

ARTICLE 68

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TEXT OF ARTICLE 68

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, one regional economic commission, namely, the Economic Commission for Africa, was established by the Economic and Social Council, and the Commission on International Commodity Trade was reconstituted. The present Supplement is confined to consideration of these two commissions, to new committees or groups established by the Council and to actions affecting the status of existing bodies.
2. The current material is arranged under the same major headings as those appearing in the previous Repertory studies of this Article. There was no new material under the following major headings in the Analytical Summary of Practice: II A, "Types of organs which Article 68 empowers the Council to set up"; II D, "Distribution of membership in functional commissions and other subsidiary organs of the Council"; II I, "Delegation of power to and by organs established by the Council"; II J, "The binding quality of decisions of organs established by the Council"; and II K, "Question of the approval by the Council of studies to be undertaken by a functional commission". A new subheading,

II E 4, "Economic Commission for Africa" has been introduced, but there was no material requiring discussion under this subheading in the present study.

I. GENERAL SURVEY

A. Types of organs set up by the Council

3. In addition to the organs and bodies which the Economic and Social Council had previously established and which continued to assist it in performing its functions, the Council, at the request 1/ of the General Assembly, established 2/ an Executive Committee of the Programme of the United Nations High Commissioner for Refugees to replace the United Nations Refugee Fund (UNREF) Executive Committee, which was to have been terminated after 31 December 1958 pursuant to the decision of the General Assembly. In addition, the Council appointed a Committee of the Council 3/ to meet with a delegation of representatives appointed by the Governing Body of the International Labour Office, with a view to achieving full and common understanding on questions raised in Council resolutions affecting the relations between the Council and the International Labour Office. During the period, the Council also established the Economic Commission for Africa (ECA). 4/

4. The Council decided to establish 5/ a committee composed of five individuals 6/ "fully conversant with the programmes and activities of the United Nations in the economic, social, human rights and related fields", to prepare a consolidated report based on appraisals of the scope, trend and cost of the regular United Nations programmes and of the relevant programmes of the specialized agencies for the period 1959 to 1964. 7/

5. An ad hoc committee of five was established 8/ by the Council to review the nominations for elections to the Permanent Central Opium Board (PCOB) in order to inform the Council which candidates "possess the necessary technical qualifications in the light of the criteria outlined in the Convention [on Narcotic Drugs] and in Council resolution 123 D (VI)".

6. As in the past, the Council requested the Secretary-General to set up several expert groups. The following groups were thus established: A committee of experts, the composition of which was to "reflect the variety of situations obtaining in different regions", for the purpose of reviewing the programme of work in the field of industrialization and productivity and of making recommendations to the Secretary-

1/ G A resolution 1166 (XII).

2/ E S C resolution 672 (XXV); see paras. 30-32 and 47 below.

3/ Composed of the President of the Council and representatives of France, Mexico, Netherlands, Sudan, USSR and Yugoslavia. See E S C resolution 694 F (XXVI).

4/ See this Supplement, under Article 69.

5/ E S C resolution 694 D (XXVI).

6/ Mr. George F. Davidson (Canada), Mr. Daniel Cosío Villegas (Mexico), Mr. Mohammad Mir Khan (Pakistan), Mr. Walter Kotschnig (United States) and Mr. Sergije Makiedo (Yugoslavia). The Council referred to this committee as "its Committee on Programme Appraisals" (E S C resolution 743 D (XXVIII), section III).

7/ See also E S C resolution 665 C (XXIV), operative paras. 3 and 4.

8/ E S C resolution 646 (XXIII); at its 969th meeting, on 29 April 1957, the Council elected Canada, Mexico, Netherlands, Pakistan and Yugoslavia as the five members of the committee.

General on the programme for future work and its implementation; 9/ the Committee of Experts for Further Work on the Transport of Dangerous Goods, to study certain aspects of the problem and to report to the Transport and Communications Commission; 10/ a group of experts to advise on the scope and content of national social service programmes and their relation to other services and activities for the improvement of family levels of living - with a provision for the examination of its report by the Social Commission; 11/ a mission of not more than five members, chosen for their knowledge of the type of problem concerned, to serve as individual experts on measures to combat illicit traffic in narcotics; 12/ a group of experts for the purpose of exchanging information on research and the application of new energy resources; 13/ a group of three experts on explosives, for the purpose of listing and harmonizing the packing of explosives; 14/ small groups of consultants on uniformity in the writing of geographical names; 15/ and an expert group of key national social welfare officials to analyse recent national experience and to identify underlying principles and effective methods in the organization and administration of social services. 16/ The Secretary-General was also requested to convene preliminary meetings of experts for the exchange of relevant information, prior to a United Nations conference on solar energy, wind power and geothermic energy, and to transmit their reports to the conference. 17/

7. Certain working groups and committees called for in resolutions of the General Assembly or the Economic and Social Council were not established. Thus, by its resolution 1026 (XI) the General Assembly requested the Secretary-General to explore the desirability of setting up a working group to examine the practical possibilities of implementing the various proposals made in the report of the Food and Agriculture Organization of the United Nations (FAO) 18/ concerning the establishment of a world food reserve. At its twenty-fourth session, the Council decided 19/ "to accept the recommendation 20/ of the Secretary-General ... to the effect that the question of the world food reserve should be studied without the formal establishment of a working group at this time".

8. Council resolution 645 B (XXIII) requested the Secretary-General to establish a group of experts to study and report on the question of unification of maritime tonnage measurement, and requested the Secretary-General to invite Governments of countries which indicated their interest in this question "to make available, at his request and at their own expense, experts to serve on the above group". Arrangements were being

9/ G A resolution 1033 B (XI) endorsed Council resolution 618 (XXII) on the question of organizational and administrative machinery in the field of industrialization (see Repertory, Supplement No. 1, vol. II, under Article 68, para. 29; see also E S C resolution 693 (XXVI), annex, para. 12). At its twenty-fifth session, the Council adopted resolution 674 A (XXV), establishing such a committee. The committee reported to the Secretary-General, and its report (E/3213 and Add.1 and 2) was considered by the Council (E S C resolution 709 (XXVII)).

10/ E S C resolution 645 G (XXIII); see para. 36 below.

11/ E S C resolution 663 G (XXIV).

12/ E S C resolution 689 I (XXVI).

13/ E S C resolution 710 A (XXVII); see para. 48 below.

14/ E S C resolution 724 C (XXVIII); see para. 36 below.

15/ E S C resolution 715 A (XXVII); see para. 37 below.

16/ E S C resolution 731 D (XXVIII); see para. 39 below.

17/ E S C resolution 710 A (XXVII).

18/ Commodity Policy Studies No. 10, Functions of a World Food Reserve-Scope and Limitations (Rome, 1956).

19/ E S C (XXIV), 993rd mtg., paras. 35 and 36.

20/ E/2996 (mimeographed), para. 2.

made to convene this group when as a result of Council resolution 687 (XXVI), and action by the Inter-Governmental Maritime Consultative Organization (IMCO), the project was transferred to IMCO. 21/

9. With respect to its sessional committees of the whole, the Council re-established the Economic Committee at six of its sessions and the Social Committee at five; at its twenty-fifth session the Council re-established only the Economic Committee. The Co-ordination Committee, a third sessional committee of the whole, was re-established by the Council at its twenty-fourth, twenty-sixth and twenty-eighth sessions.

B. Methods of establishment

10. Practices in setting up committees and expert groups did not vary from those indicated in previous Repertory studies.

11. The Economic Commission for Africa was established by resolution 671 (XXV) of the Council at its twenty-fifth session. The General Assembly at its twelfth session recommended that the Economic and Social Council "at its next session, give prompt and favourable consideration to the establishment of an Economic Commission for Africa". The decision 22/ of the General Assembly stated that the recommendation was made "for the purpose of giving effective aid to the countries and territories of Africa and in accordance with Article 68 of the Charter".

C. Functions and powers

1. *Functional commissions*

12. By resolution 691 (XXVI), the Economic and Social Council decided to reconstitute the Commission on International Commodity Trade (CICT) on the basis of the report 23/ of the Commission. Bearing in mind the work of the Food and Agriculture Organization of the United Nations (FAO), the Interim Co-ordinating Committee for International Commodity Arrangements (ICCICA) and commodity study groups, the Council further decided 24/ that its resolution 557 F (XVIII), by which CICT was initially constituted, would remain in effect and would apply to the reconstituted Commission, except to the extent that it might be inconsistent with provisions of the current resolution or with other Council decisions.

13. Subject to these provisions, the following were the terms of reference, functions and responsibilities of the reconstituted Commission on International Commodity Trade:

"(a) The basic task of the Commission shall be to study and analyse developments and trends in international commodity trade, including excessive fluctuations in the prices and volume of commodity trade and movements in the terms of trade and the effect of such developments on both the international and domestic economic position of countries participating in international commodity trade, especially on the economic developments of less developed countries; in this connexion the Commission shall bring to the attention of the Council or Governments Members of the United Nations its views and recommendations as to the need for governmental or intergovernmental action to deal with problems or emerging problems which its studies may disclose;

21/ See para. 51 below.

22/ G A resolution 1155 (XII).

23/ E S C (XXVI), Suppl. No. 6 (E/3124); see also E/CN.13/L.58, 59 and 60.

24/ See also Repertory, Supplement No. 1, vol. II, under Article 68, para. 10.

"(b) The Commission shall also have the following functions:

- (i) To keep constantly under review the movements of world primary commodity markets by the assembly and analysis of appropriate data;
- (ii) To submit periodic reports to the Council on its work;
- (iii) To publish studies and statistical reports on prices, terms of trade and other matters relating to international trade in primary commodities;

"(c) Any Member of the United Nations not represented on the Commission may bring to the Commission's attention any development with respect to commodity markets or particular commodities affecting it and may take part in the Commission's discussion of the problem." 25/

14. By resolution 728 F (XXVIII), the Council reiterated its approval of the statement of the Commission on Human Rights that "the Commission recognizes that it has no power to take any action in regard to any complaints concerning human rights". The statement had originally been made by the Commission in chapter V of the report 26/ of its first session and had been approved by the Economic and Social Council in resolution 75 (V).

15. In resolution 1166 (XII), the General Assembly requested the Council to establish "an Executive Committee of the High Commissioner's Programme" for refugees, 27/ with the following terms of reference:

(a) To give directives to the High Commissioner for liquidating the United Nations Refugee Fund;

(b) To advise the High Commissioner, at his request, in the exercise of his functions under the Statute of his Office;

(c) To advise the High Commissioner as to whether it was appropriate for international assistance to be provided through his Office to help solve specific refugee problems remaining unsolved after 31 December 1958 or arising after that date;

(d) To authorize the High Commissioner to make appeals for funds to enable him to solve the refugee problems referred to in sub-paragraph (c) above;

(e) To approve projects for assistance to refugees coming within the scope of sub-paragraph (c) above.

(f) To give directives to the High Commissioner for the use of the emergency fund to be established under the terms of the resolution. 28/

25/ E S C resolution 691 A (XXVI); see also para. 54 below.

26/ E S C (IV), Suppl. No. 3 (E/259).

27/ To replace the United Nations Refugee Fund (UNREF) Executive Committee, discontinued on 31 December 1958; see para. 31 below. See also E S C resolution 565 (XIX) for the terms of reference of the UNREF Executive Committee.

28/ See G A resolution 1166 (XII).

16. At its twenty-fifth session, the Council further decided 29/ that the Executive Committee would:

"(a) Determine the general policies under which the High Commissioner shall plan, develop and administer the programmes and projects required to help solve the problems referred to in resolution 1166 (XII);

"(b) Review at least annually the use of funds made available to the High Commissioner and the programmes and projects being proposed or carried out by his Office;

"(c) Have authority to make changes in, and give final approval to, the use of funds and the programmes and projects referred to in sub-paragraphs (a) and (b) of the present paragraph."

17. The resolution also authorized "the Executive Committee of the High Commissioner's Programme to elect its own officers, to establish its own rules of procedure, and to set up such standing sub-committee or sub-committees as may be required for the execution of its functions".

2. Regional commissions

18. The functions and powers of the Economic Commission for Africa (ECA) were stated by the Council in the resolution establishing ECA and containing its terms of reference. 30/ To a large extent, the terms of reference of ECA were similar to those of the Economic Commission for Asia and the Far East (ECAFE) and the Economic Commission for Latin America (ECLA). 31/ An important difference was that the terms of reference of ECA included a provision 32/ for dealing with the social aspects of economic development and the interrelationship of economic and social factors. They also included a provision 33/ that ECA should establish appropriate liaison and co-operation with other regional economic commissions "in accordance with the resolutions and directives of the Economic and Social Council and the General Assembly". This provision was in addition to one calling for measures "to ensure that the necessary liaison shall be maintained with other organs of the United Nations and with the specialized agencies". The latter provision is similar to one included in the terms of reference of the Economic Commission for Europe (ECE), ECAFE and ECLA.

19. During the session that followed the establishment of ECA, the Council considered a proposal 34/ to amend the terms of reference of ECE, ECAFE and ECLA by incorporating a provision similar to that adopted for ECA, dealing with the social aspects of economic development and the interrelationship of economic and social factors. The Council also considered a proposed amendment 35/ which would include in the terms of reference of ECE, ECAFE and ECLA a provision for co-operation and liaison among the regional commissions. Since the Council did not wish to decide the matter without first

29/ E S C resolution 672 (XXV).

30/ E S C resolution 671 A (XXV).

31/ See the Repertory, vol. III, under Article 68, paras. 61-66.

32/ E S C resolution 671 A (XXV), para. 1 (g).

33/ Ibid., para. 12.

34/ E S C (XXVI), Annexes, a.i. 2, p. 20, E/L.797 and Add.1.

35/ Ibid., p. 21, E/AC.6/L.207.

receiving recommendations from the commissions, it referred the proposals for amendments to the three commissions for their consideration and advice. 36/

20. At the twenty-eighth session of the Council, the annual reports of ECE, ECAFE and ECLA to the Council contained accounts of their debates on the suggested amendments to their terms of reference. Both ECAFE and ECLA unanimously recommended 37/ that the Council should approve the amendments. In its annual report, 38/ however, ECE informed the Council that a divergence of views had arisen, and the report reflected these views.

21. The Council complied with the wishes expressed by ECAFE and ECLA and amended 39/ their terms of reference. In the absence of a recommendation by ECE, however, the Council took no action because of the difference of opinion as to whether its terms of reference should be amended.

D. Membership

1. Commissions

a. FUNCTIONAL COMMISSIONS

22. Although the decision of the Economic and Social Council 40/ to reconstitute the Commission on International Commodity Trade (CICT) did not change the provision on membership, 41/ the Council, having reconstituted the Commission, elected 42/ its entire membership at the same session. In resolution 691 B (XXVI), which dealt with the next session of CICT, the Council decided to convene the reconstituted Commission within the first three months of 1959, set forth a basic agenda for the session and requested that States which would participate in the session should "be represented by highly qualified experts".

b. SUB-COMMISSIONS

23. The Council approved 43/ the decision of the Commission on Human Rights to increase the membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities from twelve to fourteen members. 44/

c. REGIONAL ECONOMIC COMMISSIONS

24. The terms of reference of the Economic Commission for Africa were determined in Council resolution 671 (XXV), which established ECA; they provided that membership should be open to Member States of the United Nations within the geographical scope of

36/ G A (XIII), Suppl. No. 3 (A/3848), para. 374; see also E S C (XXVI), Suppl. No. 1, Resolutions (E/3169), p. 30.

37/ E S C (XXVIII), Suppl. No. 2 (E/3214), paras. 354-357; E S C (XXVIII), Suppl. No. 4 (E/3246/Rev.2), paras. 202-206.

38/ E S C (XXVIII), Suppl. No. 3, paras. 371-374.

39/ E S C resolution 723 (XXVIII).

40/ E S C resolution 691 A (XXVI).

41/ See Repertory, vol. III, under Article 68, para. 82.

42/ E S C (XXVI), 1044th mtg., para. 38.

43/ E S C resolution 728 E (XXVIII).

44/ At its resumed twenty-eighth session, the Council elected Mr. Mohamad Ahmed Abu Rannat and Professor Enrique Rodríguez Fabregat to serve on the Sub-Commission (E S C (XXVIII), resumed session, Suppl. No. 1 A, Resolutions, p. 3).

ECA 45/ and to Members responsible for the international relations of territories in Africa. 46/ In addition to the countries designated in the resolution, membership was to be open to any State in the area which might subsequently become a Member of the United Nations, "provided that States which shall cease to have any territorial responsibilities in Africa shall cease to be members of the Commission". 47/ Any territory or part or group of territories within the geographical scope of the work of ECA might be granted associate membership on application to ECA by the Member responsible for the international relations of the territory. 48/ The terms of reference further provided that if a territory should become responsible for its own international relations it might be admitted as a member of ECA on presenting its own application to the Council through ECA. The Council resolution also provided for the participation of associate members without vote in all meetings of ECA, whether it sat as a commission or as a committee of the whole, and for their eligibility to be appointed to any subordinate body that might be set up, and hold office in it.

25. The Council amended the terms of reference of ECAFE at its twenty-sixth session, to include Iran within its geographical scope, and it approved 49/ the admission of Iran as a member of ECAFE. In taking this decision, the Council noted a resolution 50/ adopted at the fourteenth session of ECAFE in which the latter, having considered an application by the Government of Iran for membership and for the inclusion of Iran within the geographical scope of ECAFE, had unanimously recommended that the Council should take this action.

26. The Federation of Malaya became a member of ECAFE as a consequence of its admission 51/ as a Member of the United Nations on 17 September 1957.

27. On 1 September 1959, the following were full members of ECAFE: Afghanistan, Australia, Burma, Cambodia, Ceylon, China, Federation of Malaya, France, India, Indonesia, Iran, Japan, Republic of Korea, Laos, Nepal, Netherlands, New Zealand,

45/ The Council defined the geographical scope of ECA as "the whole continent of Africa, Madagascar and other African islands".

46/ Membership was initially open to Belgium, Ethiopia, France, Ghana, Italy, Liberia, Libya, Morocco, Portugal, Spain, Sudan, Tunisia, Union of South Africa, United Arab Republic and United Kingdom.

At the first session of ECA, all designated members attended except the Union of South Africa, which had communicated to the Secretary-General its decision "for the present not to participate in the work of the Commission" (E/CN.14/9, mimeographed).

On 1 September 1959, the membership of ECA was as follows:

Full members: Belgium, Ethiopia, France, Ghana, Guinea, Italy, Liberia, Libya, Morocco, Portugal, Spain, Sudan, Tunisia, Union of South Africa, United Arab Republic and United Kingdom.

Associate members: Gambia, Kenya and Zanzibar, Nigeria, Sierra Leone, Somaliland Protectorate, Tanganyika and Uganda; these associate members were admitted initially. On 28 July 1958, at its 1042nd meeting, the Council decided to admit the Trust Territory of Somalia under Italian administration as an associate member (E S C (XXVI), Suppl. No. 1, Resolutions, p. 30).

47/ On 12 December 1958, Guinea was admitted to membership in the United Nations and thus became a member of ECA.

48/ See foot-note 46 above for list of associate members.

49/ E S C resolution 679 B (XXVI).

50/ E S C (XXVI), Suppl. No. 2 (E/3102), para. 259; ibid., part III, ECAFE resolution 26 (XIV).

51/ G A resolution 1134 (XII).

Pakistan, Philippines, Thailand, Union of Soviet Socialist Republics, United Kingdom, United States and Republic of Viet-Nam. The associate members on that date were Hong Kong; and Singapore and British Borneo.

28. The membership of ECE and of ECLA did not change during the period under review.

2. Committees and other bodies established by the Council

29. At its twenty-third session, the Economic and Social Council gave effect to General Assembly resolution 1036 (XI) in expanding the membership of the Technical Assistance Committee (TAC) by six additional members. 52/ With this action, the membership of TAC consisted of the members of the Council and six additional members elected by the Council for two years "from among the States Members of the United Nations or members of the specialized agencies, having due regard ... to geographical distribution and to the representation of contributing and recipient countries having an important interest in the Expanded Programme of Technical Assistance".

30. When the Council reviewed 53/ the membership of the United Nations Refugee Fund (UNREF) Executive Committee at its twenty-third session, it decided, in line with the recommendation made by the Executive Committee, to increase the membership of the Executive Committee by one State. 54/

31. The General Assembly, at its twelfth session, approved 55/ the Council's recommendation 56/ that the Office of the United Nations High Commissioner for Refugees should be continued for a period of five years from 1 January 1959, and requested the Council to establish "an Executive Committee of the High Commissioner's Programme to consist of representatives from twenty to twenty-five States Members of the United Nations or members of any of the specialized agencies, to be elected by the Council on the widest possible geographical basis from those States with a demonstrated interest in, and devotion to, the solution of the refugee problem, this Committee to take the place of the UNREF Executive Committee ...".

32. The Executive Committee of the Programme of the United Nations High Commissioner for Refugees, which was established 57/ with a membership of twenty-four States, 58/ was subsequently increased 59/ to twenty-five members at the twenty-sixth session of the Council, its membership being subject to review at the thirty-first session of the Council.

52/ E S C resolution 647 (XXIII); see also this Supplement, under Article 66 (2), section I C. In the course of the discussion of the proposal which became G A resolution 1036 (XI), the view was expressed that no provision of the Charter sanctioned the existence of a special category of States that were members of specialized agencies but were not Members of the United Nations, though practice in the past had recognized the de facto existence of such a category (G A (XI), 2nd Com., 446th mtg., para. 8).

53/ See Repertory, Supplement No. 1, vol. II, under Article 68, para. 18.

54/ E S C resolution 639 (XXIII).

55/ Canada; G A resolution 1166 (XII).

56/ E S C resolution 650 B (XXIV); see also para. 3 above, and paras. 40 and 47 below.

57/ E S C resolution 672 (XXV).

58/ E S C (XXV), Suppl. No. 1, Resolutions (E/3123), p. 7.

59/ By the addition of China; E S C resolution 682 (XXVI).

33. At its eleventh session, the General Assembly, taking note of a recommendation of the Economic and Social Council, 60/ decided 61/ that:

"... the Executive Board of the United Nations Children's Fund shall be reconstituted as from 1 January 1957 to consist of thirty States, Members of the United Nations or members of the specialized agencies, to be designated by the Economic and Social Council for appropriate periods, without prejudice to the terms of the States already elected and with due regard to geographical distribution and to the representation of the major contributing and recipient countries".

34. The Council adopted a schedule of elections 62/ designed to ensure as little variation as possible each year in the number of vacancies arising in the Executive Board of the United Nations Children's Fund (UNICEF), and to avoid the election of any member for a one-year term, until 1961, when the normal rotational cycle was to be re-established.

35. At its twenty-fourth session, the Council adopted a resolution 63/ in which it expressed agreement with the Commission on Narcotic Drugs and the Permanent Central Opium Board (PCOB) on the desirability of ensuring "close liaison and a personal union" between PCOB and the Drug Supervisory Body, 64/ pending the establishment and coming into effect of a single convention on narcotic drugs. It invited the World Health Organization (WHO), the Commission on Narcotic Drugs and PCOB to consider appointing persons who were members of PCOB to the Drug Supervisory Body for a five-year period corresponding to the term of office of members of PCOB. In compliance with this recommendation, WHO appointed two persons who were members of PCOB as members of the Drug Supervisory Body for the term beginning in 1958. The Commission on Narcotic Drugs, however, decided to appoint to the Drug Supervisory Body one of its own members who was not a member of PCOB. 65/ The Council at its twenty-sixth session noted 66/ "that the Commission [On Narcotic Drugs] has not followed the Council's recommendation as contained in paragraph 2 of resolution 667 H (XXIV) of 1 August 1957, as regards appointment to the Drug Supervisory Body of persons who are members of the Permanent Central Opium Board".

36. By its resolution 645 G (XXIII), the Council requested the Secretary-General to establish a committee of experts for further work on the transport of dangerous goods, to consist of not more than nine qualified experts from countries interested in the international transport of dangerous goods. Governments were invited, at their own expense, to make experts available to serve on this committee at the request of the Secretary-General. Eight experts were elected to serve on the committee, which held its first meeting in March 1959. When the Council decided to terminate the Transport and Communications Commission, it requested 67/ the Secretary-General to continue this committee and to consider increasing its membership from eight experts to nine. It further decided 68/ "to set up and convene a group of three experts on explosives ... for the purpose of listing and harmonizing the packing of explosives; ... to invite

60/ E S C resolution 610 B (XXI).

61/ G A resolution 1038 (XXI).

62/ E S C (XXII), resumed session, Suppl. No. 1 A, Resolutions (E/2929/Add.1, p. 3; E S C (XXII), resumed session, 953rd mtg., para. 20.

63/ E S C resolution 667 H (XXIV).

64/ See Repertory, vol. I, under Article 7, para. 22.

65/ E S C (XXVI), Annexes, a.i. 3, p. 46, E/3134, section III, para. 27.

66/ E S C resolution 693 (XXVI), annex, part III, para. 6.

67/ E S C resolution 724 C (XXVIII), operative para. 3 (b).

68/ Ibid., operative para. 3 (d).

Governments of countries furnishing members of the Committee of Experts for Further Work on the Transport of Dangerous Goods to make available, at the request of the Secretary-General and at their own expense, the members of the group of experts on explosives, bearing in mind that a member of the group of experts on explosives may also serve on the Committee of Experts for Further Work on the Transport of Dangerous Goods either as an expert or as an adviser".

37. At its twenty-seventh session, the Council requested 69/ the Secretary-General to set up a small group of consultants on uniformity in the writing of geographical names, chosen with due regard to equitable geographic distribution and to the different linguistic systems of the world, from those countries having the widest experience of the problems of geographic names; and to invite Governments of countries interested and experienced in the question to make consultants available at Government expense to serve on this group at the request of the Secretary-General.

38. At its twenty-fourth session, the Council requested 70/ the Secretary-General to convene "a group of experts highly qualified in the field of social services and representative of countries at varying stages of economic development", to advise on questions relating to social service programmes.

39. The Council at its twenty-eighth session, authorized 71/ the Secretary-General "to convene an expert group of key national social welfare officials selected from among Member States at different stages of economic development and with different social structures, to analyse recent national experience and to identify underlying principles and effective methods, in the organization and administration of social services".

E. Duration and termination

40. At its twenty-fourth session, the Economic and Social Council, "recalling that the General Assembly, in its resolution 727 (VIII) of 23 October 1953, decided to review, not later than at its twelfth regular session, the arrangements for the Office of the High Commissioner for Refugees with a view to determining whether the Office should be continued beyond 31 December 1958", considered "that the Office of the High Commissioner should be continued for a period of five years from 1 January 1959" and recommended "that the General Assembly review, not later than at its seventeenth regular session, the arrangements for the Office of the High Commissioner, with a view to determining whether the Office should be further continued". 72/

41. In view of the establishment of the Inter-Governmental Maritime Consultative Organization and a shift in the emphasis of work, the Council, at its twenty-sixth session, decided 73/ to request the Transport and Communications Commission to submit a final report on its work to the Council at its twenty-eighth session; this report was to include recommendations for future arrangements for handling the Commission's remaining activities in the field of transport and communications. At its twenty-eighth session, the Council decided 74/ to discontinue the Transport and Communications Commission.

69/ E S C resolution 715 A (XXVII).

70/ E S C resolution 663 G (XXIV).

71/ E S C resolution 731 D (XXVIII).

72/ E S C resolution 650 B (XXIV); see also paras. 3 and 31 above, and para. 47 below.

73/ E S C resolution 693 B (XXVI).

74/ E S C resolution 724 A; see also para. 51 below.

F. Sessions or meetings

42. At its twenty-fourth session, 75/ the Economic and Social Council invited the Commission on Human Rights and the Commission on the Status of Women to express their views on the recommendation of the Co-ordination Committee that the Council should establish the principle of biennial meetings for these two bodies. At its twenty-sixth session, the Council, while endorsing the view that "as a general principle, the biennial pattern should be adopted wherever practicable", decided 76/ that the two above-mentioned Commissions "may for the time being continue to hold annual meetings".

43. Following the reconstitution 77/ of the Commission on International Commodity Trade, the Council decided 78/ to convene the reconstituted Commission during the first three months of 1959 and recommended that

"... the Commission examine particularly, at that session, within the framework of of its new terms of reference:

"(a) Fluctuations in commodity prices and in the volume of commodity trade, including changes in terms of trade, and the measures applied or proposed for the solution of problems connected with primary commodity trade;

"(b) The medium- and long-term prospects for consumption and production in the main commodities with reference, inter alia, to developments in the consumption and production of synthetic and substitute materials".

44. At its twenty-seventh session, the Council, in connexion with a proposed United Nations conference on solar energy, wind power and geothermic energy to be held in 1961 or 1962, requested 79/ the Secretary-General to convene

"... not later than the last quarter of 1960, preliminary meetings of experts for the purpose of exchanging information on research undertaken and results obtained in the application of these new energy resources, in particular geothermic energy and solar energy, the reports of which would be transmitted to the conference".

45. The Council's terms of reference for the Economic Commission for Africa (ECA) provided that "the first session of the Commission shall be called by the Secretary-General of the United Nations as soon as practicable, but not later than the end of 1958". 80/ The terms of reference also provided 81/ that ECA should decide at each session upon the place where its next meeting was to be held, "due consideration being given to the principle that the Commission should meet at its headquarters or in the different countries of Africa".

G. Method of reporting

46. Because of the time element, the Council requested 82/ that comments and suggestions of Governments pertaining to the study on discrimination in education,

75/ E S C resolutions 664 (XXIV), annex, section A, para. 3 (e); 665 D (XXIV), section II, operative para. 1; 652 J (XXIV), operative para. 2.

76/ E S C resolution 693 B (XXVI), operative paras. 4 and 5.

77/ E S C resolution 691 A (XXVI); see also paras. 12, 13 and 22 above.

78/ E S C resolution 691 B (XXVI).

79/ E S C resolution 710 A (XXVII).

80/ E S C resolution 671 A (XXV), operative para. 20.

81/ Ibid.

82/ E S C resolution 651 G (XXIV).

prepared by the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, should be submitted directly to the Commission on Human Rights.

47. By the resolution establishing the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, the reports of the Executive Committee were to be attached to the annual report of the High Commissioner to the General Assembly. 83/

48. The Council called on 84/ the Social Commission to examine the report of a group of experts on national social service programmes. The committee of experts set up 85/ to review the programme of work in the field of industrialization and productivity was to make its recommendations to the Secretary-General. The group of experts established to exchange information on research undertaken and results obtained in the application of new energy resources, in particular geothermic energy and solar energy, was to transmit its reports to the United Nations conference on solar energy, wind power and geothermic energy. 86/

49. As in the case of other regional economic commissions, the terms of reference of ECA provided that the Commission should submit annual reports to the Council.

II. ANALYTICAL SUMMARY OF PRACTICE

- **A. Type 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

50. At its twenty-fifth session, the Economic and Social Council invited 87/ the Secretary-General

"... to establish a committee of experts, consisting of no more than ten persons to be appointed in consultation with Governments, for the purpose of reviewing the programme of work in the field of industrialization and productivity, and making recommendations to the Secretary-General on the further development of this programme and its implementation". 88/

51. The Council at its twenty-sixth session adopted a resolution 89/ transferring certain functions, which were maritime in scope, from the United Nations to the Inter-Governmental Maritime Consultative Organization (IMCO). 90/ At its twenty-eight session

83/ E S C resolution 672 (XXV), operative para. 5; see also paras. 30-32 and 40 above.

84/ E S C resolution 663 G (XXIV), operative para. 3.

85/ E S C resolution 674 A (XXV), operative para. 12.

86/ E S C resolution 710 A (XXVII), operative para. 3.

87/ E S C resolution 674 A (XXV), operative para. 12.

88/ Repertory, Supplement No. 1, vol. II, under Article 68, paras. 28 and 29.

89/ E S C resolution 687 (XXVI).

90/ At its initial session, IMCO accepted responsibilities in connexion with completing arrangements for a group of experts on the unification of maritime tonnage measurement, which the Council, in resolution 645 B (XXIII), requested the Secretary-General to establish; and IMCO also assumed duties under the Convention for the Prevention of Pollution of the Sea by Oil.

the Council decided 91/ to terminate the Transport and Communications Commission "and as appropriate transfer its residual activities to the Council and to its regional economic commissions". In this connexion, the Council resolution noted

"... the important functions in the field of transport and communications discharged effectively by existing specialized agencies and the fact that the Inter-Governmental Maritime Consultative Organization, at its First Assembly, accepted the duties under the International Convention for the Safety of Life at Sea (1948) - Revision of the Regulations for Preventing Collisions at Sea (1948), the International Code of Signals, and the International Convention for the Prevention of Pollution of the Sea by Oil (1954) and established a Group of Experts on the Unification of Maritime Tonnage Measurement".

52. The Council also requested 92/ that the functional commissions should be guided by the suggestion of the Secretary-General, that the Secretariat might be entrusted to an increasing extent with certain functions for which ad hoc committees had from time to time been set up by the commissions.

53. In response to a Council recommendation, 93/ the General Assembly authorized 94/

"... the Advisory Committee on Administrative and Budgetary Questions to co-operate with and render such advice to the Technical Assistance Committee, or any administrative review group established by it, as may be requested by the Committee in the review of the administrative and operational services costs of the Expanded Programme of Technical Assistance".

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

54. In the course of the debate in the Economic and Social Council on a draft resolution regarding the reconstitution of the Commission on International Commodity Trade (CICT), some members considered 95/ that the procedure entailing termination of the membership of countries, before the expiry of their terms of office and without prior consultation with them, was an unwise and dangerous precedent; other members thought it a small price to pay for the reconstitution of CICT and the increased impetus thus to be given to its work. A separate vote was called for on paragraphs 2 and 3 of the draft resolution dealing with this question. Operative paragraph 2 of the draft, which set forth the new terms of reference of CICT, was adopted by 17 votes to one; and operative paragraph 3, which called for the election of the new membership of the reconstituted Commission, was adopted by 10 votes to one, with 7 abstentions. The draft resolution as a whole was adopted by 17 votes to one. 96/

91/ E S C resolution 724 A (XXVIII).

92/ E S C resolution 693 B (XXVI), annex, para. 1.

93/ E S C resolution 633 (XXII), resumed session.

94/ G A resolution 1037 (XI).

95/ E/AC.6/SR.249, SR.251, SR.252 and SR.253 (all mimeographed).

96/ E S C (XXVI), 1043rd mtg., para. 27; E S C resolution 691 A (XXVI). See also paras. 12, 13 and 22 above.

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

E. The question of membership in the regional economic commissions

55. The resolution of the Economic and Social Council which established the Economic Commission for Africa (ECA) provided that its membership should consist of: (a) independent States in Africa and (b) States which had territorial responsibilities in Africa. The membership of ECA differed from that of the Economic Commission for Asia and the Far East (ECAFE) and of the Economic Commission for Latin America (ECLA) in that no countries were included in the membership of ECA on the basis of their having special interests in Africa or in the work of ECA. Furthermore, the terms of reference of ECA provided that "States which shall cease to have any territorial responsibilities in Africa shall cease to be members of the Commission". 97/ There were no changes in the membership of the Economic Commission for Europe (ECE) or in the participation in its work by Switzerland in a consultative capacity.

1. Economic Commission for Europe

56. At the twelfth session of ECE, the "question of the representation of the German Democratic Republic in the Commission" was raised anew, 98/ and it was pointed out that the issue needed to be resolved; opposition was expressed, however, to any change in the "legal status of the eastern zone of Germany in the Commission". Again, at the thirteenth session of ECE, when the question was raised, 99/ it was observed that "the continued denial to that country of the right to representation in ECE was hampering the Commission's work". Opposition was reaffirmed to any change in its status within ECE. At the fourteenth session, the subject was raised once more, and continued opposition to any change was expressed. 100/

57. Experts from Eastern Germany 101/ continued to participate in the meetings of ECE subsidiary bodies, in accordance with paragraph 10 of its terms of reference. 102/

2. Economic Commission for Asia and the Far East

58. At its thirteenth session, ECAFE considered a proposal to include in its agenda a request for admission to membership, received by the Executive Secretary of ECAFE from the Mongolian People's Republic. By a vote of 10 in favour to 6 against, with 3 abstentions, ECAFE decided 103/ that the application of the Mongolian People's Republic should not be included in the agenda of its thirteenth session.

97/ E S C resolution 671 A (XXV), para. 5.

98/ E S C (XXIV), Suppl. No. 6 (E/2989), paras. 241-249 and 410; see also Repertory, Supplement No. 1, vol. II, under Article 68, para. 31.

99/ E S C (XXVI), Suppl. No. 3 (E/3092), paras. 220-222 and 343.

100/ E S C (XXVIII), Suppl. No. 3 (E/3227), paras. 223-229 and 360-365.

101/ The designation employed does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country or territory or of its authorities, or concerning the delimitation of its frontiers.

102/ See Repertory, vol. III, under Article 68, para. 166.

103/ E S C (XXIV), Suppl. No. 2 (E/2959), para. 196.

****3. Economic Commission for Latin America**

****4. Economic Commission for Africa**

**F. The question of the representation of a Member State
in the organs established by the Council**

1. Functional commissions and committees

59. As in the past, statements were made regarding the representation of China at meetings of the functional commissions 104/ and committees 105/ of the Economic and Social Council. Statements were also made in the plenary meetings 106/ of the Council on the subject of the representation of Member States. These arose in connexion with the confirmation of members of functional commissions.

2. Economic Commission for Asia and the Far East

60. The question of the representation of China was raised 107/ at the thirteenth session of the Economic Commission for Asia and the Far East (ECAFE). The view was expressed that the Central People's Government of the People's Republic of China was the only legal Government of China, and representation of that Government in ECAFE had been unduly delayed; the activities of ECAFE would be more fruitful if that Government participated in its work.

61. The representative of China stated that the Government of the Republic of China which he represented was the only legally constituted Government of China. Other representatives considered that it was not appropriate for ECAFE to decide on the question of the admission of the Central People's Government of the People's Republic of China.

**G. The power of subsidiary organs of the Council
to adopt rules of procedure**

62. As in the case of the other regional commissions, the Council, in defining the terms of reference of ECA, gave the Commission the power to adopt its own rules of procedure, "including the method of selecting its chairman and other officers". 108/

63. At its twenty-sixth session, the Council requested 109/ the regional economic commissions to amend their rules of procedure to provide for transmittal to members, six weeks before the opening of each session, of the basic documents relating to each item appearing on the agenda of the session. Both ECAFE and ECLA amended their rules of

104/ G A (XII), Suppl. No. 3 (A/3613), para. 35. G A (XIII), Suppl. No. 3 (A/3848), para. 33. E S C (XXIV), Suppl. No. 2 (E/2959), paras. 192-195; Suppl. No. 3 (E/2968, para. 3; Suppl. No. 4 (E/2970/Rev.1), para. 4; Suppl. No. 10 (E/3010), paras. 4 and 5. E S C (XXVI), Suppl. No. 7 (E/3096), para. 6; Suppl. No. 8 (E/3088), para. 8; Suppl. No. 9 (E/3133), paras. 4 and 5.

105/ For example, E/C.2/SR.163 (mimeographed).

106/ E S C (XXII), resumed session, 952nd mtg., paras. 16-19. E S C (XXIII), 971st mtg., paras. 21 and 22. E S C (XXIV), 997th mtg., paras. 6-9. E S C (XXV), 1020th mtg., para. 6. E S C (XXVII), 1066th mtg., paras. 19-21.

107/ E S C (XXIV), Suppl. No. 2 (E/2959), paras. 192-195.

108/ E S C resolution 671 A (XXV).

109/ E S C resolution 694 B (XXVI).

procedure accordingly, the former at its fifteenth session, and the latter at its eighth session.

64. At its fourteenth session, ECE amended 110/ paragraph 3 of its rules of procedure as follows:

"The Executive Secretary shall, at least forty-two days before the commencement of a session of the Commission, distribute a notice of the opening date of the session, together with a copy of the provisional agenda. The basic documents relating to each item appearing on the provisional agenda of a session shall be transmitted not less than forty-two days before the opening of the session, provided that in exceptional cases the Executive Secretary may, for reasons to be stated in writing, transmit such documents not less than twenty-one days before the opening of the session".

Its subsidiary bodies were also invited 111/ by ECE to review their documentation in the light of this amendment, in order to apply the same rules so far as practicable.

65. At its twenty-sixth session the Council requested 112/ "the executive secretaries of the regional economic commissions to submit to the commissions the financial implications of programmes or projects before their approval by the commissions and particularly to assure that any new projects or programmes submitted to the commissions for action are accompanied by a statement of financial implications, if any". The Executive Secretary of ECE advised 113/ ECE at its fourteenth session that such statements would be submitted to it in accordance with the Council's request. At its fifteenth session, ECAFE amended its rules of procedure accordingly, and ECLA similarly amended its rules at its eighth session. 114/

H. The participation in the work of the subsidiary organs of the Council, of other organs of the United Nations, specialized agencies, inter-governmental organizations and non-governmental organizations 115/

66. As in the case of the other regional commissions, the terms of reference 116/ of the Economic Commission for Africa provided for participation, as observers in its deliberations, by inter-governmental organizations operating in fields of activity of interest to ECA. In this connexion, ECA, at its first session, requested 117/ that appropriate arrangements should be made for liaison with the Accra Conference of Independent African States, the Economic Committee of the Arab League and the Commission for Technical Co-operation in Africa South of the Sahara. The other regional commissions continued to collaborate closely with appropriate inter-governmental organizations. 118/

110/ E S C (XXVIII), Suppl. No. 3 (E/3227), part III, ECE resolution 13 (XIV).

111/ E S C (XXVIII), Suppl. No. 3 (E/3227), part III, ECE resolution 13 (XIV).

112/ E S C resolution 693 (XXVI), annex, section VII.

113/ E/ECE/344 (mimeographed), para. 3 (b).

114/ E S C (XXVIII), Suppl. No. 2 (E/3214), part III, ECAFE resolution 30 (XV); and E S C (XXVIII), Suppl. No. 4 (E/3246/Rev.2), annex VI, respectively.

115/ See this Supplement, under Article 69.

116/ E S C resolution 671 (XXV), para. 13.

117/ E S C (XXVIII), Suppl. No. 10 (E/3201), part III, ECA resolution 1 (I).

118/ E S C (XXIV), Suppl. No. 2 (E/2959), para. 166; Suppl. No. 8 (E/2998) paras. 146-148. E S C (XXVI), Suppl. No. 2 (E/3102), paras. 198 and 199. E S C (XXVIII), Suppl. No. 2 (E/3214), paras. 205-207.

****1. The participation of Members of the United Nations****2. The participation of other subsidiary bodies**

67. By resolution 703 (XXVI), the Council resolved that "the Managing Director of the Special Fund or his representative shall be entitled to attend the meetings of the Technical Assistance Board and to participate without vote in the deliberations of the Board".

****3. The participation of specialized agencies******4. The participation of inter-governmental organizations******5. The participation of non-governmental organizations******I. Delegation of power to and by organs established by the Council******J. The binding quality of decisions of organs established by the Council******K. Question of the approval by the Council of studies to be undertaken by a functional commission****L. Conventions prepared under the auspices of the regional economic commissions**

68. In the period under review, further regional agreements were sponsored by the regional economic commissions. The following conventions were prepared under the auspices of ECE:

European Agreement on Road Markings; signed at Geneva 13 December 1957, not in force at end of period under review (E/ECE/303)

Agreement concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts; signed at Geneva 20 March 1958 and entered into force 20 June 1959 (E/ECE/324)

Customs Convention on International Transport of Goods under cover of TIR 119/ Carnets (TIR Convention); signed at Geneva 15 January 1959, not in force at end of period under review (E/ECE/332)

Customs Convention concerning Spare Parts used for repairing EUROP Wagons; signed at Geneva 15 January 1958, not in force at end of period under review (E/ECE/323)

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR); 120/ signed at Geneva 30 September 1957, not in force at end of period under review (E/ECE/322).

69. The following conventions were prepared under the auspices of ECLA:

119/ TIR: Transports internationaux routiers.
120/ ADR: Articles dangereux routiers.

Multilateral Treaty on Free Trade and Central American Economic Integration, with Annexes A and B (Tratado Multilateral de Libre Comercio e Integración Económica Centroamericana, con Anexos A y B); signed at Tegucigalpa 10 June 1958 (E/CN.12/492)

Agreement on the Régime for Central American Integration Industries (Convenio sobre el Régimen de Industrias Centroamericanas de Integración); signed at Tegucigalpa 10 June 1958 (E/CN.12/492)

Regional Agreement on the Temporary Importation of Road Vehicles, with Annexes I and II (Acuerdo Regional para la Importación Temporal de Vehículos de Carretera, con Anexos I y II); signed at San Salvador 8 November 1956 (E/CN.12/AC.34/5)

Central American Agreement on Road Traffic, with Annexes I, II and III (Acuerdo Centroamericana sobre Circulación por Carretera, con Anexos I, II, y III); signed at Tegucigalpa 10 June 1958 (E/CN.12/492)

Central American Agreement on Uniform Road Signs and Signals (Acuerdo Centroamericano sobre Señales Viales Uniformes); signed at Tegucigalpa 10 June 1958 (E/CN.12/492).