

**Repertory of Practice of United Nations Organs
Supplement No. 8**

(Revised advance version, to be issued in volume IV of Supplement No. 8 (forthcoming) of the
Repertory of Practice of United Nations Organs)

Volume IV

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, the Economic and Social Council established several new commissions and committees as well as subordinate bodies of commissions and committees, established with the Council's approval.
2. The current material is arranged under the same major headings as those appearing in the *Repertory* and previous supplements.

I. GENERAL SURVEY

3. During the period under review, the General Assembly discussed the functioning of the subsidiary bodies of the Economic and Social Council on several occasions. At its resumed forty-fifth session, the General Assembly, in the annex to its resolution 45/264 on restructuring and revitalization of the United Nations in the economic, social and related fields, agreed that a review of the functioning of the subsidiary bodies of the Economic and Social Council and of the General Assembly should take place during the forty-sixth session of the Assembly. The overall objective of such a restructuring of the United Nations in the economic, social and related fields had been described in General Assembly resolution 45/177 as the effective and efficient functioning of the intergovernmental machinery of the United Nations system in the economic, social and related fields in order to be more responsive to the needs of enhancing international economic cooperation and promoting the development of the developing countries.¹ At its forty-sixth session, the General Assembly

¹ G A resolution 45/177.

decided that the review was to be carried out with the objective of possible restructuring and revitalization of the subsidiary bodies and under the common understanding that the issues of which the subsidiary bodies are seized are of vital importance to Member States, especially for the development of developing countries.²

4. In 1994, the General Assembly, further discussing the restructuring process of the United Nations in the economic, social and related fields, emphasized the need to enhance the complementarity between the work of the General Assembly, the Economic and Social Council and their subsidiary bodies, in order to avoid the present overlapping and unnecessary duplication of work, debates and items between these two organs and their subsidiary bodies. An improvement at both policy-making and the operational levels was suggested by the General Assembly.³

A. Types of organs established by the Council

1. COMMISSIONS

5. During the period under review, the Economic and Social Council established three new commissions and dissolved one Commission, all at the request of the General Assembly.

6. During its organizational session of 1992, the Council, at the recommendation of the General Assembly,⁴ decided to dissolve the Committee on Crime Prevention and Control and establish the Commission on Crime Prevention and Criminal Justice as a functional commission of the Council⁵ and successor to the Committee.

7. During the same session, recalling General Assembly resolution 46/235 on restructuring and revitalization of the United Nations in the economic, social and related fields, the Council established the Commission on Science and Technology for Development as a

² G A resolution 46/235.

³ G A resolution 48/162.

⁴ G A resolution 46/152.

⁵ E S C resolution 1992/1.

functional commission of the Council⁶ to replace the Intergovernmental Committee on Science and Technology for Development and its subsidiary body, the Advisory Committee on Science and Technology for Development.⁷

8. The following year, during its organizational session of 1993, pursuant to a request of the General Assembly,⁸ the Commission on Sustainable Development was established as a functional commission of the Council.⁹

2. OTHER ORGANS AND BODIES ESTABLISHED BY THE COUNCIL

9. During the period under review, the Council established several new committees.

10. During its organizational session of 1992, pursuant the General Assembly resolution on restructuring and revitalization of the United Nations in the economic, social and related fields,¹⁰ the Council established the Committee on New and Renewable Sources of Energy and on Energy for Development to replace Committee on the Development and Utilization of New and Renewable Sources of Energy.¹¹

11. In the same resolution, also at the request of the General Assembly, the Council abolished the Committee on Natural Resources, and established a new Committee under the same name, but with a different mandate, with two working groups, one on minerals, and one on water resources.¹²

12. During the period under review, the Council, recognizing the importance of the additional functions entrusted by the Council to the Commission on Narcotic Drugs and the heavy workload of the Commission, and recalling General Assembly resolution 45/179 by which

⁶ E S C decision 1992/218.

⁷ The Intergovernmental Committee had been established in G A resolution 34/218.

⁸ G A resolution 47/191.

⁹ E S C decision 1993/207.

¹⁰ G A resolution 46/235.

¹¹ E S C resolution 1992/62 and E S C decision 1992/218.

¹² E S C resolution 1992/62 and E S C decision 1992/218, see also G A resolution 46/235.

the Commission was requested to consider ways and means of improving its functioning as a policy-making body, decided that the Commission should establish an ad hoc Committee of the whole, the membership of which would be open to all States members of the Commission, to examine specific items on the agenda referred to it by the Commission, as well as submit draft decisions and draft resolutions to the Commission for consideration.¹³

13. During the period under review, the Council also established two subsidiary bodies of the Economic and Social Commission for Western Asia (ESCWA). Being aware of the necessity of supporting the participation of the statistical organizations of States members of the Commission in planning and developing statistical activities and in identifying the priority of statistical plans and programmes in the regions, the Council decided to establish a Statistical Committee of the Economic and Social Commission for Western Asia, at its organizational session of 1993.¹⁴

14. The following year, the Council, cognizant of the need to strengthen coordination and integration between the Economic and Social Commission for Western Asia and Arab regional organizations with regard to the social development policies, programmes and activities of organizations within the region, established the Committee on Social Development within the Commission,¹⁵ which was to be composed of representatives of the States members of the Commission.

15. During its first regular session of 1989, the Council decided to request the Commission on the Status of Women to convene a committee of the whole.¹⁶

¹³ E S C resolution 1991/39 and E S C decision 1991/201.

¹⁴ E S C resolution 1993/2.

¹⁵ E S C resolution 1994/27.

¹⁶ E S C resolution 1989/32.

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

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

17. As in previous supplements, the Council continued to act on requests or decisions by the Commission on Human Rights on the establishment of open-ended working groups¹⁷ or the appointment of independent experts.¹⁸

18. Throughout the period, the Council continued to act on decisions of the Sub-commission on the Promotion and Protection of Human Rights,¹⁹ as well as on decisions of the Sub-

¹⁷ E S C decision 1989/144 and 1990/41 (Authorizing the establishment of The Working Group on Situations to examine such particular situations as might be referred to the Commission of Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities); E S C decision 1989/146 (Approving the creation of an open-ended working group to consider the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1989/38)); E S C decision 1991/243 (Approving the creation of, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards as set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments); E S C decision 1993/260 (Approving the establishment of a working group on the right to development, to identify obstacles to the implementation and realization of the Declaration on the Right to Development); H R C resolution 1992/43 (Establishing The Open-ended Working Group on a Draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to elaborate a draft optional protocol to the Convention, intended to establish a preventive system of visits to places of detention).

¹⁸ E S C decision 1989/143 (Approving the Commission's request to entrust an independent expert with the task of preparing a study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments); E S C decisions 1990/236, 1991/258 and 1992/245 (Approving the appointment of an independent expert to examine developments in the human rights situation in Haiti.); E S C decision 1991/235 (Approving the Commission's request to entrust an independent expert with the task of preparing a study on the means whereby and the degree to which respect for the right to own property alone as well as in association with others contributes to the development of individual liberty and initiative); E S C decision 1992/237 (Approving the appointment of an independent expert to provide assistance in human rights matters to the Government of El Salvador); E S C decision 1992/243 (Approving the designation of a representative to seek again from all Governments views and information on the human rights issues related to internally displaced persons); E S C decision 1992/247 and 1993/277 (Approving the appointment of an individual of recognized international standing in the field of human rights, as an expert of the Commission to make a thorough study of the violations of human rights by the Government of Equatorial Guinea).

¹⁹ H R C decision 1989/104 (Establishing the Sessional Working Group on the methods of work of the Sub-commission. Since then, the Working Group has been reconvened repeatedly. Composed of five members of the Sub-commission, one of each regional group, it has met during the sessions of the Sub-commission, except for 1992, when an inter-sessional meeting was convened).

commission on Prevention of Discrimination and Protection of Minorities²⁰ approving their requests on the establishment of Working Groups.

19. With regards to the Commission on Narcotic Drugs, the Council approved the establishment of an ad hoc intergovernmental advisory group²¹ as well as a working group on maritime cooperation,²² in accordance with the Commission resolutions.²³

20. During its first session of 1990, the Council decided to establish a Meeting of Heads of National Drug Law Enforcement Agencies, European Region, the purpose of which being to coordinate activities directed against illicit drug traffic within the respective region and to further promote regional co-operation.²⁴ It would be created along the lines of the meetings of heads of national drug law enforcement agencies that had already been established for other regions and with the status of a subsidiary organ of the Commission on Narcotic Drugs.

21. During its substantive session of 1993, the Council decided that an inter-sessional working group of the Commission on the Status of Women should be established,²⁵ open to all Member States and observer States to develop further the structure of the Platform for Action of the Fourth World Conference on Women: Action for Equality, Development and Peace.²⁶

4. CHANGES AFFECTING EXISTING SUBSIDIARY BODIES OF THE COUNCIL

22. During the period under review, the Council took several decisions which affected already existing subsidiary bodies of the Council.

²⁰ E S C resolution 1989/76 (Authorizing the creation of an open-ended working group to examine, revise and simplify the draft body of principles and guarantees for the protection of mentally ill persons submitted by the Sub-Commission).

²¹ E S C decision 1994/232.

²² *Ibid.*

²³ Commission on Narcotic Drugs resolutions 3 (XXXVII) and 9 (XXXVII) respectively.

²⁴ E S C resolution 1990/30.

²⁵ E S C decision 1993/234.

²⁶ Commission on the Status of Women, resolution 37/7, annex.

a) Commissions

23. During the period under review, the Council decided, after a special session of the Economic and Social Commission for Western Asia (ESCWA) in Beirut, to discuss the question of a possible relocation of the permanent headquarters of the Commission in Baghdad.²⁷ After having considered and subsequently accepted an offer of the Government of Lebanon, the Council decided that the permanent headquarters of the Commission would be relocated to Beirut.²⁸

b) Other organs and bodies

c) Subordinate bodies of commissions and committees

24. During its second session of 1989, the Council endorsed the decision of the Committee of Experts on the Transport of Dangerous Goods, aimed at increasing efficiency, to combine its two subsidiary bodies, the Group of Rapporteurs and the Group of Experts on Explosives, into a single Sub-Committee of Experts on the Transport of Dangerous Goods.²⁹

25. Noting that Arabic was the official language of eight of the fourteen States members of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East, namely Egypt, Jordan, Kuwait, Lebanon, Oman, Saudi Arabia, the United Arab Emirates and Yemen, the Council decided that Arabic and English should be the working languages of the Sub-Commission.³⁰

26. At its session of 1994, the Sub-commission on Promotion and Protection of Human Rights decided to change the name³¹ from the Working Group on Detention to the Working Group on the Administration of Justice and the Question of Compensation.

²⁷ E S C resolution 1993/3.

²⁸ E S C resolution 1994/43.

²⁹ E S C resolution 1989/104.

³⁰ ESC resolution 1990/32.

³¹ Sub-Commission on Promotion and Protection of Human Rights decision 1994/104 (E/CN.4/1995/2).

**** B. Methods of establishment****C. Functions and powers****1. COMMISSIONS AND COMMITTEES**

27. As discussed in previous supplements, the Council assigned various functions and powers to both its existing as well as newly established bodies.

28. During its first regular session of 1991, the Council, considering that the terms of reference of the Commission on Narcotic Drugs³² needed to be adjusted and broadened in the light of the intensification of international cooperation against illicit cultivation, production, manufacture, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances, as well as against money-laundering and in the control of chemicals used in the illicit production of narcotic drugs and psychotropic substances, requested the Commission, besides carrying out its duties as a functional commission of the Council, to give policy guidance to the newly established General Assembly body the United Nations International Drug Control Programme (UNDCP),³³ and to monitor its activities.³⁴ The following year, the General Assembly also authorized the Commission on Narcotic Drugs, as the principal United Nations policy-making body on drug control issues, to approve both the budget of the programme of the Fund of the UNDCP, established pursuant General Assembly and the administrative and programme support costs budget.³⁵

29. During its substantive session of 1992, the Council affirmed the mandate of the newly established Commission on Science and Technology for Development.³⁶ The consolidated mandate of the Commission was derived from General Assembly resolutions 34/218, 41/183,

³² E S C resolution 9 (I) of 16 February 1946.

³³ G A resolution 45/179.

³⁴ E S C resolution 1991/38.

³⁵ G A resolution 46/185 C, Section XVI.

³⁶ E S C resolution 1992/62.

42/192, 44/14 A to E, and 46/235, as well as from the annex to resolution 7 (II) of the Intergovernmental Committee. It included, *inter alia*, the following functions:

- (a) Promoting and catalyzing international cooperation in the field of science and technology for development, in particular in developing countries, and in helping solve global scientific and technological problems;
- (b) Formulating policy guidelines for the harmonization of policies of the organs, organizations and bodies of the United Nations system in regard to scientific and technological activities, on the basis of the Vienna Programme of Action;
- (c) Promoting the improvement of linkages between the organs, organizations and bodies of the United Nations system, with a view to ensuring the coordinated implementation of the Vienna Programme of Action;
- (d) Identifying priorities for activities within the Vienna Programme of Action with a view to facilitating operational planning at the national, sub-regional, regional, interregional and international levels;
- (e) Monitoring the activities and programmes related to science and technology within the organs, organizations and bodies of the United Nations system.

30. Similarly, in the same resolution, the Council reaffirmed the mandates of both the Committee on Natural Resources and the Committee on New and Renewable Sources of Energy and on Energy for Development.³⁷ The newly established Committee on Natural Resources was to retain the mandate of the abolished Committee pertaining to minerals and water resources only, but not that to energy. The new Committee on New and Renewable Sources of Energy and on Energy for Development would retain the mandate of the Committee on the Development and Utilization of New and Renewable Sources of Energy, including the consideration of its relation to environment and development. In addition, it would take over the mandate of the dissolved Committee on Natural Resources pertaining to energy, as defined in the Economic and Social Council resolution 1535 (XLIX).³⁸

³⁷ E S C resolution 1992/62.

³⁸ G A resolution 46/235.

31. At the establishment of the Commission on Crime Prevention and Criminal Justice as a functional commission of the Council,³⁹ the Council adopted, at the recommendation of the General Assembly,⁴⁰ the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme,⁴¹ which contained the terms of reference of the Commission.⁴² The Commission was given the power to create ad hoc working groups and to appoint special rapporteurs, as it deemed necessary.

32. The Commission on Sustainable Development was established as a functional commission of the Council⁴³ to ensure effective follow-up to the United Nations Conference on Environment and Development, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21⁴⁴ at the national, regional and international levels, fully guided by the principles of the Rio Declaration on Environment and Development⁴⁵ and all other aspects of the Conference, in order to achieve sustainable development in all countries.⁴⁶

33. In its 1993 resolution on the establishment of the Commission on Sustainable Development,⁴⁷ the Council referred to paragraphs 3 to 5 of Assembly resolution 47/191 for an enumeration of the newly established Commission's functions.⁴⁸ It included, *inter alia*, the functions:

(b) To review and monitor regularly progress towards the United Nations target of 0.7 per cent of the gross national product of developed countries for official development assistance;

³⁹ E S C resolution 1992/1.

⁴⁰ G A resolution 46/152.

⁴¹ G A resolution 46/152, annex.

⁴² *Ibid.*, paragraphs 23-26.

⁴³ E S C decision 1993/207.

⁴⁴ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26).

⁴⁵ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26/Rev.1).

⁴⁶ G A resolution 47/191.

⁴⁷ E S C resolution 1993/207.

⁴⁸ G A resolution 47/191 para. 3 to 5.

(c) To enhance the dialogue, within the framework of the United Nations, with non-governmental organizations and the independent sector, as well as other entities outside the United Nations system;

(d) To monitor progress in promoting, facilitating and financing, as appropriate, access to and transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favorable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries for the implementation of Agenda 21.

34. During its substantive session of 1993, the Council approved the statute of the United Nations Group of Experts on Geographical Names,⁴⁹ which outlined the basic functions of the Group as, *inter alia*:⁵⁰

(a) To develop procedures and establish mechanisms for standardization in response to national requirements and particular requests;

(b) To undertake preparatory work for the periodic international conferences on the standardization of geographical names, to provide continuity for activities between conferences, and to provide leadership in the implementation of resolutions adopted at the conferences;

(c) To coordinate the activities of linguistic/geographical divisions formed to further the work at the national level, to encourage the active participation of countries and divisions, and to promote a degree of uniformity in the work undertaken;

(d) To make standardization principles and standardized geographical names available as practical information for as wide a user community as possible, through all appropriate media.

35. At its establishment, the Committee on Social Development,⁵¹ which was to be composed of representatives of the States members of the Commission was given, *inter alia*, the following tasks: monitoring of the progress achieved in the social programmes and activities

⁴⁹ E/1993/21 and Corr.1, annex.

⁵⁰ E S C decision 1993/226.

⁵¹ E S C resolution 1994/27.

of the States members of the Commission and participation in the establishment and formulation of priorities for the programme of work and medium-term plan in social development fields.

36. The Council, in its decision 1990/251, approved the provisional rules of procedure of the Committee on Economic, Social and Cultural Rights⁵² as adopted by the Committee at its third session and amended at its fourth session.

2. REGIONAL COMMISSIONS

37. During the period under review, regional commissions were assigned several functions and powers. The General Assembly discussed the role of regional commissions within the overall functioning of the United Nations in the economic, social and related fields.⁵³

38. In its resolution 46/235, on the revitalization restructuring and revitalization of the United Nations in the economic, social and related fields, the General Assembly emphasized that the regional commissions should be enabled fully to play their role under the authority of the General Assembly and the Economic and Social Council and that their effectiveness should be strengthened. The Assembly stated that the regional commissions, particularly those located in developing countries, should also be strengthened in terms of their activities and participation in operational activities of the United Nations system, bearing in mind the overall objectives of the restructuring and the revitalization process. In this context, the Assembly recommended that the regional commissions would be requested to provide recommendations for consideration by the General Assembly at its forty-seventh session.

39. Each of the five regional commissions responded to this request. The recommendations on the strengthening of regional commissions and improving their responsiveness to the needs of members and associate members included: decentralization of those activities that could be more effectively undertaken by the regional commissions, further consensus-

⁵² E S C decision 1990/251.

⁵³ G A resolution 46/235.

building, broad democratic participation, and transparency in all decision-making processes. Further recommendations included improved coordination and Secretariat-wide coherence by reinforcing the activities of the regional commissions aimed at mutually supporting the activities of the specialized agencies of the United Nations system in their respective regions through, *inter alia*, intensifying joint activities, programming exercises and coordinating meetings.⁵⁴

40. Noting with interest the recommendations made by the regional commissions, the Council reaffirmed its support for decentralization in order to achieve a more effective distribution of responsibilities and tasks between global, regional and national entities in the economic, social and related fields.⁵⁵ Also, taking note of the report of the Secretary-General on regional co-operation,⁵⁶ the Council recommended that, when preparing regional technical cooperation programmes, all relevant bodies of the United Nations development system should coordinate their work with the regional commissions with a view to achieving a better and more focused use of available resources, greater coherence of action and, therefore, greater and more concentrated impact. The Council furthermore, recommended that the regional commissions participate fully in the programme budget process at United Nations Headquarters and requested each regional commission to study the possibility of assisting member States, as appropriate, to participate fully and effectively at the sessions of the regional commissions.⁵⁷

41. During its organizational session of 1994, the Council, taking into account Security Council Resolution 683 (1990) and General Assembly resolutions 46/2 and 46/3, decided that the terms of reference of the Economic and Social Commission for Asia and the Pacific should be amended as follows:⁵⁸ (a) In paragraph 1 (d), the words “United Nations Technical Assistance Administration” should be replaced by the words “relevant United Nations

⁵⁴ A/47/534, annex and E/1993/85, paras. 174-193.

⁵⁵ E S C resolution 1993/61. See also E S C resolution 1992/43.

⁵⁶ E/1992/65.

⁵⁷ E S C resolution 1992/43.

⁵⁸ E S C decision 1994/288.

bodies”; (b) In paragraph 2, the following should be added: Marshall Islands, Micronesia (Federated States of) and Northern Mariana Islands (Commonwealth of).

42. The Economic Commission for Europe recommended amendments of articles 3, 7, 9 and 10 of its terms of reference, as contained in its decision N (48). The amendments included the insertion in article 7 of the following text: “The members of the Commission are the European Members of the United Nations, the United States of America, Canada, Switzerland and Israel. Insofar as the former USSR was a European Member of the United Nations, new members of the United Nations that had been constituent republics located in the Asian part of the former USSR are entitled to be members of the UN/ECE.” The Council decided to approve the amendments and modify the terms of reference of the Economic Commission for Europe accordingly.⁵⁹

D. Membership

1. COMMISSIONS

43. During the period under review, the Council took action to change the membership of several of its functional and regional commissions as well as other bodies.

a. Functional commissions

44. Taking note of the relevant section of the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries⁶⁰ adopted at Belgrade on 7 September 1989, in which it was recognized that, in order to strengthen the role and efficiency of the United Nations and to reinforce United Nations mechanisms so as to allow for efficient co-ordination of the Organization's activities, there was an urgent need, *inter alia*, for an overall review of the current distribution of membership in the various United Nations bodies and commissions, with a view to achieving a more equitable geographical

⁵⁹ E S C decision 1993/317.

⁶⁰ See A/44/551-S/20870, annex.

distribution, the General Assembly decided to recommend that the Council took the necessary steps, at its first regular session of 1990, to expand the membership of the Commission on Human Rights, on the basis of the principle of equitable geographical distribution, for the further promotion of human rights and fundamental freedoms.⁶¹ The Council, during its first session of 1990, did indeed decide to increase the membership of the Commission from forty-three to fifty-three and to allocate the ten additional seats to the regional groups of Africa, Asia and Latin America and the Caribbean on the basis of the principle of equitable geographical distribution.⁶²

45. Recalling its decision 1988/125, in which it invited the Commission on the Status of Women to offer its views on the question of its enlargement and considering that issues relating to women had grown more complex and numerous, particularly in the developing countries, the Council decided that the membership of the Commission should be increased to forty-five and that the seats should be allocated on the basis of the principle of equitable geographical distribution.⁶³

46. Recognizing the concern expressed by the international community about the seriousness of the drug control problem, as well as the increasing interest of all States in participating in and contributing to efforts to find adequate solutions, the Council decided to increase the membership of the Commission on Narcotic Drugs from forty to fifty-three.⁶⁴

b. Regional commissions

47. During its second regular session of 1990, the Council decided to approve the admission of Italy as a member of the Economic Commission for Latin America and the Caribbean and to amend the terms of reference to read: "Membership in the Commission shall be open to the members of the United Nations in the Caribbean area, and to France, Italy, the

⁶¹ G A resolution 44/167.

⁶² E S C resolution 1990/48.

⁶³ E S C resolution 1989/45.

⁶⁴ E S C resolution 1991/49.

Netherlands, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland”.⁶⁵

48. During the period under review, the Economic Commission for Europe’s membership increased from 34 to 55, mainly due to the many newly established states that came out of the dissolution of the Soviet Union and the break-up of the Socialist Federal Republic of Yugoslavia. The following countries became members of the Commission: Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Monaco, Republic of Moldova, San Marino, Slovenia, Tajikistan, Macedonia, Turkmenistan and Uzbekistan.⁶⁶

49. Considering the wide range of economic relations that existed between Israel and the States members of the Economic Commission for Europe, and considering that Israel had expressed its readiness to contribute to the work of the Commission by accepting the responsibilities inherent in full membership, the Council decided to amend paragraph 7 of the terms of reference of the Economic Commission by adding Israel to the list of members of the Commission.⁶⁷

50. Noting that Kiribati,⁶⁸ Kazakhstan,⁶⁹ Uzbekistan,⁷⁰ the Democratic People’s Republic of Korea,⁷¹ the Federated States of Micronesia,⁷² the Marshall Islands,⁷³ Azerbaijan,⁷⁴ Kyrgyzstan,⁷⁵ Tajikistan⁷⁶, Turkmenistan⁷⁷ and Armenia⁷⁸ had become members and that Macau,⁷⁹ French Polynesia⁸⁰ and New Caledonia⁸¹ had become associate members of the

⁶⁵ E S C decision 1990/277.

⁶⁶ E/1992/32, E/ECE/1266, E/1993/37, E/ECE/1284, E/1994/37, E/ECE/1304, E/1995/36 and E/ECE/1324.

⁶⁷ E S C resolution 1991/72.

⁶⁸ E S C resolution 1991/80.

⁶⁹ E S C resolution 1992/46.

⁷⁰ E S C resolution 1992/46.

⁷¹ E S C resolution 1992/47.

⁷² E S C resolution 1992/48.

⁷³ E S C resolution 1992/48.

⁷⁴ E S C resolution 1992/50.

⁷⁵ E S C resolution 1992/50.

⁷⁶ E S C resolution 1992/50.

⁷⁷ E S C resolution 1992/50.

⁷⁸ E S C resolution 1994/25.

⁷⁹ E S C resolution 1991/79.

Economic and Social Commission for Asia and the Pacific, the Council decided to amend paragraphs 2 to 4 of the terms of reference of the Commission accordingly.

51. During the period under review, the Council decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in the work of the Economic Commission for Europe as long as the Federal Republic of Yugoslavia (Serbia and Montenegro) did not participate in the work of the General Assembly.⁸²

52. During the same session, recalling section IV of its resolution 974 D (XXXVI) of 1965 and taking note of paragraph 10 of Declaration 1 (XXIX),⁸³ adopted by the Conference of Ministers of the Economic Commission for Africa, the Council decided to readmit South Africa as a member of the Economic Commission for Africa.⁸⁴

2. COMMITTEES AND OTHER BODIES ESTABLISHED BY THE COUNCIL

53. The Sessional Working Group on the methods of work of the Sub-commission on the Promotion and Protection of Human Rights which was established in 1989,⁸⁵ was composed of five members of the Sub-commission, one of each regional group.⁸⁶ Similarly, the Sessional Working Group on the Administration of Justice and the Question of Compensation was composed of five members of the Sub-commission, with each regional group nominating one expert.⁸⁷

54. During its first session of 1989, taking note of the report of the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East,⁸⁸ the Council decided to approve the application for membership in the Sub-Commission of Kuwait, Lebanon, Oman,

⁸⁰ E S C resolution 1992/49.

⁸¹ E S C resolution 1992/49.

⁸² E S C decision 1993/316

⁸³ *Official Records of the Economic and Social Council, 1994, Supplement No. 20 (E/1994/40), chap. IV, sect. C.*

⁸⁴ E S C decision 1994/303.

⁸⁵ See supra note 19 and H R C decision 1989/104.

⁸⁶ *Ibid.*

⁸⁷ H R Sub-commission decisions 1994/104 and 1994/119.

⁸⁸ E/CN.7/1989/20.

Saudi Arabia, the United Arab Emirates and Yemen.⁸⁹ Similarly, in 1992, the Council approved the application by Iraq for membership in the Sub-commission.⁹⁰

55. The following year, the Council decided to approve the application by Qatar and the Syrian Arab Republic for membership in the Sub-Commission.⁹¹ During the same session, the Council decided to approve the application by Bahrein for membership in the Sub-Commission.⁹² Subsequently in 1993, the Council decided to approve the application by Azerbaijan and Uzbekistan for membership in the Sub-commission.⁹³

56. During its substantive session of 1993, it was decided that the ad hoc open-ended working groups of the Commission on the Status of Women would be open to all Member States and observer states.⁹⁴

57. The membership of the newly established Meeting of Heads of National Drug Law Enforcement Agencies, European Region⁹⁵ was open to any State that was a member of the Economic Commission for Europe (ECE). Other States outside the region could be invited by the Secretary-General to send observers at their own expense.

58. The Working Group on Situations (which appear to reveal a consistent pattern of gross violations of human rights)⁹⁶ consisted of five members of the Commission on Human Rights nominated by the regional groups, serving in their personal capacities, and with due attention being paid to rotation in membership. It included one member each from Asian States, African States, Latin American and Caribbean States, Eastern European States and Western European and other States.⁹⁷

⁸⁹ E S C decision 1989/120.

⁹⁰ E S C resolution 1992/28.

⁹¹ E S C decision 1990/218.

⁹² E S C decision 1990/219.

⁹³ E S C decision 1993/246.

⁹⁴ E S C decision 1993/234.

⁹⁵ E S C resolution 1990/30.

⁹⁶ See supra note 17.

⁹⁷ E S C resolution 1990/41.

E. Duration and termination

59. During the period under review, the Council dissolved one commission.

60. As described above, the Committee on Crime Prevention and Control was dissolved in 1992 to be re-established as a Commission.⁹⁸

F. Sessions or meetings

61. During the period under review, the Council took several decisions on the scheduling of sessions or meeting of its subsidiary bodies. The Council also took decisions approving additional sessions or meetings for particular circumstances.

62. Noting the long-standing backlog of reports of States parties awaiting consideration by the Committee on Economic, Social and Cultural Rights, many of which had been pending for well over two years, and being aware that such an abnormal situation seriously undermined the effectiveness and threatened the credibility of the system for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights,⁹⁹ the Council authorized, on an exceptional basis, the holding of two extraordinary additional sessions of the Committee, of three weeks' duration, in the first half of 1993¹⁰⁰ and in the first half of 1994.¹⁰¹

63. Recalling the Commission on Human Rights resolution¹⁰² in which the Council authorized the Commission to meet exceptionally between its regular sessions and mindful of the need for the Commission to deal with urgent and acute human rights situations in the most expeditious way, while recognizing the need to specify the procedure to be followed in the case of a request for a special session of the Commission, the Council decided that the

⁹⁸ E S C resolution 1992/1.

⁹⁹ A/res/2200.

¹⁰⁰ E S C decision 1992/259.

¹⁰¹ E S C decision 1993/296.

¹⁰² H R Commission resolution 1993/96, see also ESC resolution 1990/48.

procedure for convening special sessions of the Commission in accordance with its resolution 1990/48 should be that contained in the annex to decision 1993/286. The procedure was as follows: Any state member of the United Nations may request the Secretary-General to convene a special session of the Commission. Such a request should be submitted, together with reasons for the request, to the Assistant Secretary-General for Human Rights at Geneva. The duration of the special session should, in principle, not exceed three days and the rules of procedure of such a special session should be the rules of procedure of the functional commissions of the Council.¹⁰³

64. Taking note of the Commission on Human Rights resolution 1994/21, the Council approved the Commission's request to the Secretary-General to convene a joint consultative meeting of the members of the Working Group on the Right to Development and the chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, other relevant treaty bodies and the Sub-commission on Prevention of Discrimination and Protection of Minorities so as to enable them to discuss and enrich their experience in matters of evaluation, criteria of performance and monitoring.¹⁰⁴

65. By resolution 1991/39, the Council decided that, considering the importance of the additional functions entrusted by the Council to the Commission on Narcotic Drugs, as well as its heavy workload, the Commission should meet annually for a period not exceeding eight working days.¹⁰⁵

66. The terms of reference for the newly-established as well as the existing Commissions and Committees respectively set out the pattern of their sessions or meetings as follows: The Commission Science and Technology would meet once every two years for two weeks;¹⁰⁶ the Commission on Sustainable Development was to meet annually for a period of two to three

¹⁰³ E S C decision 1993/286, ESC resolution 1990/48, H R Commission resolution 1993/96.

¹⁰⁴ E S C decision 1994/245, H R Commission resolution 1994/21.

¹⁰⁵ E S C resolution 1991/39.

¹⁰⁶ G A resolution 46/235.

weeks;¹⁰⁷ the Commission on Crime Prevention and Criminal Justice would to meet annually for a period of eight days;¹⁰⁸ the Committee on Natural Resources would meet once every two years for two weeks;¹⁰⁹ the Committee on New and Renewable Sources of Energy and on Energy for Development, once every two years for two weeks;¹¹⁰ the Commission on Population and Development was to meet annually, usually for five working days;¹¹¹ and the Committee on Narcotic Drugs was to meet concurrently with the annual session of the Commission for a period not exceeding four working days.¹¹²

67. Since its establishment in 1990, the Working Group on the Methods of Work of the Sub-commission Human Rights met during the sessions of the Sub-commission, except for 1992, when an inter-sessional meeting was convened.¹¹³

68. The Council decided that a special session of the Statistical Commission of four or five days' duration should be held in 1994 for the following purposes: 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.¹¹⁴

69. During its organizational session of 1991, the Council agreed to postpone for one year the sixteenth session of the Economic and Social Commission for Western Asia (ESCWA), which had been scheduled in Baghdad for one week in April/May 1991.¹¹⁵

70. The newly established subsidiary bodies within the Economic and Social Commission for Western Asia, the Committee on Social Development and the Statistical Committee would

¹⁰⁷ G A resolution 47/191, para. 9 and E S C decision 1993/207, para. (e).

¹⁰⁸ E S C decision 1993/242.

¹⁰⁹ G A resolution 46/235.

¹¹⁰ G A resolution 46/235.

¹¹¹ G A resolution 49/128.

¹¹² E S C resolution 1991/39 and E S C decision 1991/201.

¹¹³ H R Sub-commission decision 1989/104.

¹¹⁴ E S C resolution 1993/6.

¹¹⁵ E S C decision 1991/207.

both hold its meetings every two years.¹¹⁶ Furthermore, the Council decided that sessions of the Technical Committee of the Economic and Social Commission for Western Asia should be held in years in which no Commission session itself would be held, starting with a three-day meeting in 1993.¹¹⁷ The following year, however, the Council decided that the meetings of the Technical Committee would henceforth be linked with the sessions of the Commission, and that the Technical Committee would hold its meeting shortly before each session of the Commission,¹¹⁸ which, in accordance with Council resolution 1994/26, met biennially in odd-numbered years.¹¹⁹ In the same resolution, the Council also decided that the Commission would hold its sessions in odd years, starting in 1995, to coincide with the consideration of the programme budget by the General Assembly and with the monitoring of progress achieved in the work programmes of the Secretariat.¹²⁰

71. Aware of the need for the Commission on Narcotic Drugs to consider, *inter alia*, urgently further measures that may be required to facilitate the entry into force of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and to consider appropriate action to improve regional co-operation in drug law enforcement, the Council decided that the Commission should hold a special session of five working days in 1990.¹²¹

G. Methods of reporting

72. During the period under review, the Council took several decisions regarding the method of reporting of its subsidiary bodies.

73. In its resolution 46/235, on the restructuring and revitalization of the United Nations in the economic, social and related fields the reporting procedures for subsidiary bodies were discussed. The General Assembly recommended that the Council should provide guidance to

¹¹⁶ E S C resolution 1994/27 and 1993/2 respectively.

¹¹⁷ E S C resolution 1993/1.

¹¹⁸ E S C resolution 1994/26

¹¹⁹ E S C resolution 1994/26.

¹²⁰ E S C resolution 1994/26.

¹²¹ E S C resolution 1989/17.

and follow up the work of its subsidiary bodies whose reports should contain clear and cogent recommendations and proposals to facilitate their consideration by a revitalized Economic and Social Council in a substantive and integrated manner.¹²²

74. At its establishment, it was decided that the Commission on Crime Prevention and Criminal Justice, the Commission on Science and Technology for Development and the Commission on Sustainable Development would all report directly to the Council,¹²³ in addition to this the Commission on Sustainable Development would also provide appropriate recommendations to the General Assembly, through the Council, on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21.¹²⁴

75. Furthermore, during its organizational session of 1993, the Council decided that the Commission on Science and Technology for Development should adopt certain procedures for preparing its analytical reports in order to fulfill its tasks, and that the work of the Commission should include the preparation of reports on a limited number of substantive topics.¹²⁵ The procedures could be summarized as follows: the substantive themes for each of its sessions were to be chosen by the Commission itself. For each theme chosen, a panel was to be established by the Commission of its own members to prepare a draft report for consideration by the Commission as a whole at its next session. Once adopted by the Commission, the reports were to be submitted to the Council as well as throughout the development community. In order for the Commission to evaluate the reports effectively, its consideration would occur in two stages. The first stage would be dedicated to a technical discussion of the draft reports. The second stage was to be devoted to intergovernmental negotiations concerning draft recommendations and resolutions.¹²⁶

¹²² G A resolution 46/235.

¹²³ See E S C resolution 1992/1 and G A resolutions 46/152, 46/235 and 47/191.

¹²⁴ G A resolution 47/191, para. 3 (i).

¹²⁵ E S C decision 1993/320.

¹²⁶ *Ibid.*

II. ANALYTICAL SUMMARY OF PRACTICE

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

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

76. As in the past, this section deals with the criteria the Council has applied in setting up or abolishing its subsidiary bodies.¹²⁷ The Council has usually indicated the reasons for the establishment of its bodies in the preamble of the resolution establishing the body, which included the terms of reference.

77. The dissolution of the Committee on Crime Prevention and Control and the subsequent establishment of the Commission on Crime Prevention and Criminal Justice came about during a time in which much stronger international co-operation had become imperative due to the internationalization of crime. At the opening session of the Commission,¹²⁸ the Director-General of the United Nations International Drug Control Programme emphasized this by stating that the Commission had been created at a time of momentous change in world affairs, in which the United Nations was playing a new central role while undergoing reappraisal and restructuring. He further asserted that the creation of the Commission reflected the urgency of finding viable solutions to the problems at hand and evidenced the determination of the world community to intensify global concerted action against national and transnational crime. During the same session,¹²⁹ it was held that in spite of the achievements of the Committee, a truly effective capacity had yet to emerge for concerted action or for assisting Governments in upgrading their domestic crime prevention and criminal justice systems. Scarcity of resources had severely limited the ability of the Organization to respond adequately to the needs of Member States. It was decided that experts who had served on the former Committee could be asked to share their knowledge

¹²⁷ See *Repertory*, para. 120.

¹²⁸ E/1992/30.

¹²⁹ *Ibid.*

and experience with the Commission, and thus continue to contribute to the promotion of effective crime prevention and criminal justice policies and strategies. In any event, every effort had to be made to maintain the technical nature of the work accomplished so far and pave the way for a constructive dialogue between Member States, leading to concrete action.¹³⁰

78. The need for the Commission of Science and Technology for Development to assist the Council in carrying out its functions was also discussed. In his opening statement at the first session in 1993,¹³¹ the Under Secretary-General for Policy Coordination and Sustainable Development elaborated on the history of the establishment of this Commission. He said that the Vienna Programme of Action,¹³² the major outcome of the 1979 United Nations Conference on Science and Technology for Development,¹³³ constituted a major turning point in the efforts at restructuring the economic and social sectors of the United Nations. The General Assembly, commemorating the tenth anniversary of the adoption of the Vienna Programme of Action, in 1989, reaffirmed its validity, while at the same time expressing disappointment at its lack of implementation. Therefore, the Assembly, as part of the efforts to revitalize and reinvigorate the economic and social sectors of the United Nations, *inter alia*, transformed the Intergovernmental Committee on Science and Technology for Development into a functional commission of the Economic and Social Council.¹³⁴

79. The Under-Secretary-General for Policy Coordination and Sustainable Development also emphasized that the usefulness of such a Commission should be seen in the context of the fact that science and technology were the bridge between traditional development and sustainable development and a critical input into enhancing comparative advantages. They had an important role in addressing such global problems as poverty alleviation. He also said that information technologies were altering profoundly the rules of global finance, economics

¹³⁰ E/1992/30.

¹³¹ E/1993/31.

¹³² A/CONF.81/16. p.46-83.

¹³³ A/CONF.81/16.

¹³⁴ E/1993/31.

and politics and a basis for intergovernmental discussions would be required in order to avoid an adversarial relationship between scientific and technical opinion and policy makers.¹³⁵

80. As mentioned in the General Survey, the Commission on Sustainable Development was established, to ensure effective follow-up to the United Nations Conference on Environment and Development, as well as to enhance international cooperation and rationalize the intergovernmental decision-making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21¹³⁶ at the national, regional and international levels, and all other aspects of the Conference, in order to achieve sustainable development in all countries.¹³⁷

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

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

81. As in previous supplements, the Council took several decisions regarding the distribution of membership in functional commissions and sub-commissions and other subsidiary organs of the Council. When establishing or enlarging subsidiary bodies, the Council usually paid attention to the question of geographical distribution of membership. In its resolutions establishing the three new subsidiary bodies, the Council indeed specified how the membership should be distributed among the five regional groups of states.

82. In establishing, the Commission on Crime Prevention and Criminal Justice, consisting of forty members states, elected by the Council on the basis of an equitable geographical distribution, the Council distributed its seats as follows: twelve seats to African States, nine

¹³⁵ E/1993/31.

¹³⁶ *Report of the United Nations Conference on Environment and Development. Rio de Janeiro, 3-14 June 1992*, A/CONF.151/26.

¹³⁷ G A resolution 47/191.

seats to Asian States, four seats to Eastern European States, eight seats to Latin American and Caribbean States, and seven seats to Western European and other States.¹³⁸

83. Similarly the Council, when creating the Commission on Sustainable Development, composed of fifty-three members, distributed its seats according to the following pattern:¹³⁹ thirteen members from African States, eleven members from Asian States, six members from Eastern European States, ten members from Latin American and Caribbean States, and thirteen members from Western European and other States.

84. For the newly established Commission on Science and Technology for Development, the Council decided on the following regional allocation of seats:¹⁴⁰ fifty-three members elected by the Economic and Social Council for a term of four years,¹⁴¹ thirteen seats for African States, eleven seats for Asian States, ten seats for Latin American and Caribbean States, six seats for Eastern European States and thirteen seats for Western European and other States.

85. Likewise, in enlarging its Commission on Human Rights from forty-three to fifty-three members, the Council specified that the increased membership of the Commission on Human Rights should be distributed as follows:¹⁴² fifteen members from African States, twelve members from Asian States, eleven members from Latin American and Caribbean States, ten members from Western European and other States and five members from Eastern European States.

86. In enlarging the Commission on the Status of Women to forty-five members, the Council decided the Commission was to be distributed according to the following pattern:¹⁴³ thirteen members from African States, eleven members from Asian States, nine members from Latin American and Caribbean States, eight members from Western European and other States and four members from Eastern European States.

¹³⁸ G A resolution 46/152.

¹³⁹ E S C decision 1993/207.

¹⁴⁰ E S C decision 1992/222.

¹⁴¹ G A resolution 46/235.

¹⁴² E S C resolution 1990/48.

¹⁴³ E S C resolution 1989/45.

87. In enlarging the Commission on Narcotic Drugs from forty to fifty-three members, the Council specified that membership should be distributed as follows:¹⁴⁴ eleven for African States, eleven for Asian States, ten for Latin American and Caribbean States, seven for Eastern European States and fourteen for Western European and other States, one seat to rotate between the Asian States and the Latin American and Caribbean States every four years.

88. The Council also specified the geographical distribution of membership for the newly established Committees.

89. The regional allocation of seats for the Committee on Natural Resources was as follows:¹⁴⁵ six seats for African States, five seats for Asian States, four seats for Latin American and Caribbean States, three seats for Eastern European States, six seats for Western European and other States.

90. The Council decided on the following regional allocation of seats for the new Committee on New and Renewable Sources of Energy for Development:¹⁴⁶ six seats for African States, five seats for Asian States, four seats for Latin American and Caribbean States, three seats for Eastern European States, six seats for Western European and other States.

E. The question of membership in the regional commissions

1. Economic Commission for Europe

91. During the period under review, the issue on whether to allow the Federal Republic of Yugoslavia (Serbia and Montenegro) to participate in the work of the Economic Commission for Europe was discussed extensively. During the Commission's session of 1993, the

¹⁴⁴ E S C resolution 1991/49.

¹⁴⁵ E S C decision 1992/222.

¹⁴⁶ *Ibid.*

delegation of Denmark, speaking on behalf of the European Community and its Member States, stated that it did not accept the Federal Republic of Yugoslavia (Serbia and Montenegro) as the automatic successor of the former Socialist Republic of Yugoslavia.¹⁴⁷ It took note of General Assembly resolution 47/1, which reiterated the recommendation of the Security Council that Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly.¹⁴⁸ The Commission regarded resolution 47/1 as a model for action in the specialized agencies and other bodies of the United Nations in due course as appropriate.¹⁴⁹ At its second meeting, the Commission adopted, by 34 votes in favor, 2 against and 2 abstentions, its decision A (48) on the recommendation to the Council for non-participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic Commission for Europe as long as the Federal Republic of Yugoslavia (Serbia and Montenegro) would not participate in the work of the United Nations General Assembly.¹⁵⁰

** 2. Economic and Social Commission for Asia and the Pacific

** 3. Economic Commission for Latin America

4. Economic Commission for Africa

92. In 1965, the Economic and Social Council had decided that “The Republic of South Africa should not take part in the work of the Commission, until the Council, on the recommendation of the Commission, should find that conditions for constructive cooperation had been restored by a change in its racial policy.” In paragraph 10 of declaration (XXIX) adopted by the Commission on 5 May 1994, the Commission requested the Executive Secretary to submit a report to the Council to recommend the readmission of democratic South Africa into the Commission. In making this request, the Commission had recognized the radical changes that had taken place in South Africa since February 1990, particularly the

¹⁴⁷ E/1993/37, para.20.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*, para. 18.

¹⁵⁰ E/1993/37, E/ECE/1284, Ch. IV.

dismantling of the system of apartheid, the adoption of a democratic constitution and the holding of the first non-racial general elections. The Commission was, therefore convinced that conditions for constructive co-operation with South Africa had now been restored and recommended that the Council readmitted South Africa to the Commission.¹⁵¹

**** 5. Economic Commission for Western Asia**

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

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

93. In addition to the standard rules of procedure of the functional commissions of the Economic and Social Council,¹⁵² the Commission on Sustainable Development supplemented its rules of procedure with additional provisions on participation of specialized agencies, intergovernmental organizations and non-governmental organizations.¹⁵³

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

94. The participation of and consultation with specialized agencies and the participation of other intergovernmental organizations were governed by rules 71 to 74 of the rules of procedure of the functional commissions of the Council¹⁵⁴ and the representation of and consultation with non-governmental organizations were governed by rules 75 and 76.¹⁵⁵ As

¹⁵¹ E/1994/40, E/ECA/CM.20/38.

¹⁵² E/5975/Rev.1.

¹⁵³ E S C decision 1993/215.

¹⁵⁴ E/5975/Rev.1.

¹⁵⁵ *Ibid.*

mentioned above the Commission on Sustainable Development added several provisions to these rules.¹⁵⁶

** 1. THE PARTICIPATION OF MEMBERS OF THE UNITED NATIONS

** 2. THE PARTICIPATION OF MEMBERS OF OTHER SUBSIDIARY BODIES

** 3. THE PARTICIPATION OF SPECIALIZED AGENCIES

4. THE PARTICIPATION OF INTERGOVERNMENTAL ORGANIZATIONS

95. As mentioned above, at the establishment of the Commission on Sustainable Development, extra attention was given to the Commission's relationship to specialized agencies, intergovernmental organizations and non-governmental organizations. Pursuant the General Assembly's recommendation that the Commission actively interact with other intergovernmental United Nations bodies dealing with matters related to environment and development,¹⁵⁷ the Council decided that the Commission on Sustainable Development or a subsidiary organ thereof should invite relevant intergovernmental organizations, within and outside the United Nations system.¹⁵⁸ Examples of such intergovernmental organizations included international financial institutions, GATT, regional development banks, sub-regional financial institutions, relevant regional and sub-regional economic and technical cooperation organizations, regional economic integration organizations and the European Commission¹⁵⁹.

5. THE PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS

96. Similarly, representation of and consultation with non-governmental organizations was discussed with regards to the Commission on Sustainable Development. Pursuant the General

¹⁵⁶ E S C decision 1993/215.

¹⁵⁷ G A resolution 47/191.

¹⁵⁸ E S C decision 1993/215. See also G A resolution 49/111.

¹⁵⁹ G A resolution 47/191.

Assembly's recommendation that the Commission on Sustainable Development should provide for non-governmental organizations, including those related to major groups as well as to industry and the scientific and business communities, to participate effectively in its work and contribute within their areas of competence to its deliberations,¹⁶⁰ the Council decided that non-governmental organizations in consultative status with the Council could designate authorized representatives to be present at and observe the meetings of the Commission and its subsidiary organs. They would make written presentations to the Commission and its subsidiary organs, and would be given an opportunity to briefly address the meetings of the Commission and its subsidiary organs. Non-governmental organizations would, however, not have any negotiating role in the work of the Commission and its subsidiary organs.¹⁶¹

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

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

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

¹⁶⁰ G A resolution 47/191.

¹⁶¹ E S C decision 1993/215.