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Volume IV

ARTICLE 72

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ARTICLE 72

TEXT OF ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedures, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules which shall include provision for the convening of meeting on the request of a majority of its members.

INTRODUCTORY NOTE

1. During the period under review, the Economic and Social Council amended¹ rules 1 and 2 and paragraphs 1 and 4 of rule 9 of its rules of procedure². It also made amendments to the rules of procedure of its functional commissions.³ The Council made no amendments to the rules of procedure of the regional commissions.

2. As stated in earlier studies of this Article, certain rules of procedure of the Council, based on specific provisions in other Articles of the Charter, are examined in greater detail in the present *Supplement* under the relevant Articles. These are as follows: with regard to the method of voting, under Article 67; on the functional commissions of the Council, under Article 68; regarding participation of States Members of the United Nations not members of the Council, under Article 69; on participation of and consultation with specialized agencies, under Articles 63 and 70; and with regard to consultation with non-governmental organizations, under Article 71.

¹ E S C resolution 1992/2 of 7 February 1992; E/1992/SR.3.

² See para. 6 below.

³ See para. 28 below.

I. GENERAL SURVEY

3. Following its comprehensive review of its rules of procedure at its fifty-eighth session,⁴ the Economic and Social Council continued to consider questions relating to procedural matters in the context of the restructuring of the economic and social sectors of the United Nations system, and of the revitalization of the Council.

4. During the period under review, the Council continued to endorse, in accordance with rule 79 of its rules of procedure, the participation of intergovernmental organizations in its work.

5. In addition to the above, the Council adopted a number of resolutions and decisions on an *ad hoc* basis relating to procedural matters. These related, inter alia, to the duration and number of the regular sessions of the Council and its functional commissions, the agenda, the provision of summary records to its subsidiary organs and the participation of intergovernmental organizations in the work of the Council.⁵ In no instance during the period under review did the Council decide to waive rule 2 of its rules of procedure.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Adoption and revision of the rules of procedure of the Council

6. At its organizational session for 1992, the Economic and Social Council adopted⁶ the following amendments to its rules of procedure:

⁴ E S C resolution 1949 (LVIII) and annex; see also generally *Supplement No. 6*, under article 72.

⁵ See paras. 8 and 9 below.

⁶ See footnote 1.

- (a) Replace rule 1 by the following text:

“ORGANIZATIONAL AND SUBSTANTIVE SESSIONS

“Rule 1

“The Council shall normally hold an organizational session and one substantive session each year.”

- (b) Replace rule 2 by the following text:

“DATES OF CONVENING AND ADJOURNMENT

“Rule 2

“Subject to rule 3, and following a meeting early in the year for the purpose of electing the President and the Bureau, the organizational session shall be convened on the first Tuesday in February and resumed at the end of April. The substantive session shall take place between May and July and shall be adjourned at least six weeks before the opening of the regular session of the General Assembly.”

- (c) Replace rule 9, paragraphs 1 and 4, by the following text:

“DRAWING UP OF THE PROVISIONAL AGENDA

“Rule 9

“1. The Secretary-General shall draw up the provisional agenda for each session of the Council. He shall submit to the Council:

“(a) The provisional agenda for the organizational session at least three weeks in advance of the opening of that session;

“(b) The provisional agenda for the substantive session at the organizational session.

“4. The agenda for the organizational session shall include the consideration of the provisional agenda for the substantive session of the Council.”

7. During the period under review, the Economic and Social Council continued to endorse, in accordance with rule 79 of its rules of procedure, the participation of intergovernmental organizations in its work.

8. At its second regular session of 1989, the Council decided⁷ that the Arab Security Studies and Training Center and the Customs Co-operation Council might participate on an *ad hoc* basis, without the right to vote, in the deliberations of the Council on questions within the scope of their activities.

9. At its second regular session of 1992, the Council decided⁸ that the Regional Organization for the Protection of the Marine Environment might participate on a continuing

⁷ E S C decision 1989/165 of 24 July 1989; E/1989/SR.34.

⁸ E S C decision 1992/265 of 22 July 1992; E/1992/SR.36.

basis, without the right to vote, in the deliberations of the Council on questions within the scope of its activities.

B. Some basic features of the rules of procedure of the Council

1. SESSIONS

(a) Regular sessions

10. The organization of the regular sessions of the Economic and Social Council was modified by the General Assembly in its resolution 45/264 of 13 May 1991, entitled “Restructuring and revitalization of the United Nations in the economic, social and related fields”. It was decided⁹ that the Council would have an organizational session and a substantive session each year, rather than an organizational session and two regular sessions as previously, and that the substantive session should include a high-level segment, a coordination segment, an operational activities segment, and a committee segment. The committee segment was disbanded as from the 1994 substantive session of the Council, in pursuance of a decision of the General Assembly¹⁰ that the work of the two sessional committees of the Council should be subsumed into its plenary.

11. At its organizational session for 1990, the Council, having stressed the importance of full implementation of its resolutions 1988/77 of 29 July 1988 and 1989/114 of 28 July 1989, on the revitalization of the Council, agreed¹¹ to devote two days of its second regular session of 1991 to

⁹ See G A resolution 45/264 of 13 May 1991, annex, sect. III.

¹⁰ See G A resolution 48/162 of 20 December 1993, annex I, para. 17.

¹¹ E S C decision 1990/205 of 9 February 1990, E/1990/SR.4. See also E S C resolution 1990/68 of 27 July 1990, E/1990/SR.37.

a “special meeting at an appropriately high level, without excluding the ministerial level”, for the consideration of the following theme: “The impact of the recent evolution of East-West relations on the growth of the world economy, in particular, on the economic growth and development of the developing countries, as well as on international economic cooperation”. In the same decision, the Council also agreed upon themes for consideration at high-level meetings to be held during its 1992, 1993 and 1994 substantive sessions.

12. Beginning with the Council’s substantive session of 1992, in pursuance of General Assembly resolution 45/264, the high-level meeting was called the “high-level segment”. For each substantive session, the Council adopted a specific theme for consideration at that segment.¹²

13. The Council also adopted themes for consideration at the annual coordination segment.¹³

14. During the period under review, the Council also took a number of decisions in regard to its basic programme of work.¹⁴

15. In the context of its revitalization, the Council also adopted further measures for the implementation of its resolution 1988/77¹⁵ and for the implementation of its resolutions 1988/77 and 1989/114.¹⁶

(b) Special sessions

¹² E S C decision 1992/203 of 7 February 1992, E/1992/SR.3; E S C decision 1993/204 of 12 February 1993, E/1993/SR.3; and E S C decision 1994/201 of 3 February 1994, E/1994/SR.2.

¹³ E S C decision 1992/204 of 7 February 1992, E/1992/SR.3; E S C decision 1993/205 of 12 February 1993, E/1993/SR.3; and E S C decision 1994/202 of 3 February 1994, E/1994/SR.2.

¹⁴ E S C decision 1989/101 of 10 February 1989, E/1989/SR.4; E S C decision 1990/201 of 9 February 1990, E/1990/SR.4; E S C decisions 1991/202 and 1991/203 of 7 February 1991, E/1991/SR.2; E S C decision 1992/209 of 7 February 1992, E/1992/SR.3; E S C decision 1993/210 of 12 February 1993, E/1993/SR.3; and E S C decision 1994/206 of 3 February 1994, E/1994/SR.2.

¹⁵ E S C resolution 1989/114 of 28 July 1989, E/1989/SR.37.

¹⁶ E S C decision 1990/205 of 9 February 1990, E/1990/SR.4.

16. During 1994, the Economic and Social Council held two special sessions in accordance with rule 4.2 of its rules of procedure.

17. At the first special session, held on 6 June 1994, the Council endorsed¹⁷ resolution S-3/1 of 25 May 1994, adopted by the Commission on Human Rights at its third special session,¹⁸ on the situation of human rights in Rwanda.

18. At its second special session, held on 16 September 1994, the Council decided¹⁹ to suspend the consultative status of one non-governmental organization.

19. At its first regular session of 1989, the Council decided²⁰ that the Commission on Narcotic Drugs should hold a special session of five working days in 1990 to consider, inter alia, further measures that might be required to facilitate the entry into force of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances or, if the Convention had already entered into force in the interim, the measures required to ensure implementation of its provisions.

20. At its organizational session for 1990, the Council decided²¹ to reconvene the special session of the Commission on Transnational Corporations for one day on 24 May 1990, with a view to concluding the work on the formulation of the code of conduct on transnational corporations for transmission to the Council at its second regular session of that year.

¹⁷ E S C decision 1994/223 of 6 June 1994, E/1994/SR.8.

¹⁸ See *Official Records of the Economic and Social Council, 1994, Supplement No. 4B* (E/1994/24/Add.2).

¹⁹ E S C resolution 1994/50 of 16 September 1994, E/1994/SR.50.

²⁰ E S C resolution 1989/17 of 22 May 1989, E/1989/SR.12.

²¹ E S C decision 1990/204 of 9 February 1990, E/1990/SR.4.

21. At its substantive session of 1993, the Council decided²² that a special session of the Statistical Commission, of four or five days' duration, should be held in 1994 to review progress made in the implementation of the recommendations and decisions for strengthening the international statistical system in general and to monitor progress made in implementing the revised System of National Accounts and review plans for the further essential research work already identified.

22. At the same session, the Council authorized,²³ on an exceptional basis, the Committee on Economic, Social and Cultural Rights to hold an extraordinary additional session of three weeks' duration in the first half of 1994. The Council also authorized a special three-day meeting of the Committee's pre-sessional working group in order to prepare for the consideration of reports of States parties during the extraordinary additional session of the Committee.

*** (c) Date of sessions*

*** (d) Place of sessions*

2. AGENDA OF THE COUNCIL

23. During the period under review, the Economic and Social Council took a number of decisions on the adoption of its agenda and other organizational matters related to the work of its sessions.²⁴

²² E S C resolution 1993/6 of 12 July 1993, E/1993/SR.30.

²³ E S C decision 1993/296 of 28 July 1993, E/1993/SR.44.

²⁴ E S C decision 1989/105 of 5 May 1989, E/1989/SR.6; E S C decision 1989/162 of 24 May 1989, E/1989/SR.16; E S C decision 1989/162 of 24 May 1989, E/1989/SR.16; E S C decision 1989/163 of 5 and 7 July 1989, E/1989/SR.17 and 21; E S C decision 1990/208 of 1 and 3 May 1990, E/1990/SR.5 and 6; E S C decision 1990/258 of 25 May 1990, E/1990/SR.15; E S C decision 1990/259 of 4 and 5 July 1990,

**3. METHOD OF SELECTING THE PRESIDENT

**4. POWERS OF THE PRESIDENT AND THEIR LIMITATIONS

**5. LIMITATION OF DEBATE

**6. OFFICIAL AND WORKING LANGUAGES

7. NATURE OF RECORDS

24. At its substantive session of 1992, the Economic and Social Council decided²⁵ to discontinue, as from 1993, summary records for its sessional committees, the regional commissions and the following other subsidiary bodies: Commission for Social Development, Commission on the Status of Women, Commission on Narcotic Drugs, Commission on Science and Technology for Development, Commission on Crime Prevention and Criminal Justice, Committee on Non-Governmental Organizations, Committee on Natural Resources, Committee for Programme and Coordination, and Committee on New and Renewable Sources of Energy and on Energy for Development.

8. PARTICIPATION IN THE DELIBERATIONS OF THE COUNCIL

*** (a) Members and non-members of the United Nations*

*** (b) Specialized agencies and intergovernmental organizations²⁶*

(c) Non-governmental organizations

E/1990/SR.16 and 18; E S C decision 1991/213 of 13, 15 and 31 May 1991, E/1991/SR.4, 5 and 14; E S C decision 1991/270 of 31 May 1991, E/1991/SR.14; E S C decision 1991/273 of 3, 8 and 15 July 1991, E/1991/SR.16, 18, and 25; E S C decision 1992/223 of 29 and 30 June and 6 July 1992, E/1992/SR.10, 11 and 13; E S C decision 1993/221 of 28 June and 1 and 16 July 1993, E/1993/SR.12, 18 and 34; and E S C decision 1994/224 of 27 June and 5, 8 and 14 July 1994, E/1994/SR.9, 20, 25 and 32.

²⁵ E S C decision 1992/288 of 30 July 1992, E/1992/SR.41.

²⁶ See paras. 8 and 9 above.

25. During the period under review, the Economic and Social Council took a number of decisions²⁷ on consultative status of non-governmental organizations. It granted Category I status to one non-governmental organization, Category II status to 89 organizations and Roster status to 39 organizations. In addition, it reclassified six non-governmental organizations from Category II to Category I, 18 organizations from Roster to Category II and 10 organizations from Category II to Roster. Finally, it withdrew 11 non-governmental organizations from consultative status with the Council.

*** (d) Other cases of participation in the deliberations of the Council*

9. RULES OF PROCEDURE OF THE COMMISSIONS OF THE COUNCIL

(a) Functional commissions²⁸

26. At its first regular session of 1989, the Economic and Social Council decided²⁹ that the membership of the Commission on the Status of Women should be increased to 45 and that the seats should be allocated on the basis of the principle of equitable geographical distribution according to the following pattern: (a) thirteen members from African States; (b) eleven members from Asian States; (c) four members from Eastern European States; (d) nine members from Latin American and Caribbean States; and (e) eight members from Western European and other States.

²⁷ E S C decisions 1989/106 and 1989/108 of 10 May 1989, E/1989/SR.8; E S C decisions 1991/216 and 1991/218 of 22 May 1991, E/1991/SR.7; and E S C decisions 1993/329 and 1993/330 of 30 July 1993, E/1993/SR.46.

²⁸ In the present article, the collective term “functional commissions” is understood to mean the functional commissions of the Economic and Social Council as well as its standing committees and expert groups.

²⁹ E S C resolution 1989/45 of 24 May 1989, E/1989/SR.15.

The Council also decided that the enlargement of the Commission should take effect from the beginning of 1990.

27. At its first regular session of 1990, the Council approved³⁰ the provisional rules of procedure of the Committee on Economic, Social and Cultural Rights as adopted by the Committee at its third session³¹ and the amendment to rule 68, approved by the Committee at its fourth session.³²

28. At its organizational session for 1993, the Council decided³³ that the rules of procedure of its functional commissions should apply to the newly-formed Commission on Sustainable Development, and made decisions on other procedural arrangements for the Commission. The Council also decided to make the following changes to the rules of procedure of its functional commissions:

(a) In footnote 1, add “Commission on Sustainable Development”;

(b) Footnote 4 should read:

“Not applicable to the Commission on Narcotic Drugs or the Commission on Sustainable Development, which are composed of States whose representatives are appointed by Governments without consultation with the Secretary-General and without confirmation by the Council”;

(c) Add a footnote to rules 75 and 76, inserting indicator after “*Representation*” and “*Consultation*”, to read:

³⁰ E S C decision 1990/251 of 25 May 1990, E/1990/SR.14.

³¹ *Official Records of the Economic and Social Council, 1989, Supplement No. 4* (E/1989/22), annex IV.

³² *Ibid.*, 1990, *Supplement No. 3* (E/1990/23), para. 293.

³³ E S C decision 1993/215 of 12 February 1993, E/1993/SR.3.

“The terms of representation of and consultations with the non-governmental organizations in the Commission on Sustainable Development have been determined by the Economic and Social Council in its decision 1993/215 of 12 February 1993.”

29. At its second regular session of 1992, in a resolution entitled “Establishment of new subsidiary bodies of the Economic and Social Council”, the Council reaffirmed³⁴ the mandates of the new subsidiary bodies, namely, the Commission on Science and Technology for Development, the Commission on Natural Resources and the Committee on New and Renewable Sources of Energy and on Energy for Development, as set forth in the relevant resolutions of the Council and the General Assembly, including Assembly resolution 46/235 of 13 April 1992, which had specified the name, membership and participation, primary programme objective, nature of output and reporting procedure, and frequency and duration of the meetings of the new subsidiary bodies.

30. At its substantive session of 1994, the Economic and Social Council decided³⁵ to recommend to the General Assembly the adoption of a draft resolution, whereby it would be decided that the Commission on Transnational Corporations should become a commission of the Trade and Development Board and be renamed the Commission on International Investment and Transnational Corporations. The General Assembly adopted³⁶ the draft resolution at its forty-ninth session.

*** (b) Regional commissions*

****10. SUSPENSION OF THE RULES OF PROCEDURE OF THE COUNCIL**

³⁴ E S C resolution 1992/62 of 31 July 1992, E/1992/SR.42.

³⁵ E S C resolution 1994/1 of 14 July 1994, E/1994/SR.32.

³⁶ G A resolution 49/130 of 19 December 1994.

