ARTICLE 22

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

INTRODUCTION

1. The structure and format of this Supplement maintains the style of presentation of Supplements under Article 22 newly adopted in Supplement No.7. The text provides a succinct overview of trends in the application of Article 22 of the Charter during the period under review, and emphasizes relevant examples that demonstrate the dynamics of such application focusing on the subsidiary organs of the General Assembly itself rather than on the subsidiary organs of various organs of the Assembly and on providing a list of subsidiary organs with detailed information regarding various aspects of their functioning, composition, procedural and technical details. References are made to other relevant publications and materials, most of which are easily available in electronic format, so as to enable users to acquire more detailed information on the listings, functioning and composition of the above organs.

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NOTE

2. During the period under review, the General Assembly continued the practice of utilizing various previously established bodies found to be necessary to assist it in the performance of its functions; those composed of representatives of States, such as the Special Committee on Peace-keeping Operations, the United Nations Scientific Committee on the Effects of Atomic Radiation, the Ad hoc Committee on the Indian Ocean and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as well as those composed of independent experts, such as the International Law Commission, the International Civil Service Commission and the United Nations Panel on Opportunity and Participation.

3. The bodies composed of representatives of States continued the practice of accepting as their members either a limited number of States Members or all

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7 See, in this connection, G A resolutions 33/115C, 34/182, 44/50, 45/76, 46/73, 47/73, 48/44, 49/38 (Committee on Information); 49/33 (Committee on the Peaceful Uses of Outer Space); 1654 (XVI), 45/34 (the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples); 3499 (XXX), 44/37, 45/44, 46/58, 47/38, 48/36, 49/58 (the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization).
States Members of the United Nations. The practice of inviting observers was also continued.

4. The functioning of some subsidiary organs of the Assembly also continued to be relevant to the work of other organs of the United Nations. Thus, the Special Committee against Apartheid continued to be mandated to report to the General Assembly and the Security Council as appropriate. The Advisory Committee on the United Nations Program of Assistance in the Teaching, Study, Dissemination, and Wider Appreciation of International Law continued to advise the Secretary-General on the substantive aspects of this program, who would report to the Assembly on its implementation, following consultations with the Committee. The Joint Inspection Unit continued to report to the General Assembly and to the competent organs of other organizations. The Intergovernmental Committee on Science and Technology for Development continued to submit its reports and recommendations to the Assembly through the Economic and Social

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8 Thus, in paragraph 2 of resolution 45/155, the Assembly decided to establish a Preparatory Committee for the World Conference of Human Rights, “which shall be open to all States Members of the United Nations or members of the specialized agencies...”; in paragraph 2 of resolution 48/37, the Assembly decided “to establish an Ad Hoc Committee open to all Member States to elaborate an international convention dealing with the safety and security of United Nations and associated personnel”. See also, in this connection, among others, G A resolutions 45/212 (the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change); S-10/2, 44/119, 45/62, 46/38, 47/54, 48/77, 49/77 (Disarmament Commission); 34/218, 44/14, 46/165 (the Intergovernmental Committee on Science and Technology for Development).

9 See Repertory, Supplement No. 7, vol. 2, under Article 22, para. 3.

10 Thus, Sweden continued to participate in the work of the Ad Hoc Committee on the Indian Ocean as an observer (see Appendix III, Yearbook of the United Nations, Vol. 45, 1991, p.1040). The Special Committees on Peace-keeping Operations and on the Charter of the United Nations and on the Strengthening of the Role of the Organization continued the practice of accepting the participation of observers of Member States, including in the meetings of their working groups (see, in this connection, G A resolutions 44/49, 45/75, 46/48; 44/37, 45/44, 46/58, 47/38, 48/36, 49/58). In paragraph 2 of resolution 45/155, the Assembly provided for the participation of observers in the work of the Preparatory Committee for the World Conference of Human Rights, “in accordance with the established practice of the General Assembly”. In addition, the practice of granting observer status to entities other than States was also continued. Thus, for instance, representatives of the liberation movements of South Africa, namely the African National Congress of South Africa (ANC) and the Pan Africanist Congress of Azania (PAC), continued to attend meetings of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa (see, for instance, A/44/44, para.2). In addition to States, other entities were also represented by observers at the sessions of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change (see, in this connection, A/AC.237/18 (Part II, Section C)). The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was authorized by the General Assembly to invite, in addition to observers of Member States, “other States or intergovernmental organizations to participate in the debate in plenary meetings” of the Committee (see, in this connection, G A resolutions 47/38, 48/36, 49/58).


12 See, in this connection, G A resolutions 1761 (XVII), 44/27, 45/176, 46/79 and 47/116.

13 See, in this connection, G A resolutions 2099 (XX), 44/28, 46/50 and 48/29.
Council.\textsuperscript{14} The Intergovernmental Negotiating Committee for a Framework Convention on Climate Change was invited “to convey information on its work to the General Assembly as well as to the Economic and Social Council and the Commission on Sustainable Development, as appropriate”.\textsuperscript{15} The Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa submitted its report to the General Assembly and the Security Council.\textsuperscript{16}

5. The Assembly continued\textsuperscript{17} to monitor the work of the established bodies, not only by approving the necessary changes in their membership,\textsuperscript{18} but also by guiding their substantive work aimed at the implementation of their corresponding mandates. The Assembly continued\textsuperscript{19} to perform its guiding functions utilizing various techniques. In some cases, the Assembly made direct reference to the implementation of a mandate of a relevant body, providing specific guidance as regards the priorities in its work, deciding on the dates of its next session, and highlighting the importance of certain elements of its work\textsuperscript{20}. Thus, in its resolution 44/37, the Assembly took note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, decided that the Committee shall convene its next session in the following year, requested the Committee to “accord priority to the question of the maintenance of international peace and security” and “to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work.”\textsuperscript{21} Similarly in 1989, the Assembly, considering the work of the Ad hoc Committee on the Indian Ocean in resolution 44/120, took note of the report of the Committee; renewed its mandate “as defined in the relevant resolutions” and requested it “to intensify its work with regard to the implementation of its mandate”; urged the Committee “to intensify its discussions on substantive issues and principles…with the aim to elaborate elements that might be taken into consideration during the…preparation of a draft final document of the Conference [on the Indian Ocean]”; requested the Committee to convene its two next preparatory sessions in the following year; and requested the Chairman of the Committee “to continue his consultations on the participation in the work of the Committee by States Members of the United Nations which are not members of the Committee”.\textsuperscript{22} Another example of this is resolution 44/155, in which the Assembly, took note “\textit{with satisfaction} of the two most recent reports of the Working Group on the Drafting of an International Convention on the

\textsuperscript{14} See, in this connection, G A resolutions 34/218 and 46/165. See also, in this connection, A/46/37.

\textsuperscript{15} See, in this connection, G A resolution 47/195, para.10.

\textsuperscript{16} See, in this connection, A/44/44-S/20926.

\textsuperscript{17} See Repertory, Supplement No. 7, vol. 2, under Article 22, para. 5.

\textsuperscript{18} For the list providing, \textit{inter alia}, a reference to the composition of relevant organs established by the General Assembly in 1989-1994 see U.N. GAOR, 44th-49th Sess., Annex I.


\textsuperscript{20} \textit{Ibid.}

\textsuperscript{21} G A resolution 44/37, paras. 1, 2, 3 (a) and 5.

\textsuperscript{22} G A resolution 44/120, paras. 1, 4, 6-8.
Protection of the Rights of All Migrant Workers and Their Families”, called upon the Group to reconvene for two weeks immediately following the first regular session of the Economic and Social Council in 1990 in New York, with a view “to completing the remaining articles and considering the results of the technical revision of the draft convention.”

6. The Assembly expressly stated its regret when a body had been unable to date to implement its mandate, and requested with added urgency that the body exert the effort necessary to achieve conclusion of its goals. Thus, in its resolution 45/73A, the Assembly noted “with regret” that the United Nations Conciliation Commission for Palestine had been “unable to find a means of achieving progress” in implementing paragraph 11 of the Assembly resolution 194 (III) (which provides for repatriation or compensation of the refugees) and requested the Commission “to exert continued efforts towards the implementation of that paragraph.”

7. In other cases the Assembly commended the work of its relevant bodies. Thus, in connection with the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, the Assembly expressed “its satisfaction at the completion of the work on the draft document on the resort to a commission of good offices, mediation or conciliation within the United Nations” and noted “with appreciation the progress achieved in the elaboration of the draft handbook on the peaceful settlement of disputes between States.” The Assembly also noted “with satisfaction” that, in the implementation of the mandate of the Ad hoc Committee on the Indian Ocean, “considerable progress has been made” by its Working Group during the sessions in 1989. The Assembly commended, on an annual basis, the United Nations Scientific Committee on the Effects of Atomic Radiation “for the valuable contribution it has been making …, since its inception, to wider knowledge and understanding of the levels, effects and risks of atomic radiation and for fulfilling its original mandate with scientific authority and independence of judgement.”

8. In other instances, resolutions of the Assembly requested its subsidiary organs to continue their work, in accordance with relevant resolutions. Thus, in its resolution 44/46, the Assembly requested the Committee on the Peaceful Uses of Outer Space “to continue its work, in accordance with the present resolution…” The Assembly also requested, on an annual basis, the Committee on Relations

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23 G A resolution 44/155, paras. 1 and 3.
25 G A resolution 45/73A, para.4. See also, in this connection, G A resolution 46/46.
26 G A resolution 44/37, preambular paras.4 and 6.
27 G A resolution 44/120, para.5.
28 G A resolutions 44/45, 45/71, 46/44, 47/66, 48/38 and 49/32, para.1.
30 G A resolution 44/46, para.30. See also, in this connection, G A resolutions 46/45, para.32; 47/67, para.33; 48/39, para.41; and 49/34, para.43.
with the Host Country “to continue its work, in conformity with General Assembly resolution 2819(XXVI)...”.

9. Within the period under review, the Assembly continued to view the efficiency of the work of its subsidiary organs as an important component of the efficiency of the entire Organization and entrusted relevant organs with the tasks aimed at enhancing the effectiveness of the United Nations. Thus, the Assembly requested the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization “to keep the question of the rationalization of the procedures of the United Nations under active review.” In 1990, the Assembly approved the conclusions of the Special Committee on the Charter aimed, inter alia, at improving the effectiveness of its subsidiary organs and decided to reproduce them as an annex to its rules of procedure. The above Annex contains the following provisions directly referring to Article 22 of the Charter of the United Nations: “When the General Assembly considers whether it needs to establish subsidiary organs, in accordance to Article 22 of the Charter, it should give careful consideration as to whether the subject-matter in question could be dealt with by existing organs, including its Main Committees and their working groups. Subsidiary organs should seek constantly to improve their procedures and methods of work in order to ensure effective consideration of questions allocated to them by the Assembly.” The Annex also contains other provisions concerning the rationalization of existing United Nations procedures relevant to the effective functioning of the subsidiary organs of the Assembly and their contribution to the efficiency of the entire Organization. The Assembly continued to enhance the effectiveness of its subsidiary organs by coordinating their functioning and consolidating their role within the Organization. Thus, the Assembly invited the Joint Inspection Unit “…to issue its reports well in advance of meetings of the governing bodies of its participating organizations, in particular the General Assembly, and of the relevant subsidiary bodies, to ensure that the comments of the Secretary-General and those of the Administrative Committee on Co-ordination…are issued in accordance with existing regulations for the timely receipt of documentation.” The Assembly also decided “to consolidate the role of the Committee on Information as its main subsidiary body mandated to make recommendations relating to the work of the Department of Public Information”. Annex contained in the Assembly resolution 44/119C was

31 G A resolutions 44/38, para.7; 45/46, para.7; 46/60, para.7; 47/35, para.8; 48/35, para.8; and 49/56, para.8.
33 G A resolution 44/37, para.4.
34 G A resolution 45/45, paras.1 and 2. See also Repertory, Supplement No. 8, vol. 2, under Article 13 (1) (a), footnote 133.
35 G A resolution 45/45, annex, para.7.
36 G A resolution 45/45, annex.
38 G A resolution 44/184, para. 5.
39 G A resolution 48/44B, para. 1.
devoted in its entirety to the ways and means to enhance the functioning of the Disarmament Commission, focusing on such issues as its mandate, decision-making method, agenda items, subsidiary bodies, duration of the substantive session, organization of work of the session and consultations.

10. In the context of the overall revitalization of the Organization, the Assembly also requested the Special Committee on the Charter “to consider various proposals with the aim of strengthening the role of the Organization and enhancing its effectiveness.”40 The Assembly also addressed the issue of self-review of the Organization by the establishment of the new bodies charged with reviewing and strengthening the United Nations system. Thus, the open-ended high-level working group of the General Assembly, established under resolution 49/252, was given the broadest mandate, including directives to review the studies and reports of the relevant United Nations bodies and submissions of Member States, observers, independent commissions, non-governmental organizations, institutions, scholars and other experts, and to specify by consensus those ideas and proposals drawn therefrom that were appropriate for the revitalization, strengthening and reform of the entire United Nations system.41

11. Stressing the necessity for the proper management of resources and funds of the United Nations, the Assembly decided “to establish an ad hoc intergovernmental working group of experts in the legal and financial fields” and instructed it to submit a report with specific recommendations to the Assembly by its forty-ninth session.42 In 1994, the Assembly set up another ad hoc intergovernmental working group of experts to study the implementation of the principle of capacity to pay “as the fundamental criterion in determining the scale of assessments for contributions to the regular budget and to submit a report thereon to the General Assembly no later than 15 May 1995…”43 Likewise, the Assembly, attempting to ensure “a sound and viable financial basis for the Organization”, established a high-level open-ended working group and requested it to submit a report “with the broadest possible agreement, for review before the end of its forty-ninth session.”44

12. The Assembly, by establishing, restructuring and utilizing its subsidiary organs, also addressed the issue of enhancing its effectiveness not only within the framework of the entire Organization, but also in certain specific areas of its functioning. Thus, the Assembly set up the Open-ended Working Group to

40 G A resolutions 46/58, para.4 (c); and 47/3, para.3 (c).
41 G A resolution 49/252, paras.1 and 2.
42 G A resolution 48/218, E, III, para. 2.
43 G A resolution 49/19, paras.1 and 3.
44 G A resolution 49/143, paras.2 and 3.
consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Council.\textsuperscript{45}

13. In its resolution 46/235, the Assembly, pursuant to its resolutions 45/177 and 45/264, adopted the text on the restructuring and revitalization of the United Nations in the economic, social and related fields which included provisions regarding the restructuring and revitalization of the relevant subsidiary machinery of the Assembly and the Economic and Social Council.\textsuperscript{46} The “Framework” section of the above text stressed, inter alia, the following: “Subsidiary bodies should provide the Assembly and the Council, as principal organs of the United Nations responsible for system-wide policies in the economic, social and related fields, with high-quality advice on relevant issues, through analysis and appropriate policy recommendations or options”.\textsuperscript{47} As regards the subsidiary bodies identified for restructuring and revitalization it was pointed out that the regional commissions “should be enabled fully to play their role under the authority of the Assembly and the Council.”\textsuperscript{48} In addition, some bodies ceased to operate under the auspices of the General Assembly and their functions were transferred to the Economic and Social Council: the Intergovernmental Committee on Science and Technology for Development was transformed into a functional commission of the ECOSOC and the mandate of the Committee on Natural Resources in respect of energy was assumed by the Committee on New and Renewable Sources of Energy and on Energy for Development which also retained the mandate of the Committee on the Development and Utilization of New and Renewable Sources of Energy.\textsuperscript{49}

14. Continuing its previous practice,\textsuperscript{50} the Assembly, in addition to the newly established bodies already mentioned in the above paragraphs,\textsuperscript{51} also set up various other new bodies to assist it in the performance of its functions and mandated them to deal with other issues under its consideration. A number of those bodies were tasked either to make preparations for various international conferences and other events, or to elaborate international conventions. Thus, in 1989, the Assembly, by its decision 44/410, established a Preparatory Committee of the Whole for the Seventeenth Special Session of the General Assembly, to be held in February 1990, to consider the question of international cooperation against illicit production, supply, demand, trafficking, and distribution of narcotic drugs. In 1989, by its resolution 44/228, the Assembly also established a Preparatory Committee for the United Nations Conference on Environment and

\textsuperscript{45} G A resolution 48/26, para. 1.
\textsuperscript{46} G A resolution 46/235, annex.
\textsuperscript{47} Ibid., para.4 (d).
\textsuperscript{48} Ibid., para.6.
\textsuperscript{49} Ibid., para.7. For further activities in the area of the restructuring and revitalization of the United Nations in the economic, social and related fields see: G A resolution 48/162, annex I and annex II; G A decision 9/411 and A/49/558 and Add.1.
\textsuperscript{50} See Repertory, Supplement No. 7, vol. 2, under Article 22, para.10.
\textsuperscript{51} See paras.10-13 of this study.
Development and requested the Chairman of the Committee to report to the Assembly at its forty-fifth and forty-sixth sessions on the progress of work.\(^{52}\)

15. In 1990, the Assembly established, by its resolution 45/212, an Intergovernmental Negotiating Committee for a Framework Convention on Climate Change and, inter alia, requested the Chairman of the Committee to submit a report to the United Nations Conference on Environment and Development in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change.\(^ {53}\) Also in 1990, the Assembly established, by its resolution 45/155, a Preparatory Committee for the World Conference on Human Rights and requested the Committee to report to the Assembly at its forty-sixth and forty-seventh sessions on the progress of its work.

16. In 1991, the Assembly established another Preparatory Committee - for the Fiftieth Anniversary of the United Nations. The Preparatory Committee established under decision 46/472 was mandated to consider and recommend to the Assembly at its forty-seventh session proposals for suitable activities.

17. The Preparatory Committee for the 1995 World Summit for Social Development, established in 1992 under resolution 47/92, was requested to report to the Assembly at its forty-eighth and forty-ninth sessions on the progress of its work.\(^ {54}\) The Assembly set up Preparatory Committee of the General Assembly for the second United Nations Conference on Human Settlements (Habitat II) under resolution 47/180 and, while establishing the scope and the timeframe of its activities in connection with the preparation for the Conference, also decided that, “in the event of there being a clear need for further preparatory discussions, an appropriate request might be made” by the Committee to the Assembly.\(^ {55}\) And with resolution 47/189, the Assembly established the Preparatory Committee for the Global Conference on the Sustainable Development of Small Island Developing States requesting it to perform relevant activities.\(^ {56}\)

18. In 1992, the Assembly also set up an Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, with a goal of finalizing a convention by June 1994.\(^ {57}\) The Assembly requested the Chairman of the Committee to submit progress reports to the Commission on Sustainable Development “and other appropriate bodies”.\(^ {58}\)

\(^{52}\) G A resolution 44/228, II, paras.1 and 16.
\(^{53}\) G A resolution 45/212, paras.1, 2 and 18.
\(^{54}\) G A resolution 47/92, paras. 7 and 21.
\(^{55}\) G A resolution 47/180, paras. 4, 7, 8 and 15.
\(^{56}\) G A resolution 47/189, paras. 8, 10 and 11.
\(^{57}\) G A resolution 47/188, para. 2.
\(^{58}\) Ibid., para.20.
19. In 1993, under resolution 48/188, the Assembly established the Preparatory Committee for the World Conference on Natural Disaster Reduction and mandated it to make the necessary arrangements for the conference, scheduled for 1994.\(^{59}\)

20. The Assembly also set up an Ad hoc Committee on the Elaboration of an International Convention dealing with the Safety and Security of United Nations and Associated Personnel in 1993 and requested the Committee to report to the Assembly at its forty-ninth session on the progress made towards the elaboration of the draft convention.\(^{60}\)

21. In addition to establishing various preparatory and negotiating committees, the Assembly also set up subsidiary bodies tasked with other functions. Thus, in 1990, the Assembly established an Ad Hoc Committee of the Whole of the forty-fifth session of the General Assembly for the final review and appraisal of the implementation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990, and, by its resolution 45/178A, requested the Committee to submit its findings to the Assembly and to propose concrete measures and recommendations for sustained growth and development in Africa beyond 1991.\(^{61}\) In 1994, the Assembly, promoting international cooperation for development and strengthening the role of the Organization in the economic and social sectors, established an ad hoc open-ended working group of the General Assembly tasking it, under resolution 49/126, to “elaborate further an action-oriented, comprehensive agenda for development”.\(^{62}\)

22. During the period under consideration, some of the organs established by the Assembly have successfully fulfilled their mandates.\(^{63}\) Thus, in 1990, the Assembly decided to dissolve the United Nations Council for Namibia, which had “fulfilled the important mandate entrusted to it by General Assembly resolution 2248 (S-V) relating to the Territory”.\(^{64}\)

23. Following the adoption, on 9 May 1992, of the United Nations Framework Convention on Climate Change by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change and it signing by a large number of States,\(^{65}\) the Negotiating Committee fulfilled its major task mandated by the Assembly resolution 45/212. However, the Assembly, in its resolution 47/195, decided that the Committee “shall continue to function in order to prepare for the

\(^{59}\) G A resolution 48/188, para. 8.
\(^{60}\) G A resolution 48/37, paras.1 and 4.
\(^{61}\) G A resolution 45/178 A, paras.1 and 3.
\(^{62}\) G A resolution 49/126, para.1.
\(^{63}\) See Repertory, Supplement No. 7, vol. 2, under Article 22, para.16.
\(^{64}\) G A resolution 44/243A, para.2.
\(^{65}\) G A resolution 47/195, para.1.
first session of the Conference of the Parties” and entrusted it with other tasks. The Assembly invited the Chairman of the Committee “to submit a final report to the… Assembly…on the completion of the Committee’s work, following the conclusion of the first session of the Conference of the Parties to the Convention”.

24. In 1993 and 1994, the Assembly decided that the mandates of the subsidiary organs dealing with political and economic issues relating to South Africa in the context of elimination of apartheid had been fulfilled. Thus, the Assembly, taking note “with appreciation of the report of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa” and endorsing its recommendations, terminated the mandate of the Group. The Assembly also terminated the Special Committee against Apartheid, while expressing its appreciation to the Special Committee “for the important role it has played as a focal point for international action in support of the efforts to eliminate apartheid in South Africa”, as it decided “that the mandate of the Special Committee has been successfully concluded”.

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66 Ibid., paras.6-8 and 10.
67 Ibid., para.20.
68 G A resolution 48/159C, paras.1 and 2.
69 G A resolution 48/258A, paras.6 and 9.