# ARTICLE 72

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TEXT OF ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

INTRODUCTORY NOTE

1. Article 72 (1) empowers the Economic and Social Council to adopt its own rules of procedure, including the method of selecting its President. It is similar, in its terms, to Articles 21, 30 and 90 (1), which relate to the General Assembly, the Security Council and the Trusteeship Council, respectively.

2. Article 72 (2) stipulates that the Council shall meet as required in accordance with its rules of procedure, and that provision shall be made for the convening of meetings on the request of a majority of its members. This paragraph is similar to Article 90 (2) relating to the Trusteeship Council.

3. This study consists of a General Survey, which summarizes the main features of the present rules of procedure of the Economic and Social Council and their historical development, and an Analytical Summary of Practice.

4. The Analytical Summary of Practice is divided into two sections: the first deals with the method followed by the Council in adopting and amending its rules of procedure, as well as the effect of resolutions or decisions of the Council and the General Assembly on the procedure of the Council; the second deals with some basic features of the rules relating to sessions, agenda, organization of sessions, method of selecting the President, powers of the President and their limitation, limitation of debate, official and working languages, nature of records, participation in the deliberations of the Council, rules of procedure of the commissions, and suspension of the rules.

5. Under each of these subjects, after describing the principal provisions of the rules and presenting a short history thereof, questions raised in the Council or its committees in connexion with the adoption, amendment or suspension of the various rules, are examined. Discussions in the General Assembly bearing upon the application by the Council of its rules of procedure are also dealt with. It should be noted that the present study does not enter into the details of the debates which have arisen in connexion with the application by the Council of individual rules.

6. Certain rules of procedure of the Council based on specific provisions in other Articles, are examined in greater detail in this Repertory under the appropriate Articles. Thus rules 59 and 60 on voting are dealt with in this Repertory under Article 67; rules 75 and 76 on participation of Members of the United Nations not members of the Council, under Article 69; rule 77 on participation of the President of the Trusteeship Council, under Article 91; rules 78 to 81 on participation of and consultation with specialized agencies, under Articles 63 and 70; and rules 82 to 86 on consultation with non-governmental organizations, under Article 71.
I. GENERAL SURVEY

7. The rules of procedure of the Economic and Social Council are divided into seventeen chapters comprising eighty-nine rules. Their general scope, individual features and, in a number of cases, wording are similar in many respects to those of the rules of procedure of the General Assembly.

8. The provisional rules of procedure approved by the Council at its first meeting on 23 January 1946 were the same as those drawn up 1/ by the Preparatory Commission as part of the Commission's recommendations regarding arrangements for the first session of the Council. These provisional rules had been considered and approved 2/ by the Joint Sub-Committee of the Second and Third Committees of the General Assembly at the first part of its first session, and the conclusions contained in the reports of the Second and Third Committees were adopted 3/ by the General Assembly.

9. In accordance with the recommendations of the Preparatory Commission, the Council considered these provisional rules as a basis for its permanent rules, and, at its twelfth meeting, adopted a slightly amended text of these provisional rules as its permanent rules of procedure.

10. At its second, fourth, fifth, seventh, eighth, tenth, fourteenth, fifteenth and eighteenth sessions, the Council adopted a number of amendments 4/ to its rules of procedure. A comprehensive revision was made at the eighth session, when the Council reviewed its rules of procedure as a whole, and at its fourteenth session, when the Council amended the provisions relating to its sessions and its agenda in accordance with resolution 44/ (XIII) on the organization and operation of the Council and its commissions. At its eighteenth session, the Council requested 5/ the Secretary-General to present to it, at its nineteenth session, such draft revised rules of procedure as might be required in order to bring the rules of procedure of the Council into conformity with the provisions of resolution 557 (XVIII), entitled "Organization and operation of the Council and its commissions".

11. The most significant features of the rules of procedure of the Council and amendments thereto are set forth below.

12. Chapter I of the rules of procedure of the Council relates to matters concerning sessions 6/ and consists of rules 1 to 8. The original rules of the Council which provided for three sessions a year were amended 7/ by the Council at its eighth, fourteenth, eighteenth, and nineteenth sessions. The present rules, as amended 8/ by the Council, provide for two regular sessions, the second regular session to be resumed during or shortly after the session of the General Assembly for a brief series of meetings.

3/ G A resolutions 5 (I) and 7 (I).
4/ The relevant references are as follows: E S C resolution 2/3; E S C (IV), 52nd mtg., p. 8; E S C resolution 99 (V); E S C (VII), Resolutions, p. 77, E/1068; E S C resolution 217 (VIII); E S C (X), Suppl. No. 1 (E/1661), pp. 33-37; E S C resolution 456 (XIV), annex; E S C resolution 48/1 (XV); United Nations Publication, Sales No.: 1953.1.21; E S C (XVIII), Suppl. No. 1 (E/2654), p. 28.
5/ E S C resolution 557 E (XVIII).
6/ See paras. 46-70 below.
7/ E S C resolutions 217 (VIII), 456 (XIV), 557 B (XVIII) and 578 (XIX).
8/ See footnote 53 below.
13. The rules on sessions also deal with the date of regular sessions, the place of sessions, the notification of the date of opening and the adjournment of sessions.

14. Chapter II relates to the agenda, and consists of rules 9 to 17. The original rules of the Council specified the authorities which could propose items for inclusion in the agenda of the Council, and the procedure for the adoption, communication and revision of the agenda. The rules were first amended at the fourth session of the Council to provide for the submission of agenda items by non-governmental organizations in category A, and for the setting up of an Agenda Committee. At its fourteenth session, the Council itself took over the functions of its Agenda Committee and revised the procedure for drawing up and adopting its agenda.

15. Chapter III, which consists of rules 18 and 19, deals with representation and credentials. The provisional rules of the Council provided that each representative might be accompanied by alternate representatives and technical advisers. At its first session, the Council added a rule whereby the credentials of the representatives were to be examined by the President and the Vice-President, who would report on them to the Council. The rules were amended again at the eighth session of the Council to specify the time limit within which the credentials and the names of alternate representatives and advisers should be submitted to the Secretary-General, and to indicate that members of the Council might subsequently change their representatives, alternate representatives, or advisers, subject to proper submission and examination of credentials.

16. Chapter IV, which consists of rules 20 to 25, relates to the President and Vice-President. The rules therein deal with the election of the President and the two Vice-Presidents, their terms of office, and the replacement of the President by the Vice-President. The provisions regarding the terms of office were amended at the eighth session of the Council to specify that the officers should not hold office after the expiration of the term of office of the member which they represented in the Council. Prior to this revision, a rule had been adopted at the second session of the Council specifying that the President should not exercise the right to vote when an alternate representative of the Government of his country participated in the proceedings and in voting.

17. Chapter V consists of rules 26 and 27, which deal with the establishment of the committees of the Council and their powers. A provision under which the committees were to be composed of members of the Council was deleted at the eighth session of the Council. At the same session, two provisions were added to specify that the committees should elect their own officers except where the Council decided otherwise, and that the rules of procedure of the Council relating to meetings, conduct of business, and voting should apply to the committees of the Council.

18. Chapter VI consists of rules 28 to 34. These rules define the duties of the Secretary-General and the Secretariat with respect to the Council, its committees and its subsidiary organs. They include provisions relating to staff requirements, arrangements for meetings, information to be provided to members on questions submitted for consideration by the Council, and oral or written statements to be made by the Secretary-General on questions under consideration.

9/ See paras. 71-102 below.
10/ See also in this Repertory under Article 61.
11/ See paras. 103-110 below.
12/ See also in this Repertory under Article 68.
13/ See also in this Repertory under Article 98.
19. Provision has also been made for the consideration by the Council of the financial implications of its decisions. A rule adopted at the fourth session of the Council and revised at its seventh session, provides that summary estimates of financial implications of all proposals before the Council should be circulated as soon as possible after the provisional agenda has been issued, and be revised during sessions in the light of the discussions of the Council. A further revision, made at the fourteenth session of the Council stipulated that the Council should indicate, whenever appropriate, the priority or degree of urgency of its various projects.

20. Chapter VII of the rules of procedure of the Council consists of rules 35 to 40 and deals with official and working languages, interpretation and language of records, resolutions and other formal action. These rules were adopted at the first session of the Council and were patterned on the rules of the General Assembly. Under an amendment to the rules at the fifteenth session of the Council, Spanish was added as a working language.

21. Chapter VIII consists of rules 41 and 42. These rules, which have not been amended since the adoption of the provisional rules of procedure of the Council, provide that the meetings of the Council are to be held in public unless the Council decides otherwise. In the case of private meetings, a communiqué may be issued through the Secretary-General at the close of the meetings. The Council has held one private meeting, at its second session, when it elected the initial members of its functional commissions. The summary record of this meeting was subsequently made public.

22. Chapter IX, which is concerned with records, consists of rules 43 to 46. The original rules of the Council dealt with summary records and verbatim records of public and private meetings, and the communication of the resolutions, recommendations and other formal actions of the Council, its committees and subsidiary bodies. These rules were amended at the eighth session of the Council to provide that the summary records, instead of being issued immediately after the meetings and the corrections circulated separately, would first be produced and distributed to participants in a provisional form and would later be issued in a final form incorporating corrections received within forty-eight hours of the distribution of the provisional text. This period for submitting corrections was extended to three working days at the fourteenth session of the Council. A rule providing for verbatim records of the deliberations of the Council was replaced at the fourteenth session by a rule providing for sound records of the meetings of the Council and of its committees of the whole.

23. Chapter X, which comprises rules 47 to 58, relates to the conduct of business. The rules under this chapter were substantially recast at the eighth session of the Council, on the basis of the corresponding rules of the General Assembly, so far as they were applicable. The present rules define the quorum, set forth the powers of the President with regard to procedural matters, explain the procedure for raising points of order and adjourning of the debate, for placing a time limit on speeches, for closing lists of speakers, and for moving the closure of debate. They also deal with the suspension or adjournment of meetings, the order of procedural motions, the submission of draft resolutions and substantive amendments or motions, decisions on competence, and the withdrawal of motions.

14/ See paras. 41-45 below.
15/ See paras. 127-134 below.
16/ See paras. 135-141 below.
17/ See paras. 111-122 below.
18/ See paras. 123-126 below.
Chapter XI, which relates to the question of voting, consists of rules 59 to 70. Rule 59 reproduces the provision of Article 67 (1) under which each member of the Council shall have one vote. The first sentence of rule 60 reproduces the provision of Article 67 (2) under which decisions of the Council shall be made by a majority of the members present and voting. A new provision, added to this rule at the eighth session of the Council, defined the meaning of the phrase "members present and voting". At the same session, a clause providing for explanations of votes before or after voting was added to the rule on conduct during voting. The rule on division of proposals was also amended to stipulate that a proposal must be voted on in parts if a representative so requests, and the procedure for voting on amendments and proposals was recast along the lines of the corresponding rules of the General Assembly. The rules regarding the procedure to be followed for elections were also revised to correspond to those of the General Assembly, and the rule providing that, in case of an equally divided vote on matters other than elections, a second vote was to be taken at the following meeting, was replaced by a rule stating that in the case of an equally divided vote, a proposal was to be regarded as having been rejected.

Chapter XII, relating to commissions of the Council, consists of rules 71 to 76. These rules were first amended at the fifth session of the Council. At the eighth session, a rule stipulating that elections to commissions are to be decided by secret ballot unless the Council decides otherwise was added. At the same session, the rule requiring the presence of the Chairman of a commission or of a person designated by him during the consideration by the Council of the report of a commission was deleted.

Chapter XIII, which deals with the participation of Members of the United Nations not members of the Council, consists of rules 75 and 76. Rule 75, adopted at the eighth session of the Council, is based on Article 69, and defines the scope of the participation of Member States not members of the Council in its deliberations. Rule 76 extends this provision to the committees of the Council, but makes it optional for a committee to invite a Member of the United Nations not a member of the committee.

Chapter XIV, which deals with the participation of the President of the Trusteeship Council in the deliberations of the Economic and Social Council, consists of rule 77. This rule was adopted at the eighth session of the Council in accordance with the arrangements agreed upon in 1947 by the Economic and Social Council and the Trusteeship Council for co-operation between them on matters of mutual concern. It provides for the participation of the President of the Trusteeship Council, or his representative, in the deliberations of the Economic and Social Council, without the right to vote, on any matter of particular concern to the Trusteeship Council.

Chapter XV deals with the participation of and consultation with specialized agencies, and consists of rules 78 to 81. The first two rules of this chapter...
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were adopted by the Council at its eighth session. 25/ Rule 76 defines the scope of the participation of the specialized agencies in the meetings of the Council and its committees. Provision is made in rule 79 for preliminary consultation between the Secretary-General and a specialized agency when the agency has proposed the inclusion of an item in the provisional agenda of the Council. 26/ Rule 60 was added at the fourteenth session, and concerns the consultations to be held between the Secretary-General and the specialized agencies on items or proposals before the Council which are of direct concern to the agencies or which affect their activities. Rule 81, also adopted at the fourteenth session, relates to consultations with specialized agencies on any provision of a proposed convention which affects these agencies.

29. Chapter XVI, which deals with consultation with non-governmental organizations, 27/ consists of rules 82 to 86. Provisions regarding non-governmental organizations were initially included at the fourth and fifth sessions of the Council in the rules governing the agenda of the Council. 28/ At its eighth session, the Council added 29/ a chapter on consultation with non-governmental organizations to its rules and, at its tenth session, revised the provisions thereof to conform with the new arrangements for consultation adopted under Council resolution 288 (X). The provisions in this chapter deal with the composition and functions of the Council Committee on Non-Governmental Organizations, the representation of these organizations at meetings of the Council and its committees, the procedure for consultation of the Committee with these organizations, the hearing of non-governmental organizations in category A by the Council and its committees. At its eighteenth session, the Council amended 30/ its rule regarding the Committee on Non-Governmental Organizations to provide that its seven members were to be elected each year at the resumed part of the second regular session of the Council, and that the Committee was to elect its own officers.

30. Chapter XVII, which deals with amendments and suspensions of rules of procedure, 31/ consists of rules 87 to 89. The rules in this chapter now in force are identical with the original provisional rules of procedure of the Council. It should be noted, however, that at its first session, the Council added a provision whereby amendments to and suspension of the rules must be consistent with the Charter, and that this provision was deleted at the eighth session of the Council.

II. ANALYTICAL SUMMARY OF PRACTICE

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

1. Procedure for adoption and revision of the rules of procedure of the Council

31. At its first meeting on 23 January 1946, the Council provisionally approved the rules of procedure proposed by the Preparatory Commission of the United Nations.

25/ Rule 79 was formerly included in chapter II as rule 12. It was transferred without change to chapter XV under Council resolution 456 (XIV) by which the rules of procedure of the Council were amended.

26/ Other provisions regarding the participation of the specialized agencies in the work of the Council appear in the rules of the Council relating to sessions, agenda, and records (see paras. 142-149 below).

27/ See paras. 142-149 below. See also in this Repertory under Article 71.

28/ See para. 14 above.

29/ ESC resolution 217 (VIII).

30/ See ESC (XVIII), Suppl. No. 1, p. 28.

31/ See paras. 160 and 161 below.
These rules included the following provision, which is still in force as rule 88:

"These rules may not be amended until the Council has received a report on the proposed amendment from a committee of the Council".

32. In accordance with this rule, the Council set up a Committee on Rules of Procedure to draft permanent rules on the basis of the rules provisionally approved. The Committee proposed amendments relating to the rules on the calling of sessions, on representatives and advisers, on languages, and on amendments and suspension of the rules. At its twelfth meeting, the Council rejected the recommendations of the Committee regarding the calling of sessions and adopted rules of procedure, taking into account the other amendments proposed by the Committee.

33. Under these rules, the Council could amend or suspend any of its rules "provided the proposed amendments or suspensions are consistent with the Charter". This provision was recommended by the Committee on Rules of Procedure on the grounds that "some of these rules have been taken from the Charter they cannot be amended or suspended by the Council". Although the Council deleted this provision at its eighth session, it has on various occasions rejected proposed amendments to its rules because they were considered by members of the Council to be contrary to Charter provisions.

34. The Council has not always required prior receipt of the report of a committee on a proposed amendment of its rules of procedure. It has amended its rules of procedure on the basis of amendments prepared at its request by the Secretary-General. Thus, at its fifteenth session, when the Council adopted Spanish as a working language in accordance with General Assembly resolution 664 (VII), it revised its rules of procedure on languages by adopting the amendments proposed by the Secretary-General.

35. On several occasions the Council has not only amended or rejected draft rules proposed by a committee on procedure without referring the question back to the committee, but has also adopted provisions which had been rejected by the committee. For example, at its eighth session, the Council adopted a provision, first rejected by its Committee on Rules of Procedure, whereby a member of the Council may "at any time" raise a point of order.

2. Resolutions or decisions of the Council on procedural matters

36. The Council has adopted a number of resolutions which have included provisions affecting the conduct of its business. When the provisions of such resolutions have differed from those of existing rules of procedure, the relevant rules have
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subsequently been amended. When the resolutions or decisions have concerned procedural questions not dealt with in the rules, the Council has, in some cases, adopted additional rules and in other cases it has implemented the resolutions or decisions without amending its rules.

37. Resolutions containing provisions differing from those of the rules of procedure have usually stipulated that the relevant rules were to be amended, but has been implemented before such amendments have come into force. For example, under resolution 414 (XIII), section A.I, the Council itself took over the functions of its Agenda Committee, and requested the Secretary-General to submit to it at its fourteenth session, whatever draft revised rules might be required to bring the rules of procedure into conformity with the provisions of the resolution. Prior to amending its rules, however, the Council implemented certain provisions of resolution 414 (XIII); for example, at its resumed thirteenth session, it drew up the provisional agenda for its fourteenth session — a step which under the then existing rules would have required action by its Agenda Committee before the opening of the fourteenth session.

39. On several occasions, when a resolution of the Council has contained provisions on procedural matters which were not covered by its rules of procedure, the Council has incorporated certain of these provisions in its rules, leaving others to be given effect by virtue of the implementation of the resolution itself. Thus, following the adoption of resolution 233 (X) on consultative arrangements with non-governmental organizations, the Council expanded the provisions of its rules of procedure regarding such arrangements and adopted rules 62 to 86. Other provisions of resolution 233 (X), such as those relating to the proceedings of the Council Committee on Non-Governmental Organizations, were not incorporated in the rules of procedure.

39. In still other cases, provisions of a procedural nature contained in resolutions of the Council have not been incorporated in the rules of procedure. This applies to the provisions of resolutions 101 (V) and 174 (VII) regarding the procedure to be followed by the Council in the preparation of its annual programme of conferences. Similarly, resolution 414 (XIII) contained a number of provisions not included in the rules of the Council, such as those dealing with the preparation of the agenda of the Council and the arrangement of business for its sessions.

40. Finally, it should be noted that, in some cases, procedural matters have been decided by the Council, but have not been incorporated either in the rules of procedure or in resolutions. Thus, the arrangements for the preparation of the annual report of the Council to the General Assembly have, since the seventh session, been decided upon by the Council at the regular session preceding the annual session of the General Assembly.

3. Decisions of the General Assembly affecting the procedure of the Council

41. In some cases, resolutions or decisions of the General Assembly have led the Council to suspend or amend its rules of procedure; they have, for the most part, been concerned with financial questions.

39. Resolution 414 (XIII) also includes provisions governing the candidature for vacancies in the membership of the functional commissions which do not appear in the rules of procedure of the Council. Another case in point is resolution 199 (VIII) governing the procedure to be followed by the Council in electing the members of the Commission on Narcotic Drugs.
42. In two such cases, dealt with below, 39/ there was discussion regarding the freedom of action of the Council in relation to its rules of procedure.

43. In other cases, the Council has amended its rules without any discussion of this nature. At its fourth session, the Council unanimously adopted 40/ a rule on estimates of expenditure to implement regulation 25 annexed to General Assembly resolution 80 (I) on the provisional financial regulations of the United Nations. In that regulation, the General Assembly specified that no resolution involving expenditure from United Nations funds should be approved by a Council unless the Council had before it a report from the Secretary-General on the financial implications of the proposals, together with an estimate of the costs involved in the specific proposal. At the seventh session of the Council the rule of procedure was amended 41/ to conform to the revised financial regulations which the General Assembly had adopted at its second session, and was revised 42/ again at the fourteenth session of the Council to take account of General Assembly resolutions 413 (V) and 533 (VI) relating to co-ordination between the United Nations and the specialized agencies.

44. On one occasion, the Council amended its rules of procedure as a direct consequence of a resolution of the General Assembly which did not deal with financial questions. By resolutions 44 B and C (I), the Assembly had recommended that the Council grant to non-governmental organizations in category A the right to submit questions for insertion in the provisional agenda of the Council. Accordingly, the Council, at its fourth session, amended the rules concerning its agenda 43/ to include a provision regarding the proposal of items by non-governmental organizations.

45. Resolutions of the General Assembly have also led the Council indirectly to amend its rules of procedure. As a consequence of General Assembly resolution 310 (IV) on the problem of proliferation and overlapping of the programmes of the United Nations and the specialized agencies, the Council adopted resolutions 324 B (XI) and 402 B, III (XIII) on co-ordination between the United Nations and the specialized agencies and amended the rules of procedure at a subsequent session by adding 44/ two new rules (rules 80 and 81) regarding the consultations to be held by the Secretary-General with the specialized agencies when proposals before the Council related to matters of direct concern to the specialized agencies.

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

1. Sessions

46. Article 72 (2) provides that the Council shall meet "as required in accordance with its rules", and that these rules shall "include provision for the convening of meetings on the request of a majority of its members".

39/ See paras. 46-70 and 135-141 below.
40/ E S C (IV), 52nd mtg., pp. 6-8.
41/ E S C (VII), Resolutions, pp. 77 and 78, E/1068. It is to be noted that further provisions regarding the implementation of regulation 38 of General Assembly resolutions 163 (II) and 125 (II), paragraph 3, were adopted in Council resolution 175 (VII) entitled "Financial implications of the decisions of the Economic and Social Council".
42/ E S C resolution 456 B (XIV).
43/ E S C resolution 57 (IV), footnote 2.
44/ E S C resolution 456 A (XIV).
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47. The implementation of these two provisions is governed by rules 1 to 3 of the rules of procedure of the Council. The original rules on the subject were amended at the eighth and fourteenth sessions. The provisions of resolution 557 (XVIII), which related to the sessions of the Council affected the present rules of the Council, and the Secretary-General was requested to present, at the nineteenth session of the Council such draft revised rules as might be required in order to bring them into conformity with the provisions of this resolution.

a. REGULAR SESSIONS

48. The debates in the Council regarding the number of sessions required each year have centred on the question of the organization of its annual programme of work, and of its work at each session.

49. Under its original rules of procedure, the Council was to "hold at least three sessions a year". At the third session of the Council, it was proposed that four sessions a year should be held on the grounds that it was desirable to reduce the number of agenda items and the amount of documentation for each session. 45/ No decision was taken on the proposal and, at its fourth session, the Council decided that two sessions were sufficient in 1947. Two sessions were similarly held in 1948, the Council having provided, however, for a possible third session.

50. At its eighth session, the Council revised its rules of procedure and considered the question of the number of sessions which it required. 46/ Proposals 47/ were made for holding only one session a year of not more than two months, or for holding "normally", or "at least" two sessions a year. It was also suggested that the Council should consider the possibility of holding continuing sessions with a few series of meetings attended by high officials of Governments, or that the Council should hold two regular sessions, and that an interim committee should meet between sessions. The Council adopted 48/ a revised rule 1 providing for "at least two regular sessions a year".

51. This pattern of two sessions a year was adhered to until, at its thirteenth session, the Council reviewed its organization on the basis of the recommendations 49/ of its Ad Hoc Committee on the organization and the operation of the Council and its commissions. The Ad Hoc Committee had considered that the system of two intensive multi-purpose sessions was inadequate and recommended three regular and more specialized sessions. This recommendation was opposed by various members of the Council, either on the ground that it was artificial to separate the consideration of economic and social matters, or because they felt that only two sessions a year were sufficient for the Council to carry out its task. 50/
52. By resolution 41\textsuperscript{4} (XIII), the Council decided, for a trial period of three years, to hold two regular annual sessions, one in the spring and one in the summer, and to resume the second session during, or shortly after, the regular session of the General Assembly for a brief series of meetings, mainly for the purpose of considering its programme of work for the following year.

53. In view of the prolongation of the sixth regular session of the General Assembly, the Council held only one session in 1952, but the pattern of sessions established under resolution 41\textsuperscript{4} (XIII) was followed in 1953 and 1954, and the Council, at its fourteenth session, amended 51\textsuperscript{1} rule 1 to read: "The Council shall normally hold two regular sessions a year".

54. At the end of this trial period of three years, the Council reviewed its organization and decided, 52\textsuperscript{2} at its eighteenth session, that it would resume its first regular session during the third week of May for approximately three weeks 53\textsuperscript{3} and that the second session was to begin in the second week of July, last no longer than four weeks, and be resumed during or shortly after the General Assembly for a brief series of meetings. This new pattern of sessions resulted from the desire of the Council to concentrate its discussions and activities on major and pressing problems, to allow adequate time for the preparation of documentation, to distribute the work more evenly over the year, and to facilitate the attendance of high-level representatives and experts of member States. At the nineteenth session, the Council reverted to the pattern of two regular sessions, only the second of which was to be resumed.

b. SPECIAL SESSIONS

55. Article 72 (2) specifies that provision is to be made in the rules of procedure of the Council for the convening of meetings on the request of a majority of its members.

56. The original rules of procedure of the Council provided provision for the convening of sessions at the request of a majority of the members, the General Assembly or the Security Council, acting in pursuance of Article 41. 54\textsuperscript{4} They also provided that sessions could be convened if the President agreed to a request by the Security Council, the Trusteeship Council, any Member of the United Nations or a specialized agency. If the President did not consent to the request, the session could be held, nonetheless, if the request received the explicit concurrence of a majority of the members of the Council.

51\textsuperscript{1} E S C resolution 456 (XIV), annex.
52\textsuperscript{2} E S C resolution 557 B, II (XVIII).
53\textsuperscript{3} Resolution 557 B (XVIII) was amended by resolution 573 (XIX) when the Council decided that:

\(\text{a) The Council shall hold two regular sessions each year;}\)
\(\text{b) The first regular session shall begin on a date as near to the first Tuesday in April as is administratively practicable;}\)
\(\text{c) The second regular session shall be held as late as is administratively practicable before the opening of the regular session of the General Assembly and shall be adjourned at least six weeks before it; it shall be resumed during or shortly after the General Assembly for a brief series of meetings;}\).
54\textsuperscript{4} The reference to Article 41 was deleted at the eighth session of the Council (E S C resolution 217 (VIII)).
57. At its eighth session, the Council adopted the present rule under which special sessions shall be held by decision of the Council or at the request of a majority of the members of the Council, the General Assembly or the Security Council. When the request is presented by the Trusteeship Council, any Member of the United Nations or a specialized agency, the agreement of the President and the two Vice-Presidents is required. If no such agreement is obtained within four days of the receipt of the request, the Council is convened only after the request has received the explicit concurrence of a majority of its members.

58. Under rule 5, the President of the Council, with the concurrence of the Vice-Presidents, may also call a special session of the Council and fix the date thereof.

c. DATE OF SESSIONS

59. The changes introduced by the Council in the number of its sessions have affected rule 2 of its rules of procedure concerning the date of opening of the sessions.

60. While the original rule stated that the sessions should be held "at a date fixed by the Council at a previous session", this rule was amended at the fourteenth session of the Council to conform to the provisions of resolution 414 (XIII), by which approximate dates for the opening of each session were set. By resolution 578 (XIX), the Council decided that the first regular session should begin on a date as near to the first Tuesday in April as was administratively practicable, and the second session be held as late as administratively practicable before the opening of the regular session of the General Assembly.

61. As regards changes in the opening dates of sessions, a provision, similar to that contained in the rules of procedure of the Trusteeship Council, was adopted at the eighth session of the Council; under this provision a change in the opening date of a regular session would require the explicit concurrence of a majority of the members of the Council.

62. Provision was made in rule 7 to notify the Members of the United Nations, the President of the Security Council, the President of the Trusteeship Council, the specialized agencies and the non-governmental organizations in consultative status with the Council of the opening date of each session of the Council. This notification was to be sent at least six weeks before a regular session, a shorter period being provided in the case of special sessions.

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55/ E S C resolution 217 (VIII).
26/ For texts of relevant statements in the Committee on Procedure regarding this rule, see E/AC.28/3R.12, pp. 3-6, and E/AC.28/3R.25, pp. 2 and 3.
27/ E S C resolution 456 (XIV).
28/ E S C resolution 217 (VIII). Draft rule proposed by the representative of the Legal Department of the Secretariat (E/AC.28/3R.24, pp. 5 and 6) and adopted unanimously at the 272nd meeting of the Council.
53/ E S C (X), Suppl. No. 1 (E/1661), pp. 33 and 34, decision of 6 March 1950.
59/ The period of twenty-one days provided for in the original rule was extended to six weeks under E S C resolution 217 (VIII) to conform with that required for the communication of the provisional agenda.
61/ The period is at least twelve days in the case of a special session. This period of notice may be reduced to not less than eight days when the special session is called at the request of the Security Council.
Rule 6 provides that each session of the Council "shall be held at United Nations Headquarters unless, in pursuance of a previous decision of the Council or at the request of a majority of its members, another place is designated for the whole or part of the session". This rule is to be read in conjunction with resolution 694 (VII), by which the General Assembly established, commencing on 1 January 1954, a four-year pattern of conferences whereby bodies based at Headquarters would meet in New York, except that "The regular summer session of the Economic and Social Council would be held each year in Geneva".

Prior to the adoption of this resolution, the Council had decided to hold three sessions in Geneva 63/ and one session in Santiago, Chile. 64/ These decisions had given rise to discussions both in the Council and in the General Assembly and, in particular, in the Fifth Committee, since they involved additional budgetary expenditures.

In the Council, representatives who supported the holding of sessions in Geneva maintained that the interest of the European public in the activities of the Council would thereby be increased, and that experience had proved that the working conditions in Geneva were beneficial to the work of the Council. Other representatives observed that the Council should meet in other parts of the world as well as in Geneva, in the interest of universality. Representatives who opposed the holding of sessions away from Headquarters pointed to the additional expenditure involved, and considered, moreover, that frequent movement of delegations and of the secretariat of the Council from one part of the world to another seriously impaired the efficiency of the operations of the Council.

In the Fifth Committee of the General Assembly, reference was made to the power of the Council under Article 72 to adopt its rules of procedure and to that of the General Assembly under Article 17, to decide on budgetary matters. For example, at the fourth session of the General Assembly, after the Fifth Committee had failed to approve 66/ the financial provisions involved in a decision by the Council to hold its eleventh session in Geneva, it was pointed out 67/ that, under Article 72, the Council could adopt its own rules of procedure, and that it had adopted a rule under which it might decide to meet away from Headquarters. Nevertheless, since the Council had not been granted budgetary or financial independence, it was for the
General Assembly to vote the appropriations required for the proper functioning of the Council. It was contended, therefore, that it might be preferable for the General Assembly to recommend to the Council that it revise its decision, but to make the necessary budgetary provision should the Council maintain its decision to meet in Geneva. Opposition was expressed, on financial grounds, to any modification of the decision of the Fifth Committee. 68/

67. At the same session, the General Assembly adopted a resolution relating to unforeseen and extraordinary expenses, by which it made financial provisions 69/ for the Council to hold its eleventh session in Geneva, if it should confirm its previous decision on the matter. The Council confirmed 70/ that decision at its tenth session.

68. Similar discussions arose at the seventh session of the General Assembly during the consideration by the Fifth Committee of the financial implications of holding the sixteenth session of the Council in Geneva. It was contended, in particular, that the Committee should agree to the expenses involved, since otherwise the budgetary control exercised over the Council by the General Assembly would restrict the liberty of the Council in applying its own rules of procedure. It was also observed 71/ that a committee of the General Assembly could not either approve or disapprove a decision of the Council; only the General Assembly itself could do so, and its committees should not encroach upon the jurisdiction of the Council. Still another contention was that the decisions of the Council were not binding on the General Assembly, which was the superior body as regards budgetary questions, and that the Assembly did, in fact, exercise budgetary control over the Council.

69. Both the Fifth Committee and the General Assembly approved the additional appropriations required to hold the sixteenth session of the Council in Geneva.

70. Also at the seventh session of the General Assembly, discussions in the Special Committee on Programme of Conferences revealed a consensus in favour of holding some of the sessions of the Council in Geneva, different points of view being expressed regarding the frequency of such sessions. 72/ By resolution 694 (VII), the Assembly decided that the regular summer sessions of the Council were to be held each year in Geneva.

2. Agenda of the Council

71. Rules 9 to 17, relating to the agenda of the Council, deal chiefly with the following questions: (a) the authorities which may propose items for inclusion in the provisional agenda of the Council; (b) the drawing up and adoption of the agenda; and (c) the organization of sessions of the Council.
a. AUTHORITIES WHICH MAY PROPOSE ITEMS FOR INCLUSION IN THE AGENDA

72. Rule 10 provides that the provisional agenda, drawn up and submitted by the Secretary-General at each regular session of the Council, is to include all items proposed by the Council itself, the General Assembly, the Security Council, the Trusteeship Council, Members of the United Nations, the Secretary-General and the specialized agencies, as well as those items proposed by non-governmental organizations in category A which the Council Committee on Non-Governmental Organizations has recommended for inclusion.

73. The clause concerning non-governmental organizations was added to the rules of the Council at its fourth session. 72/

74. Discussion regarding this rule has arisen principally in connexion with the provision regarding items proposed by non-governmental organizations, under which any decision of the Council Committee on Non-Governmental Organizations not to grant a request submitted by a non-governmental organization that an item be placed on the provisional agenda of the Council should be considered as final. This question is dealt with in this Repertory under Article 71.

b. DRAWING UP AND ADOPTION OF AGENDA

75. At the resumed part of its second regular session of each year, held during or shortly after the session of the General Assembly, the Council decides on the "allocation of items to sessions of the Council during the forthcoming year on the basis of a draft programme submitted by the Secretary-General" 74/ and, under rule 11, draws up and adopts the provisional agenda for its first regular session of the following year.

76. Also under rule 11, the provisional agenda of the second regular session of each year is drawn up and adopted at the end of the first regular session.

77. Under rule 12, the provisional agenda is communicated by the Secretary-General to the Members of the United Nations, the President of the Security Council, the President of the Trusteeship Council, the specialized agencies and the non-governmental organizations in consultative status with the Council.

78. Under rule 13, supplementary items may be proposed for inclusion in this provisional agenda. Except in the case of requests for inclusion of such items by the General Assembly, the Security Council or the Trusteeship Council, supporting statements are required regarding the urgency of the consideration of an item and the reasons which have precluded its earlier submission. The list of supplementary items and the supporting statements are communicated to the Council, together with such observations as the Secretary-General may wish to offer, including observations regarding the session at which the items might be taken up.

79. Under rule 14, the Council adopts its agenda at the beginning of each regular session on the basis of the provisional agenda and the supplementary list. It is

72/ E S C resolution 57 (IV). The original rule included the President of the Council and the Secretary-General among those authorized to submit agenda items. At the fourth session the President of the Council and the Secretary-General were deleted from the list. The provision regarding the Secretary-General was restored at the eighth session of the Council.

74/ E S C resolution 557 B, II (XVIII).
Paragraphs 80-82

Article 72

guided by the following provisions: (1) normally, it shall include in its agenda only items for which adequate documentation has been circulated six weeks before the beginning of the session, as set forth under Rule 14; 75/ (2) as laid down under resolution 557 B (XVIII), no item shall be considered more than once a year unless, in exceptional cases, the Council decides otherwise; (3) it may, under rule 15, refer items without preliminary debate for study and report at a subsequent session to a specialized agency, to one or more of its commissions, or to the Secretary-General; and (4) it may also, under that rule, refer an item to its proposer for further information and documentation. Rule 14 also specifies that the authorities which have requested the inclusion of an item are entitled to be heard by the Council, or by a committee appointed for the purpose, on the inclusion of the item in the agenda for the session.

80. During a session, the Council may, under rule 17, add, delete, defer, or amend items in its agenda, only urgent and important items being added; it may refer to a committee any request for inclusion of an item.

81. Prior to the establishment of this procedure for the drawing up and adoption of the agenda, the practice of the Council had been as set forth below. Until the fourth session, it had considered the provisional agenda prepared by the Secretary-General in consultation with the President at the beginning of each session. At the fourth session, it established 76/ an Agenda Committee composed of the President, the two Vice-Presidents and two other members of the Council, to meet between sessions of the Council and empowered to make recommendations at the first meeting of each session of the Council on the provisional agenda, including suggestions concerning the inclusion or deferment of agenda items and the order in which they should be considered. The Agenda Committee was also empowered to hear any of the authorities which had proposed the inclusion of items in the provisional agenda of the Council.

82. Difficulties in the functioning of the Agenda Committee arose in part as a result of its composition, for some of its members could not attend all its meetings, and others ceased to be members of the Council before the expiration of their term of office on the Committee. Provision was made at the seventh session of the Council to replace the President, if absent, by a Vice-President, 77/ and at the eighth session, for the election of alternates. 78/ This latter decision was taken after comprehensive discussions at the seventh and eighth sessions of the Council in the Committee on Procedure and in the Council itself. During those discussions it was pointed out, in particular, that the Agenda Committee could not function normally, due to its composition, and that its recommendations did not shorten the debates in the Council on the agenda. 79/ However, a proposal 80/ to increase the membership of the Agenda

75/ Under resolution 557 (XVIII), the agenda adopted by the Council at the beginning of a regular session is to include the items which will be considered during the first part of the session and those which will be considered when the session is resumed; since the agenda for the resumed session is adopted more than six weeks before the beginning of the resumed session, the six-week rule cannot apply.

76/ E S C resolution 57 (IV), footnote 2, rules 13 and 14. The functions of the Agenda Committee were defined in rule 14 of the rules of procedure of the Council adopted under resolution 99 (V).

77/ E S C (VII), Resolutions, p. 77, E/1063.

78/ E S C resolution 217 (VIII), rule 14.

79/ For texts of relevant statements, see E S C (VIII), 273rd mtg., Chile, pp. 580 and 581; Lebanon, pp. 579 and 580.

80/ E S C (VII), Annex, p. 324.
Committee to nine members and a suggestion 81/ to make it a committee of the whole were not accepted by the Council.

83. The terms of reference of the Agenda Committee were widened at the eighth session of the Council. Thus, under resolution 217 (VIII), the Agenda Committee was empowered to recommend to the Council the reference of items to a committee of the Council, a specialized agency, one or more commissions, the Secretary-General, or the authority proposing an item, without preliminary debate in the Council itself. During the discussion of the resolution in its draft stage, the inclusion of such a provision had, however, been criticized 82/ by some representatives on the ground that it might restrict the right of Members of the United Nations to present their views on a proposed item before the Council itself.

84. A proposal to make the Agenda Committee a committee of the whole was introduced in the Co-ordination Committee of the Council when the Council reviewed its organization at the thirteenth session. The proposed committee of the whole would have met before the regular summer session of the Council to prepare the provisional agenda of that session. Under that proposal the Council itself would have held a series of meetings, in January of each year, to draw up its annual programme of work and to adopt the provisional agenda of its first regular session of the year. Finally, under resolution 414 A I (XIII), the Council decided that it would resume its second regular session each year, during or shortly after the session of the General Assembly, to consider its annual programme of work for the forthcoming year and to adopt the provisional agenda of its first regular session of the ensuing year; the provisional agenda of the second regular session of the year would be considered and adopted at the first regular session by the Council itself.

85. Under resolution 557 B (XVIII), this procedure for preparing the provisional agenda was maintained.

c. ORGANIZATION OF REGULAR SESSIONS

86. The organization of the regular sessions of the Council, which is governed by rules 9, 11, 14 and 15, and by the provisions of resolution 557 B (XVIII) on the organization and operation of the Council, covers the grouping of items in the agenda of a session, the fixing of a date for the consideration of each group of items, and the allocation of items between the plenary Council and its committees.

87. At each regular session, the Council, under rule 11, is to consider the grouping of related items which appear on the provisional agenda of the following session, and to fix approximate dates at which the consideration of such groups of items shall begin. At the beginning of the session, the Council, under rule 15, allocates items between the plenary Council and the committees provided for in rule 26, which stipulates that at each session, the Council may set up such committees at it deems necessary and refer to them any questions on its agenda for study and report. The Council is also guided in this matter by the provisions of resolution 414 B (XIII), as reproduced under resolution 557 B (XVIII), by which the Council stipulated that major items were normally to be dealt with by the plenary Council, on the understanding

82/ E S C (VIII), Annex, pp. 148-150. See also E S C (VIII), 282nd mtg., p. 664, statement by Poland.
that it might refer any item or particular aspect of an item to one of its committees for study, drafting or report. 83/

88. The above-mentioned procedure has undergone slight changes in conformity with the terms of resolution 557 B II (XVIII), by which the Council stipulated the types of items which were to be taken up by the Council at its first and second regular sessions of a year. Under the terms of this resolution, the Council was to allocate items between its regular sessions of each year, and in so doing, to consider the grouping of related items at the time it established its annual programme of work for that year. 84/ The fixing of the date for opening discussions on each question and the allocation of items between the plenary Council and committees continue to be governed by the provisions of rules 11 and 15 respectively.

89. The provisional rules of procedure adopted by the Council contained no specific provision regarding the organization of the sessions except for the setting up of committees to which the Council could refer items for study and report. 85/ At the fourth session, the Agenda Committee was set up and empowered to make recommendations to the Council regarding the order in which items might be considered. At the eighth session, the Council decided that the recommendations of the Committee should include recommendations for the referral of items to a committee of the Council without preliminary debate in the Council.

90. The organization of the sessions of the Council was discussed in detail at the thirteenth session in connexion with proposals to increase the role of the committees of the whole of the Council, and to limit discussion in plenary on items which had already been discussed by a committee of the whole.

91. The Ad Hoc Committee on the Organization and Operation of the Council and its Commissions 86/ reported to the Council at the thirteenth session that it had studied the question of a more extensive use of the Economic, Social or other functional committees during the sessions, and the holding of meetings of these committees between sessions. The report stated that a majority of the members of the Committee considered that such an arrangement would result in duplication of discussion and too great a dispersal in time between Council and committee sessions. Much support was expressed for the view that the Council should do its work in plenary, and that discussion of an item both in committee and plenary should be limited to instances in which the character of a question rendered it necessary, or in which pressure of business compelled the Council to sit in several committees of the whole. 87/

83/ The practice of the Council has been to request the Secretary-General to prepare, in consultation with delegations, a draft arrangement of business for the following session. This arrangement of business provides for the grouping of items, the fixing of dates for their consideration, and the allocation of items between the plenary Council and committees. At the beginning of each session the Council considers the arrangement of business prepared by the Secretary-General, and decides on the allocation of items to the committees set up under rule 26.

84/ E S C resolution 557 B II (XVIII), para. 2.

85/ Rule 21 of the rules of procedure of the Economic and Social Council adopted at the first session (E S C (I), p. 140, annex 3 a). It was also stated in rule 13 that the Council could revise its agenda and "accord priority to certain items".

86/ Established under E S C resolution 295 B (XI).

87/ E S C (XIII), Annexes, a.i. 36, p. 2, E/1995, para. 23. This recommendation of the Ad Hoc Committee was accompanied by a proposal to hold three specialized sessions a year to deal with economic, social and human rights matters respectively.
92. When the Co-ordination Committee of the Council considered the report, there was little support for the suggestion that committees meet between sessions, but the relationship between plenary and committee meetings was considered at some length. It was proposed that items directly referred to a committee should not be discussed further in plenary, they should come before the Council only for a vote, unless, by a procedural motion, the Council decided otherwise. 88/

93. Some representatives opposed any procedure designed to limit the possibility of re-opening the discussion in plenary on the grounds (1) that committees were subsidiary bodies of the Council to which the Council could not, in the final analysis, delegate its own functions and powers; 89/ (2) that it would reduce the role of the Council to that of a voting machine; 90/ or (3) that any measures which would prevent adequate study and discussion of problems were hardly likely to lead to their solution. 91/

94. Other representatives contended that the danger of duplicating discussion by no means justified such restriction, which violated the fundamental rights of Governments to express their views, 92/ and that it was not reasonable to model the organization of the Council on that of the General Assembly. Each delegation had one representative only in the Council, while in the Assembly it had five representatives, and the debates could therefore take place chiefly in the Main Committees. 93/

95. Subsequently, a proposal for the adoption of a rule similar to rule 67 of the rules of procedure of the General Assembly was submitted. Under the proposed rule, when the Council had received the report of a committee on an item, discussions on the item could be re-opened in plenary only at the request of at least one third of the members of the Council, including the member making the request. 94/

96. The legal opinion of the Secretariat, which had been sought in the matter, was that such a rule could be envisaged if the requirement of the consent of one third of the members related only to the request, and did not concern the decision by a vote on that request, which latter decision, in accordance with Article 67, had to be taken by a majority of the members present and voting. Accordingly, the Council could decide by a majority vote that a member or a certain portion of its members should enjoy the right to request that a discussion be re-opened in plenary. 95/

97. Representatives who opposed the proposal argued (1) that it was unnecessary since, under the existing rule on closure of debate, a member of the Council could propose that a debate be closed, (2) that the organization of the General Assembly and that of the Council were very different and (3) that the delay involved in duplicating discussion was not too high a price to pay for the democratic right of freedom of expression. 96/

98. Representatives who supported the proposal considered that it would permit the avoidance of repetitive discussions and would therefore be of practical value. They

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89/ E/AC.24/SR.97, p. 6.
90/ E/AC.24/SR.96, p. 17.
91/ Ibid.
92/ E/AC.24/SR.97, p. 16.
94/ See suggestion by the Philippines, E/AC.24/SR.98, p. 6. See also E/AC.24/L.66, draft resolution submitted by Canada, Sweden and the United Kingdom.
96/ For texts of relevant statements, see E/AC.24/SR.98, Chile, p. 11; Uruguay, p. 22; E/AC.24/SR.99, Chile, p. 14; Pakistan, p. 5; Uruguay, p. 22.
did not consider that it interfered with the principle of freedom of speech, but contended that it would only foretell obstructionist tactics. 27/ The draft rule 28/ was rejected 29/ in the Co-ordination Committee by 6 votes to 5, with 1 abstention.

99. The debate on this question was re-opened in plenary Council by the introduction of a draft resolution similar to that which had been rejected by the Co-ordination Committee, and was opposed on the same grounds. No vote was, however, taken since the sponsors of the draft accepted a proposal by the President, later submitted by a representative. 100/

100. Under this latter proposal, when items considered by a committee of the whole came before the plenary session, the President would have proposed limitation of debate, specifying the time allowed to each speaker and the number of times each speaker could intervene. The proposal of the President would not have been subject to amendment, but would have been treated as a motion of closure.

101. Representatives who had opposed the earlier proposals on the subject also criticized the new text on the grounds that it restricted freedom of speech, would affect the impartial discharge of the President's office, or that it would introduce a subjective element into the rules of procedure of the Council, and would be likely to give rise to considerable discussion and argument. 101/

102. The Council rejected 102/ the proposal by 9 votes to 6, with 1 abstention.

3. Method of selecting the President

103. Article 72 (1) specifies that the Council shall adopt its own rules of procedure, "including the method of selecting its President".

104. The provisional rules of procedure recommended by the Preparatory Commission included a provision under which the Council was to elect its President, first Vice-President and second Vice-President "from among the representatives of its members". 105/ Another provisional rule regarding voting in the Council provided that decisions relating to individuals were to be taken by secret ballot. 104/ These provisions are still in force, with the addition, however, of the proviso that the elections shall be held by the Council "Each year, at the commencement of its first meeting". 105/
105. In the great majority of cases only one nomination has been put forward, and the officers have been declared elected unanimously without a vote being taken. 106/ In making nominations, members of the Council have sometimes stressed the importance of a unanimous choice and the need for geographical distribution of the offices. 107/ No representatives of a State represented on the Council, which is a permanent member of the Security Council, has been nominated as President or Vice-President.

106. While no question has arisen in connexion with the method of selecting the President, it has occurred under the rules of the Council regarding the term of office of its officers that meetings of the Council have been presided over by persons other than the President or Vice-Presidents.

107. The provisional rules of procedure of the Council provided that the President and Vice-Presidents should hold office until their successors were elected, and that they were eligible for re-election. 108/ Provision was also made for the replacement of the President by the First Vice-President should he be absent, incapacitated or cease to be a representative of a member of the Council. 109/ These provisions remain in force, but the Council, at its eighth session, decided 110/ that none of the officers might hold office after their Governments had ceased to be members of the Council.

108. A situation for which no provision had been made in the rules arose at the tenth session, when the States whose representatives had fulfilled the functions of President and first and second Vice-Presidents in the preceding year were no longer members of the Council. Since the rules made no provision for a member of the Council to take the chair until the election of the new President, the President of the previous year agreed to do so in his capacity as former President. 111/ There have been other instances in which contingencies relating to the election, duties and term of office of the President and the Vice-Presidents have arisen for which no provision was made in the rules of procedure of the Council. Some examples of such instances are set forth below.

106/ A secret ballot was held at the twelfth session when two nominations were put forward for the office of President, votes being cast for three individuals (E S C (XII), 437th mtg., paras. 34-39). A secret ballot was also held at the fifteenth session for the election of the second Vice-President at the request of a member of the Council, although one nomination only had been made for the office; votes were cast for four individuals, of whom one obtained the required majority (E S C (XV), 672nd mtg., paras. 27-29).

107/ For texts of relevant statements, see E S C (VI), 122nd mtg., Byelorussian SSR, p. 2; China and France, p. 4; Poland and USSR, pp. 2 and 3; E S C (XII), 437th mtg., Poland, para. 44; USSR, para. 36.


109/ Ibid., provisional rules 17-19.

110/ Rule 21. When this amendment was considered by the Committee on Procedure, a member objected to it on the grounds that officers selected as individuals should continue to hold office as such until their successors were elected (E/AC.28/SR.16, p. 2, statement by the United Kingdom).

111/ E S C (X), 344th mtg., paras. 1 and 2.
(1) At the close of its third session, the Council unanimously elected the representative of Colombia to preside over an ad hoc meeting which the Council decided to hold, after the close of the session, in order to confirm members of functional commissions.

(2) In the absence of the outgoing officers, the seventeenth session of the Council was opened by the representative of the Secretary-General.

(3) At the resumed eleventh session both Vice-Présidents were absent. The President invited the members, as an exceptional measure, to appoint a Vice-President ad interim to preside over the meetings whenever the President was unable to attend. A representative observed that the rules of procedure made no provision for such an election. The Council agreed to the suggestion of another representative that it adopt the procedure generally followed by the General Assembly, namely, whenever a Vice-President was unable to preside over a meeting, he should be replaced by the second member of his delegation.

(4) When the President has been obliged to absent himself from part of a meeting, he has, in the absence of a Vice-President, asked the representative of another member of the Council to preside.

110. Another practice of the Council which is not provided for in the rules of procedure is the replacement of a Vice-President in the course of the year. For example, during the fifth session, the second Vice-President ceased to be the representative of a member of the Council. Towards the close of the session, the Council elected another second Vice-President in order to complete the membership of the Agenda Committee, which was composed of the President of the Council, the two Vice-Présidents and the representatives of two members of the Council. An election was also held in the course of the thirteenth session to elect a second Vice-President.

4. Powers of the President and their limitations

111. Rule 48, which defines the powers of the President with regard to the conduct of the business of the Council, has been in force since the eighth session, when the rules governing conduct of business and voting originally adopted by the Council were recast to bring them into conformity with the corresponding rules of the General Assembly.

112. Rule 48 reads as follows:

"In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each meeting of the..."
Council, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have control of the proceedings of the Council and over the maintenance of order at its meetings. He shall rule on points of order and shall have in particular the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting.

"Debate shall be confined to the question before the Council, and the President may call a speaker to order if his remarks are not relevant to the subject under discussion".

113. Some of the powers mentioned in rule 48 are further defined in rules 49 to 53 which deal respectively with points of order (rule 49), adjournment of debate (rule 50), time limit on speeches (rule 51), closing of the list of speakers (rule 52) and closure of debate (rule 53).

114. The rules defining the powers of the President have not given rise to any major discussion in the Council, in connexion with either their adoption or their application. In connexion with the revision of these rules, at the eighth session, the discussion was primarily concerned with the question whether the Council should adopt new provisions in its rules on limitation of debate rather than with the power to be given to the President to apply these provisions.

115. Thus, an amendment to rule 48 designed to strengthen the authority of the President to control the proceedings and to call a speaker to order if his remarks were not relevant to the discussion was proposed by the Committee on Procedure and was later adopted by the Council without opposing vote, although it had been contended in the Committee that the provision was not necessary and restricted the democratic principle of freedom of speech, which was basic to the United Nations. 118/

116. At the eighth session, there was discussion 119/ in connexion with a proposed addition to rule 49 designed to enable a representative to raise a point of order "at any time". The proposal, having been rejected by the Committee on Procedure, was re-introduced in the Council. The sponsor of the proposal wished it to be made clear that a representative had the right to interrupt a speaker in order to determine, through a ruling of the President, whether a speech was or was not in order. Such a provision, it was argued, would assist the President in the discharge of his duty under rule 48 and would forestall further abuse of the principle of freedom of speech. Moreover, since the ruling of the President could be challenged, the final decision would rest with the Council itself. Representatives opposing the proposal held that it would mean in practice that a majority would have the power to curtail, at the very outset, a speech by a representative who had the support of a minority of the Council and that it was inconsistent with the status of the Council as an international organ composed of representatives of sovereign States.

117. The Council adopted 120/ the proposal amending rule 49 by 8 votes to 3, with 7 abstentions, and the rule as a whole, as amended, was adopted by 13 votes to 3, with 1 abstention.

119/ For texts of relevant statements, see E S C (VIII), 276th mtg., Belgium, pp. 604 and 605; Poland, p. 603; USSR, p. 605; United Kingdom, p. 604; United States, pp. 603 and 604.
120/ E S C (VIII), 276th mtg., p. 606.
118. With regard to the question of limitation of the powers of the President, the main purpose of the Council in revising the rules at its eighth session was to bring them into line with those of the General Assembly which defined the powers of the President of that body more precisely.

119. Rule 49, which relates to points of order, provides that a representative may appeal against the ruling of the President, that the appeal shall immediately be put to the vote and that the ruling of the President shall stand unless overruled by a majority of the members present and voting.

120. Under certain other rules, the action of the President is made subject to the consent of the Council. For example, under rule 52, the President may, with the consent of the Council, declare the list of speakers closed. Under some rules, the action of the President is specifically limited by the provision that the Council may decide otherwise. Thus, under rule 27, the committees of the Council are nominated by the President, subject to approval of the Council, unless the Council decides otherwise. In other cases, the decision of the President is subject to "the concurrence of the Vice-Presidents", as, for example, under rule 5 on the calling of special sessions.

121. Finally, under some rules no specific recourse is provided for an action of the President taken in accordance with the rules. This is generally true of the rules which include provisions of an imperative nature. Thus, under rule 51, the President "shall" limit each intervention on procedural questions to a maximum of five minutes. Rules 52 and 63, which contain provisions of a permissive nature, do not specify that the action of the President is subject to the final decision of the Council. Thus, under rule 52, the President may accord the right of reply to any member if, "in his opinion", a speech delivered after he has declared the list of speakers closed makes it desirable. Under rule 63, the President may authorize brief explanations of votes, "if he deems it necessary", before the voting has commenced or after it has been completed.

122. All the powers conferred by the Council upon its President are, however, subject to the general limitation which stems from the principle that the Council is master of its rules of procedure and, in accordance with rule 87, may amend or suspend them. Moreover, it has been the practice that if a ruling by the President is challenged by a member, the ruling is put to a vote.

5. Limitation of debate

123. A number of discussions of amendments to the rules of procedure of the Council have centred or touched upon the question of limitation of debate. They have arisen from proposals to avoid re-opening debates in plenary on a question which has already been discussed by a committee of the whole of the Council (see paras. 90 to 102 above); similar discussions have also arisen in connexion with the powers to be conferred upon the Agenda Committee (see para. 84 above) and the power of the President to call speakers to order.

124. Until the eighth session, the relevant rules of procedure provided only that the Council might limit the time allowed to each speaker. At the eighth session, the Committee on Procedure proposed two additional provisions under which the Council might limit the number of times each member could speak on any question, and when a debate was limited and a member had spoken his allotted time, the President could call him to order without delay. A further amendment was introduced in plenary under which the President was to limit each intervention on procedural questions to a maximum of five
minutes. Objections to these amendments were raised on the grounds that the original rules had presented no difficulty in application, and that the proposed changes would merely serve to make the rules a tool of a majority in an attempt to silence a minority. 121/

125. The amended rule (present rule 51) was adopted 122/ by the Council by 14 votes to 3, with 1 abstention.

126. The other rules of procedure which touch upon the question of limitation of debate are (1) rule 48, which empowers the President to call a speaker to order if his remarks are not relevant to the subject under discussion; (2) rule 49, under which a representative may not, in raising a point of order, speak on the substance of the matter under discussion; (3) rule 50, which provides that one representative may speak in favour of a motion for adjournment and one against; (4) rule 52, which provides that the President, after closing the list of speakers, may accord the right of reply if, in his opinion, it is desirable; (5) rule 53, which provides that permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure; (6) rule 54, which provides that no discussion shall be permitted on motions for suspension of adjournment of the meeting; (7) rule 55, which provides that brief statements by members consisting solely of explanations of their votes may be permitted by the President, if he deems it necessary, before the voting has commenced or after the voting has been completed.

6. Official and working languages

127. The principal change made in the rules of procedure of the Council relating to languages 123/ after their adoption at the first session 124/ was the introduction of Spanish as a working language.

128. The original rules governing languages conformed closely to those adopted by the General Assembly under resolution 2 (I) and recommended by the General Assembly for adoption by other organs of the United Nations. They provided that Chinese, English, French, Russian and Spanish should be the official languages, and English and French the working languages of the Council. Additional rules dealt with interpretation from working, official and other languages, and the languages in which records, resolutions, recommendations and other formal decisions of the Council should be drawn up or made available.

129. At the fourteenth session of the Council, a proposal was submitted 125/ to amend the rules governing languages to include Spanish as a working language of the Council and of its functional commissions. At the same session, it was also proposed that the Council should adopt Russian 126/ and Chinese 127/ as working languages.

121/ ESC (VIII), 276th mtg., p. 606.
122/ Ibid.
123/ Rules 35 to 40.
124/ ESC (I), 12th mtg., pp. 98 and 99.
125/ ESC (XIV), 651st mtg., paras. 59-69.
126/ ESC (XIV), 651st mtg., paras. 2 and 3; see also footnote 2, paragraph 13, E/L.426.
127/ ESC (XIV), 651st mtg., para. 24.
130. In the course of the discussion on these proposals, the question of the competence of the Council in the matter was raised. Some representatives considered that it was for the General Assembly first to take a decision of principle in the matter, and that, while the Council was normally master of its rules of procedure, the General Assembly had a decisive voice on certain rules which involved the responsibilities of the General Assembly as the budgetary body of the United Nations and which had major political implications. They therefore proposed that the Council should submit the question of the adoption of Spanish, Russian and Chinese as working languages to the General Assembly for its consideration.

131. Other representatives contended that the question of the competence of the Council was covered by the provisions of Article 72 making the Council master of its own rules of procedure, and that the question of principle had been decided by the General Assembly when it adopted resolution 262 (III), which superseded resolution 2 (I) and by which Spanish had been made a working language of the General Assembly. They therefore proposed that the Council should itself decide to adopt Spanish as a working language and modify its rules of procedure accordingly, the General Assembly being concerned only with the financial aspect of the decision.

132. After further discussion, the Council decided to transmit to the General Assembly "with a favourable opinion" the question of adopting Spanish as a third working language of the Council and its functional commissions.

133. When the matter was considered by the Fifth Committee of the General Assembly, at its seventh session, the question of the competence of the Council to decide this matter of principle was again raised. In particular, it was stressed that a difference existed between Article 72 and other Articles in Chapter X defining the powers which the Council could exercise only under the authority of the General Assembly. No reservation was made in Article 72, which authorized the Council to adopt its own rules of procedure. It was therefore contended that the Fifth Committee should respect the independence of the decision of the Council and find the means to implement it.

134. In the course of the debate, a draft resolution was submitted recommending that the General Assembly should concur in the use of Spanish and Russian as working languages of the Council and its commissions. A number of representatives opposed the draft resolution on the grounds that the question, in so far as it concerned Russian, should come before the Assembly only upon referral by the Council. The proposal regarding the use of Russian was rejected. The Fifth Committee recommended to
the General Assembly and the General Assembly agreed to endorse the opinion of the Council that Spanish should be adopted as a working language of the Council and its functional commissions. At its fifteenth session, the Council amended its rules of procedure accordingly.

7. Nature of records

135. Rules 43 to 46 deal with the records of meetings and formal decisions of the Council, as well as the procedure to be followed for their production and distribution. In particular, rule 43 provides that summary records of public meetings of the Council, its committees and subsidiary bodies shall first be distributed in a provisional form to all members of the Council and other participants in the meetings. After the incorporation of corrections, they are to be distributed to the members of the Council, to other Members of the United Nations, and to the specialized agencies, and may be consulted by the public on publication. Rule 46 stipulates that the Secretariat shall keep sound records of the meetings of the Council and of its committees of the whole.

136. The original rules provided for the keeping of verbatim records of the meetings of the Council. This provision was suspended at the sixth session of the Council and deleted at the fourteenth session.

137. The Council discussed the nature of its records at its sixth session in connexion with the consideration of General Assembly resolution 166 (II) on appropriations for the financial year 1948. The General Assembly had not included in its appropriation for that year the necessary funds for the keeping of verbatim records of meetings of the Council, and the Fifth Committee had requested the Secretary-General to ascertain whether the Council was disposed, "in view of financial stringencies, to agree for the present to dispense with written verbatim records". The Fifth Committee had also endorsed the view that, in cases where only summary records were printed, verbatim records should be replaced by sound records.

138. In introducing the question in the Council, the President stated that the Council was entitled to act independently of the decision of the General Assembly on the matter, and that if it were to request verbatim records, the expenditure involved would have to be drawn from the Working Capital Fund. It was observed, however, that since the facilities for providing verbatim records had already been discontinued in pursuance of the decision of the General Assembly, no request by the Council for such records could be given immediate effect. After a brief discussion, the Council decided without opposition to suspend the provision of its rules requiring verbatim records.

139. At the same session, after a discussion regarding the desirability of improving the summary records and the financial implications of restoring verbatim records, the Council requested the General Assembly "to provide the Council with facilities for preparing and distributing verbatim records of its plenary meetings in the future", and further requested the Secretary-General to seek to improve the accuracy of the summary records.

135/ G A resolution 664 (VII).
136/ E S C resolution 481 (XV).
138/ E S C (VI), 122nd mtg., pp. 6-8; 125th mtg., pp. 22-24.
139/ E S C resolution 138 (VI). For texts of relevant statements, see E S C (VI), 164th mtg., pp. 362-366 and 166th mtg., pp. 378-387.

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The question was again raised at the seventh session of the Council. After recognizing the improvement in the summary records, the Council informed the General Assembly that it was able, in view of financial stringencies, to dispense for the present with written verbatim records of its meetings.

At the eighth session, the Council amended its rule regarding summary records by restricting the circulation of records until delegations had had an opportunity of correcting them, in order to avoid the issuance of separate corrigenda and to provide for the distribution of a single definitive text as soon as possible after the close of the session concerned.

8. Participation in the deliberations of the Council

a. Members and non-members of the United Nations

In accordance with Article 69, the Council has, under rules 75 and 76 of its rules of procedure, provided for the participation of Members of the United Nations in the deliberations of the Council and its committees, and has defined the scope of their participation. \(140/\)

The Council has, on occasion, invited representatives of States not Members of the United Nations to make statements before it, but has not established any rule regarding their participation.

b. Specialized agencies and intergovernmental organizations

Article 70 and the agreements concluded between the United Nations and the specialized agencies provide for the participation of the specialized agencies in the deliberations of the Council. Accordingly, in its rules of procedure, the Council has defined the scope of their participation. \(142/\) Under rule 78, the specialized agencies are entitled to be represented at the meetings of the Council and to submit proposals which may be put to the vote at the request of any member of the Council. \(143/\) Under rule 4, the specialized agencies may request the convening of a special session. \(144/\) Under rules 10 and 13 they may also request the inclusion of items and supplementary items \(145/\) in the provisional agenda of the regular sessions of the Council.

\(140/\) ESC resolution 176 (VII). For texts of relevant statements, see ESC (VII), 225th mtg., pp. 809-812.

\(141/\) See also in this Repertory under Article 69.

\(142/\) See also in this Repertory under Articles 57 and 60.

\(143/\) Under rule 45, the summary records of the meetings of the Council, and under rule 45, resolutions and other formal decisions of the Council are distributed to the specialized agencies.

\(144/\) Under rule 7, the specialized agencies are notified of the date of opening of each session of the Council and under rule 12 the provisional agenda is communicated to them.

\(145/\) In the case of a proposed supplementary item, the request must be accompanied by a supporting statement regarding the urgency of the consideration of the item and the reasons which precluded its submission sooner (see rule 13). Under rule 14 (2), a specialized agency which has requested the inclusion of an item in the provisional agenda or the supplementary list, is entitled to be heard by the Council or by a committee appointed by it for this purpose, on the inclusion of the item in the agenda of the session. The Council, under rule 15, may refer an item without preliminary debate in the Council to a specialized agency with the proviso that the specialized agency shall report at a subsequent session of the Council.
145. When a specialized agency proposes an item, the Secretary-General is required under rule 79 to carry out any necessary preliminary consultation with the agency before the item is included in the provisional agenda.

146. Further provisions regarding consultations between the Secretary-General and the specialized agencies in connexion with agenda items and proposals before the Council were added at the fourteenth session. Under rule 80, if a proposed item contains a proposal for new activities of direct concern to one or more specialized agencies, the Secretary-General, after consultation with the agencies concerned, reports to the Council on the means of achieving co-ordinated use of their respective resources. In the course of a session, the Secretary-General must also consult representatives of specialized agencies regarding proposals which are of direct concern to one or more of them, and the Council must satisfy itself that adequate consultations have taken place before deciding on the proposals. Finally, under rule 81, where items are included in the provisional agenda with a view to the adoption of an international convention, the Secretary-General must consult the specialized agencies on the aspects of the question which affect their activities, and bring their comments to the attention of the Council.

147. The rules of procedure of the Council do not mention the participation of inter-governmental organizations in the deliberations of the Council; however, under resolution 412 B (XIII), the Council invited to its sessions as observers international regional organizations accorded similar privileges by the General Assembly.

c. NON-GOVERNMENTAL ORGANIZATIONS

148. In accordance with Article 71, the Council has included in rules 82 to 86 provisions for consultation with non-governmental organizations. The nature and the scope of the participation of these organizations in the deliberations of the Council is dealt with in this Repertory under Article 71.

d. OTHER CASES OF PARTICIPATION IN THE DELIBERATIONS OF THE COUNCIL

149. The rules of procedure of the Council contain no provision for the participation in its deliberations of rapporteurs appointed by the Council, members of a subsidiary organ of the Council, officials of national Governments or international organizations not accredited to the Council. The Council, in each individual case, has taken a
decision regarding such participation which, in practice, has been limited to statements made before the Council. 149/

9. Rules of procedure of the commissions of the Council

150. Rule 74, as adopted by the Council at its eighth session, reads as follows:

"The rules of procedure of the commissions and their subsidiary bodies shall be drawn up by the Council, unless the Council decides otherwise."

151. The original rules of procedure, as adopted at the first session of the Council, provided that the rules of the Council would "apply to the proceedings of commissions and subsidiary bodies until they adopt their own rules of procedure".

152. At its fifth session, the Council amended 150/ this provision to stipulate that "The rules of procedure of the commissions, as approved by the Council and amended from time to time by the Council, shall apply to the proceedings of the commissions and the subsidiary bodies unless otherwise decided by the Council".

153. Rules of procedure have, in fact, been adopted by the Council for its functional commissions; in the case of its regional economic commissions, the Council has provided that they should adopt their own rules.

a. FUNCTIONAL COMMISSIONS

154. The functional commissions, which met before the fifth session of the Council, adopted provisionally, and with a few amendments, draft rules based on the rules of the Council. 151/ The Commission on Narcotic Drugs, however, at its first session, adopted rules based on those used by the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs, as well as on those of the Council.

155. At its fifth session, the Council adopted 152/ rules of procedure for its functional commissions and amended them at its tenth 153/ and fifteenth 154/ sessions. At its tenth session, the Council recast the rules of procedure of its functional commissions in the light of the amendments made to its own rules at the eighth session, and of the provisions of resolution 288 (X) on consultations with non-governmental organizations. The amendments introduced at the fifteenth session were intended to

149/ See also in this Repertory under Article 69.
150/ E S C resolution 99 (V), rule 66.
151/ See E/327 and Corr.1, note by the Secretary-General regarding the following commissions which met before the fourth session of the Council: the Economic and Employment Commission (now discontinued), the Transport and Communications Commission, the Statistical Commission, the Social Commission, the Commission on Human Rights, the Population Commission, the Commission on the Status of Women, and the Fiscal Commission (now discontinued), which met after the fourth session of the Council, adopted the draft rules contained in E/327. See paragraph 157 below with regard to the Commission on International Commodity Trade.
152/ E S C resolution 100 (V). The rules applied to the following commissions: the Economic and Employment Commission (now discontinued), the Transport and Communications Commission, the Statistical Commission, the Fiscal Commission (discontinued), the Social Commission, the Commission on Human Rights, the Commission on the Status of Women, the Population Commission and the Narcotics Commission.
153/ E S C resolution 289 (X), annex B.
154/ E S C resolution 481 (XV).
bring the rules of the functional commissions governing records into conformity with those of the Council, and to include Spanish as a third working language.

156. The present rules of procedure of the functional commissions reflect the provisions of corresponding rules of the Council. Thus, the wording of the rules on conduct of business and voting is largely the same as that of the rules of the Council. Other chapters of the rules of the functional commissions, such as those on sessions, agenda and representation, differ from those of the Council only in so far as they have been adopted to specific features of the functional commissions.

157. It will be noted that the Commission on International Commodity Trade, constituted by the Council at its eighteenth session, was requested 155/ to report to the Council at its twentieth session with its observations on the question of its rules of procedure.

158. Discussions in the Council on the adoption or amendment of the rules of procedure of the functional commissions have, in most cases, been concerned with the problem of adapting provisions of the rules of the Council to those of the commissions. Discussion has also centred on the applicability of the provisions of Article 67, which relates to voting in the Council, to the subsidiary bodies of the Council, 156/ and on the applicability of the provisions of Article 69, which relate to the participation of Members of the United Nations in the deliberations of the Council, to the functional commissions of the Council. 157/

b. REGIONAL COMMISSIONS

159. The terms of reference 158/ of the three regional economic commissions of the Council, the Economic Commission for Europe (ECE), the Economic Commission for Asia and the Far East (ECAFE), and the Economic Commission for Latin America (ECLA), provide that the Commission concerned "shall adopt its own rules of procedure, including the method of selecting its Chairman". The three commissions have accordingly adopted 159/ their rules of procedure, and have reported to the Council on any subsequent amendments to their rules. In certain instances, the adoption of such amendments or additions has been recommended to the Commissions by the Council. 160/

155/ E S C resolution 557 F (XVIII).
156/ See in this Repertory under Article 67, section D, entitled "Question of the application of Article 67 to voting rules in the subsidiary bodies of the Council".
157/ See in this Repertory under Article 69, section E, entitled "The extension of the provision of Article 69 to subsidiary organs of the Council", the second part of which deals with committees and functional commissions.
158/ E S C (XIII), Suppl. No. 1 (E/2152), appendix II, pp. 97-103.
159/ Rules of procedure were adopted by ECE at its first session in May 1947; ECAFE, which had drawn up its rules of procedure at its first session in June 1947, confirmed and adopted them at its second session in November 1947; and ECLA adopted its rules of procedure at its first session in June 1948.
160/ See also in this Repertory under Article 68, section G, entitled "The power of subsidiary organs of the Council to adopt rules of procedure".

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10. Suspension of the rules of procedure of the Council

160. Rule 89, which has been in force since the first session, reads as follows:

"A rule of procedure may be suspended by the Council provided that twenty-four hours' notice of the proposal for the suspension has been given. The notice may be waived if no member objects."

161. In practice, the Council has, on occasion, applied this rule by means of specific resolutions or decisions. Thus, at its seventeenth session, the Council, under resolution 530 (XVII), decided to suspend the provision of rule 82 relating to the time of election of the members of the Committee on Non-Governmental Organizations, and to amend it at its eighteenth session.
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