in the preamble shall remain in force in so far as they are not superseded or modified by the present resolution.” Among the modifications were an increase of members and the fact that experts would serve in their personal capacity rather than as governmental experts.¹³⁵

71. Furthermore, under Council resolution 1985/17, the Committee on Economic, Social and Cultural Rights had been given a specific mandate to examine reports submitted by States parties and by the specialized agencies, and to formulate suggestions and recommendations of a general nature based on consideration of those reports, with a view to assisting the Council in promoting action for the realization of all the rights recognized in the Covenant on Economic, Social and Cultural Rights.¹³⁶ It was thus required to assess, in accordance with the information it received, to what extent the States were respecting the Convention and the significance of the progress they had made.¹³⁷

****C. Character of membership of the functional commissions and sub-commissions**

D. Distribution of membership in functional commissions and sub-commissions and other subsidiary organs of the Council

72. The Council took several decisions regarding the distribution of membership in functional commissions and sub-commissions and other subsidiary organs of the Council. In 1985, the Council decided that the newly renamed Committee on Economic, Social and Cultural Rights would have eighteen members who would be experts with recognized competence in the field of human rights, serving in their personal capacity, due consideration being given to equitable geographical distribution and to the representation of different forms of social and legal systems.¹³⁸ Fifteen seats would be equally distributed among the regional groups, while the additional three seats would be allocated in accordance with the increase in the total number of States parties per regional group.¹³⁹ Furthermore, the members of the Committee would be elected for a term of four years and would be eligible for re-election at the end of their term, if renominated and one half of the membership of the Committee would be renewed every second year, bearing in mind the need to maintain the equitable geographical distribution mentioned above.¹⁴⁰

¹³² E S C resolution 1988/182.

¹³³ G A resolution 43/174.

¹³⁴ This resolution approved the methods of work of the Working Group.

¹³⁵ E S C Resolution 1985/17.

¹³⁶ E/C.12/1987/SR.3, p2.

¹³⁷ E/C.12/1987/SR.4, p6.

¹³⁸ E S C resolution 1985/17.

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

73. As noted before, the Council decided that the newly established Special Commission of the Council on the In-depth study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields that the Bureau of the Special Commission should be composed of five members, one from each regional group, who should serve for the entire duration of the work of the Special Commission.¹⁴¹

74. During its first session of 1988, the Council, upon recommendation of the Assembly,¹⁴² having previously accepted the need for an increase in the membership of the Commission on the Status of Women,¹⁴³ decided that the Commission should consider proposals to that end and submit them to the Council at its first regular session of 1988, considering that issues related to women had grown in complexity and in number, especially in the developing world and noting that the membership of the United Nations had increased from 120 Member States in 1966 to 159 and that the Commission had not been enlarged proportionately. The Council decided that action should be taken on draft resolution XIII, entitled “Enlargement of the Commission on the Status of Women”, contained in the report of the Commission,¹⁴⁴ at its first regular session of 1989.¹⁴⁵

75. During its first session of 1986, the Council decided that from 1987 onwards, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be elected for a term of four years, instead of three years¹⁴⁶ and that half of the membership of the Sub-Commission and the corresponding alternates, if any, would be elected every two years and that accordingly, at the elections held in 1987, the Chairman would draw lots to select those members whose terms would expire in two years.¹⁴⁷ The selection of members would be in accordance with the following pattern: three members from African States; three members from Asian States; three members from Latin American States; one member from Eastern European States; and three members from Western European and other States.¹⁴⁸ Subsequently, the Council, upon recommendation of the Assembly,¹⁴⁹ decided to extend the term of office of the current members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for one year to ensure their participation to the thirty-ninth session of the Sub-Commission to be held in 1987¹⁵⁰ and to postpone, until the forty-fourth session of the Commission on Human Rights, the election of the new members of the Sub-Commission.¹⁵¹

76. In enlarging its Committee for Programme and Co-ordination from 21 to 34 members, the Council specified that membership should be distributed as follows: ¹⁵² nine seats for African States; seven seats for Asian states; seven seats for Latin American and Caribbean States; seven seats for Western European and other States; and four seats for Eastern European States.¹⁵³

¹⁴¹ *Ibid.*

¹⁴² G A resolution 40/108.

¹⁴³ E S C resolution 1987/23.

¹⁴⁴ E/1988/C.2/L.2.

¹⁴⁵ E S C resolution 1988/125.

¹⁴⁶ E S C resolution 1986/35.

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ G A resolution 41/143.

¹⁵⁰ E S C decision 1987/102.

¹⁵¹ *Ibid.*

¹⁵² See also *supra* para. 34.

¹⁵³ G A decision 42/450.

E. The question of membership in the regional commissions

77. During the period under review, the Council took several decisions with regards to its regional commissions, namely the Economic Commission for Europe and the Economic, Social Commission for Asia and the Pacific and the Economic Commission for Latin America.

1. ECONOMIC COMMISSION FOR EUROPE

78. In 1986, Israel, an observer to the Commission for Europe, applied for full membership to the Commission by a letter,¹⁵⁴ asserting it had economic relations with the European Economic Commission and the United States and citing two previous cases in which the status of observer countries (Canada, Switzerland) had been converted to that of full member.¹⁵⁵ The Council requested the Executive Secretary of the Economic Commission for Europe to consult with States members of the Commission on the question of admitting Israel to the Commission, with a view to taking action on the question of Israel's full participation in the regional economic activities of the United Nations.¹⁵⁶ Subsequently, in 1988, the Council, after considering the Executive Secretary's report on his consultations with member States had decided to defer consideration of a draft decision on the matter to its second regular session of 1989.¹⁵⁷

2. ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

79. In 1986, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau were admitted as individual associate members of the Commission, rather than being collective members under the name "the Trust Territory of the Pacific Islands". The Economic and Social Commission for Asia and the Pacific unanimously approved a draft resolution for action by the Council to amend the Commission's terms of reference.¹⁵⁸ On 22 July 1986, the Council decided to amend the terms of reference accordingly.¹⁵⁹

80. In 1987, the United States, presented an application for the territory of American Samoa, to be admitted as an associate member to the Commission.¹⁶⁰ This application was considered by the Commission and unanimously endorsed at its April 1988 session. Subsequently, the Council, by adopting decision 1988/170, amended the Commission's terms of reference to include American Samoa as an associate member.¹⁶¹

3. ECONOMIC COMMISSION FOR LATIN AMERICA

81. As mentioned in the General Survey, the terms of reference of the Economic Commission for Latin America and the Caribbean by the Council were amended to reflect the addition of the Caribbean region to the Commission in 1984.¹⁶²

4. ** ECONOMIC COMMISSION FOR AFRICA

¹⁵⁴ E/1986/82.

¹⁵⁵ E/1986/82.

¹⁵⁶ E S C resolution 1986/67.

¹⁵⁷ E S C decision 1988/172.

¹⁵⁸ E S C resolution 1986/57.

¹⁵⁹ *Ibid.*

¹⁶⁰ YUN 1987, p. 545.

¹⁶¹ E S C decision 1988/170.

¹⁶² E S C decision 1986/175. *See supra* para. 30.

5. **ECONOMIC COMMISSION FOR WESTERN ASIA

****F. The question of the representation of a Member State in the organs established by the Council****G. The power of subsidiary organs of the Council to adopt rules of procedure**

82. In the discussion on whether the newly established Committee on Economic, Social and Cultural Rights was authorized to adopt its own rules of procedure, it was mentioned that since the Committee was a subsidiary body of the Economic and Social Council, it must, *mutatis mutandis*, apply the latter's rules of procedure.¹⁶³ However, it was noted that the Human Rights Committee did establish its own rules of procedure under article 39 of the International Covenant on Civil and Political Rights, and that the Committee might draw the Council's attention to that important point and ask permission to consider the possibility of adopting its own rules of procedure.¹⁶⁴

H. The participation in the work of the subsidiary organs of the Council of other organs of the United Nations, specialized agencies, intergovernmental organizations and non-governmental organizations

83. During the period under review, the Council discussed the participation of Member States, other organs of the United Nations, specialized agencies, intergovernmental organizations and non-governmental organizations in the work of the subsidiary organs of the Council.

1. THE PARTICIPATION OF MEMBERS OF THE UNITED NATIONS

84. With respect to the participation of States Members of the United Nations in the work of the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, the Council established that its membership would be open to all States Members of the United Nations on an equal basis and invited Governments to participate at the highest possible level.¹⁶⁵

85. During its first session of 1986, the Council called upon all Member States to take appropriate measures urgently, as necessary, to eradicate acts of physical violence against detained women and invited Member States to submit to the Secretary-General a report on legislative and other measures they had taken, as applicable, to prevent physical violence against detained women that was specific to their sex, so as to enable him to report to the Commission on the Status of Women at its 1988 session.¹⁶⁶ The Council requested the Secretary-General to submit a report to the Commission prepared on the basis of reports received from Member States.¹⁶⁷

86. Recalling its previous resolutions¹⁶⁸ on a Europe-Africa permanent link through the Strait of Gibraltar, the Council invited the Economic Commission for Europe and the Economic Commission for Africa to co-operate with the Governments of Morocco and Spain in establishing groups

¹⁶³ E/C.12/1987/SR.4, p. 6.

¹⁶⁴ *Ibid.*

¹⁶⁵ See E S C decision 1987/112.

¹⁶⁶ E S C resolution 1986/29.

¹⁶⁷ *Ibid.*

¹⁶⁸ E S C resolutions 1982/57, 1983/62, 1984/75 and 1985/70.

consisting of research institutes, industrial companies, construction enterprises and financial institutions to follow up and develop project studies.¹⁶⁹ In the same resolution, the Council invited the countries concerned to co-operate with the Economic Commission for Europe and the Economic Commission for Africa with a view to better integrating the project in land transport networks in the Mediterranean region.¹⁷⁰

87. Recognizing the collective responsibility of States for providing appropriate resources for the elimination of illicit production and trafficking and of the abuse of drugs and psychotropic substances, the Assembly, at its forty-second session, encouraged States to use the meetings of the Working Group of the Commission on Narcotic Drugs for the purpose of exchanging experiences in their struggle against the illicit transit of drugs and psychotropic substances and to increase regional and interregional co-operation on this aspect.¹⁷¹

2. THE PARTICIPATION OF MEMBERS OF OTHER SUBSIDIARY BODIES

88. Recognizing the importance for the Commission for Social Development of exchanges of information on activities with other functional commissions of the Council with mandates in the social development sector, in particular the Commission on the Status of Women and the Population Commission, the Council encouraged the Secretary-General to make available to the Council information on areas of complementarity among the work programmes of abovementioned commissions and other relevant bodies, and to optimize the flow information on social development within the United Nations system.¹⁷² In the same resolution, the Council requested the Committee for Programme and Co-ordination to study the possibility of conducting an in-depth evaluation of the effectiveness, relevance and impact of United Nations social development activities, with a view to submitting it to the Commission for Social Development.¹⁷³

3. THE PARTICIPATION OF SPECIALIZED AGENCIES

89. Considering that the measures to integrate women effectively in all aspects of development outlined in chapter II of the Nairobi Forward-looking Strategies for the Advancement of Women¹⁷⁴ had major implications for the work programmes of the United Nations and the specialized agencies, in particular in the economic sector, the Council invited, *inter alia*, the executive heads of the specialized agencies to develop and implement, as an integral part of their programmes, a simple, concise and direct form of reporting to the Commission on the Status of Women on the impact of their programmes and activities on women and the effectiveness of those programmes and activities in bringing the interests and needs of women into the mainstream of their organizations.¹⁷⁵

4. THE PARTICIPATION OF INTERGOVERNMENTAL ORGANIZATIONS

90. Aware that the General Assembly, in its resolution 40/108,¹⁷⁶ invited intergovernmental organizations to give high priority to the implementation of the Nairobi Forward-looking Strategies¹⁷⁷

¹⁶⁹ E S C resolution 1987/69.

¹⁷⁰ *Ibid.*

¹⁷¹ G A resolution 42/113.

¹⁷² E S C resolution 1985/36.

¹⁷³ *Ibid.*

¹⁷⁴ See *supra* note 27.

¹⁷⁵ E S C resolution 1986/65.

¹⁷⁶ See also G A resolution 42/62.

¹⁷⁷ See *supra* note 27.

and, requested those organizations to report periodically through the Commission on the Status of Women to the Council on the activities undertaken at all levels to implement the Forward-looking Strategies, the Council requested the Secretary-General to make the necessary arrangements for the effective, system-wide implementation of the Forward-looking Strategies, taking particular account of the need, *inter alia*, to provide to intergovernmental bodies of the economic and social sectors of the United Nations a compilation of United Nations intergovernmental mandates which had specific reference to women.¹⁷⁸ Subsequently in 1988, the Council decided that its intergovernmental subsidiary bodies should monitor, as necessary, the follow-up to their recommendations relating to the advancement of women.¹⁷⁹ The Council also requested the Secretary-General to invite Governments and intergovernmental and non-governmental organizations to report through the Commission to the Council on monitoring, review and appraisal of progress at all levels in the implementation of the Forward-looking Strategies.¹⁸⁰

91. In 1986, the Council amended the terms of reference of the Economic Commission for Latin America and the Caribbean to read: “the Economic Commission shall cooperate with and take the necessary measures to coordinate its activities with the appropriate organs of the Inter-American System¹⁸¹ in order to avoid any unnecessary duplication of effort between those organs and itself.”¹⁸² The Council decided that the Commission was empowered to, and should seek to, make working arrangements with the appropriate organs of the Inter-American System regarding the joint or independent study of the economic problems within its competence and ways of solving them as well as regarding the fullest exchange of information necessary for the co-ordination of efforts in the economic field.¹⁸³ Finally, the Council decided to invite the Organization of American States and other regional bodies to nominate a representative to attend the meetings of the commission in a consultative capacity.¹⁸⁴

5. THE PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS¹⁸⁵

92. During its first sessions of 1987 and 1988, the Council invited non-governmental organizations in consultative status with the Council to submit to the Committee on Economic, Social and Cultural Rights written statements that might contribute to full and universal recognition and realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights¹⁸⁶ and requested the Secretary-General to make those statements available to the Committee in a timely manner.¹⁸⁷

93. During its first session of 1987, the Council called on non-governmental organizations to co-operate in and support activities undertaken to implement the Forward-looking Strategies¹⁸⁸ and the

¹⁷⁸ E S C decision 1986/65.

¹⁷⁹ E S C decision 1988/22.

¹⁸⁰ *Ibid.*

¹⁸¹ The Inter-American System is part of the Governing Bodies of the Organization of American States and comprises, *inter alia*, of the Inter-American Juridical Committee, the Inter-American Commission on Human Rights and the Inter-American Committee Against Terrorism-CICTE.

¹⁸² E S C decision 1986/175.

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid.*

¹⁸⁵ See also Supplement No. 7, under Article 71 for more discussion of participation of non-governmental organizations in the work of the Council.

¹⁸⁶ G A resolution 2200 (XXI).

¹⁸⁷ E S C resolutions 1987/5 and 1988/4.

¹⁸⁸ See supra note 27.

preparations for the session of the Commission on the Status of Women in 1990.¹⁸⁹ Subsequently in 1988, as mentioned above, the Council requested the Secretary-General to invite Governments and intergovernmental and non-governmental organizations to report through the Commission to the Council on monitoring, review and appraisal of progress at all levels in the implementation of the Forward-looking Strategies.¹⁹⁰

****I. Delegation of power to and by organs established by the Council**

****J. The binding quality of the decisions of organs established by the Council**

****K. Question of the approval by the Council of studies to be undertaken by a functional commission**

¹⁸⁹ E S C decision 1987/20.

¹⁹⁰ *Ibid.*