

ARTICLE 72

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ARTICLE 72

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. During the period under review, the Council made several amendments to its rules of procedure as well as to those of the functional commissions. In addition, the Council suggested certain amendments to the rules of procedure of its regional economic commissions and approved amendments made to its rules of procedure by one of its regional economic commissions.

I. GENERAL SURVEY

2. During the period under review, the Council amended its rules of procedure at the resumed forty-first session,¹ the forty-second session² and the forty-sixth session.³ At its resumed forty-seventh session,⁴ the Council suspended three of its rules of procedure pending consideration of their revision at its first regular session in 1971.

3. The rules of procedure of the functional commissions of the Council were amended by the Council at the forty-second,⁵ forty-fifth,⁶ forty-sixth⁷ and resumed forty-seventh sessions.⁸

¹E S C resolution 1193(XLI).

²E S C resolution 1231(XLII).

³E S C resolution 1392(XLVI).

⁴E S C (XLVII), 1647th mtg., para. 37.

⁵E S C resolution 1231(XLII).

⁶E S C (XLV), 1561st mtg.

⁷E S C resolution 1393(XLVI).

⁸E S C (XLVII), 1647th mtg., para. 37.

4. At its forty-fifth session, the Council recommended amendments to the rules of procedure of its regional economic commissions.⁹ At the forty-sixth session, it recommended further amendments of the rules of procedure of the regional economic commissions.¹⁰

5. At its resumed forty-third¹¹ and resumed forty-fifth¹² sessions, the Council held elections to replace officers representing States whose terms of office as members of the Council had expired.

⁹E S C resolutions 1375, 1376 and 1377(XLV).

¹⁰E S C resolution 1393(XLVI); see also this *Supplement*, under Article 68, para. 76.

¹¹E S C (XLIII), 1515th mtg.

¹²E S C (XLV), 1577th mtg.

II. ANALYTICAL SUMMARY OF PRACTICE

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

6. At its resumed forty-first session¹³ the Council, taking into consideration the enlargement of its membership, decided to increase the number of Vice-Presidents of the Council from two to three. It also accepted certain amendments regarding the functions of the Vice-Presidents and the replacement of the President or Vice-Presidents. The Council further specified that in the election of the President, regard should be had for the equitable geographical rotation of the office among the following regional groups: African States; Asian States; Latin American States; Socialist States of Eastern Europe; Western European and other States. The three Vice-Presidents should also be elected on the basis of equitable geographical distribution from the regional groups other than the one to which the President belonged. In accordance with these decisions, the Council, after suspending¹⁴ the application of rule 88 of its rules of procedure, amended rules 20, on election of the

¹³E S C (XLI), 1458th mtg., paras. 37-46.

¹⁴*Ibid.*, 1455th mtg., para. 38.

President and the Vice-Presidents, 22, on Acting President, and 23, on replacement of the President or Vice-Presidents. The amended texts of these rules were included in Council resolution 1193(XLI).

7. At its forty-second session¹⁵ the Council examined the amendments¹⁶ which the Secretary-General suggested should be made in certain of the rules of procedure of the Council, in conformity with resolution 1156(XLI), section III. On the basis of these suggestions, the Council, by a decision taken on 29 May 1967,¹⁷ amended rules 4, on special sessions, 19, on credentials, 26, on committees of the Council, and 27, on the membership of committees of the Council and their sub-committees, of its rules of procedure. The Secretary-General had recommended to the Council amendments to rules 2, 4, 19, 23, 26 and 27 concerning sessions, credentials of representatives, replacement of the President or Vice-Presidents and committees of the Council. Most of these proposed amendments were consequent upon previous decisions of the Council. Of the

¹⁵E S C (XLII), 1471st mtg., paras. 6-60.

¹⁶E/4313.

¹⁷E S C (XLII), 1471st mtg., para. 26.

amendments proposed by the Secretary-General the Council adopted that pertaining to rule 4, part of that pertaining to rule 19 and those pertaining to rules 26 and 27. As a consequence of the increase of the number of Vice-Presidents from two to three, the first sentence of rule 4 was amended to read "three Vice-Presidents" instead of "two Vice-Presidents". The text of the footnote to this rule was amended to the effect that the term "specialized agencies", when used in the rules of procedure, applied also to the International Atomic Energy Agency (IAEA). The amendment to rule 19 modified the last sentence of this rule so as to substitute for the words "prevent a member from changing its representatives" the words "prevent a member from changing its representative". This amendment reflected the fact that a member of the Council is represented by only one representative under Article 61, paragraph 4, of the Charter and rule 18 of the rules of procedure of the Council. Rule 26 was amended to specify that the committees set up by the Council may be committees of the whole or committees of limited membership and to mention, in paragraph 2, the cases in which committees of the Council are not empowered to elect their own officers. The amendment to rule 27 restricted nomination of the members of committees of the Council by the President of the Council to committees of limited membership.

8. At its forty-sixth session¹⁸ the Council established a Working Group of six of its members to examine the note by the Secretary-General¹⁹ relating to the amendments of the rules of procedure of the Council consequent upon the entry into force of Council resolution 1296(XLIV). On the basis of the proposals made by the Working Group,²⁰ the Council adopted resolution 1392 (XLVI) by which it approved *pro forma* changes in rules 7, on notification of date of opening, 10, on drawing up of the provisional agenda, and 12, on communication of the provisional agenda, of its rules of procedure by substituting, as appropriate, "category I or II" for "category A or B" and the term "Roster" for "Register". By its resolution 1392(XLVI) the Council also amended rules 83 to 86 inclusive, on consultation with non-governmental organizations, of its rules of procedure, the amended texts of these four rules being included in resolution 1392(XLVI). All these amendments were consequent upon the adoption, by resolution 1296 (XLIV), as amended by resolution 1391(XLVI), of new arrangements for consultation with non-governmental organizations.

9. The Council, at its resumed forty-seventh session, considered a number of amendments suggested by the Secretary-General to its rules of procedure, arising out of measures it had adopted to improve the organization of its work during its forty-seventh session. These proposed amendments²¹ concerned rules 2, on date of opening, 9, on the basic annual programme, and 14, on adoption of the agenda, of the rules of procedure of the Council. The Council decided²² to adopt, on a provisional basis, the Secretary-General's proposals for amendments to the relevant rules of procedure and to suspend rules 2, 9 and 14 of its rules of procedure pending consideration of their revision at its first regular session in 1971.

¹⁸E S C (XLVI), 1580th mtg., paras. 1-2.

¹⁹E/L.1251 (mimeographed).

²⁰E S C (XLVI), Annexes, a.i. 17, E/4685 and Add.1.

²¹E/4757 and Corr.1 (mimeographed).

²²E S C (XLVII), 1647th mtg.

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

**1. SESSIONS

**2. AGENDA OF THE COUNCIL

3. METHOD OF SELECTING THE PRESIDENT

10. At its resumed forty-third session,²³ the Council, in accordance with rule 23 of its rules of procedure on the replacement of the President or Vice-Presidents, as amended by resolution 1193(XLI),²⁴ elected the representative of a member of the Council to replace one of the Vice-Presidents upon the expiration, on 31 December 1967, of the term of office of the member of the Council that he represented.

11. The same situation occurred at the resumed forty-fifth session, but this time with regard to the President and one of the Vice-Presidents, as the terms of office of the members of the Council represented by these two officers expired on 31 December 1968. On this occasion, two members of the Council questioned the propriety of holding elections to replace officers who could no longer serve because the States represented by them had ceased to be members of the Council as a result of the expiration of their terms of office as such. According to these two representatives, such a replacement was called for only when the States concerned ceased to be members of the Council because of unforeseen events, but not when this occurred because of the expiration of their terms of office as members of the Council. One of these representatives expressed the view that as a result of this practice an acting President thus elected would, particularly in view of the lateness of the Council's spring session, hold office for almost as long as the official President. He was concerned at the possibility that, in the event the spring session were cancelled, this practice might lead the Council to depart from the principle of equitable geographical rotation in electing its President. The fact that Presidents of the Council tended to belong to countries serving the last year of their terms of office aggravated this situation. He questioned the usefulness of the practice on the grounds that normally the Council would not meet before the spring session. Another representative supported the practice thus opposed by pointing out that the Council might have to meet in an emergency session before the regular spring session. Still another representative favouring the practice emphasized that it was necessary, for the provision under which the President of the Council could be replaced by a Vice-President no longer applied since the amendment of rule 23 of the rules of procedure of the Council by Council resolution 1193(XLI). Following this debate, the Council²⁵ proceeded to the election, by acclamation, of the two candidates nominated to replace the two officers representing States whose term of office had expired.

**4. POWERS OF THE PRESIDENT AND THEIR LIMITATIONS

**5. LIMITATION OF DEBATE

**6. OFFICIAL AND WORKING LANGUAGES

²³E S C (XLIII), 1515th mtg., paras. 1-2.

²⁴See para. 6 above.

²⁵E S C (XLV), 1577th mtg.

**7. NATURE OF RECORDS²⁶

**8. PARTICIPATION IN THE DELIBERATIONS OF THE COUNCIL

9. RULES OF PROCEDURE OF THE COMMISSIONS OF THE COUNCIL

a. *Functional commissions*

12. The Commission on Human Rights, at its twenty-third session, adopted resolution 18(XXIII) in which, expressing its belief that the increased membership of many of the functional commissions of the Council justified a corresponding increase in the number of Vice-Chairmen so as to ensure a more balanced bureau based on the principle of equitable geographical distribution, it recommended to the Council the adoption of certain amendments to the rules of procedure of functional commissions of the Council.

13. By resolution 1231(XLII), the Council decided to amend the rules of procedure of its functional commissions as follows:

(a) Rule 15 to read as follows: "Each year, at the commencement of its first meeting, the commission shall elect a Chairman and one or more Vice-Chairmen, and other officers, from among its members.";

(b) Rule 17 to read as follows: "If the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.";

(c) Rule 18 to read as follows: "If the Chairman ceases to be a member of the commission or resigns or is incapacitated, one of the Vice-Chairmen, in the English alphabetical order of the countries they represent, shall take his place. If no Vice-Chairman is able to serve, the commission shall elect another Chairman."

14. At its forty-fifth session²⁷ the Council had before it a note by the Secretary-General²⁸ in which he suggested the addition to the rules of procedure of the functional commissions of a new rule designed to implement Council resolution 1281(XLIII). The Council decided²⁹ to: (a) revise the title of section XIV of the rules of procedure to read "participation of and consultation with specialized agencies and the International Atomic Energy Agency" and (b) to insert a new rule 74, the following rules being renumbered accordingly. The amended text of rule 74 is the following:

"1. Where an item proposed for the provisional agenda for a session, or added to the agenda under rule 10, contains a proposal for new activities to be undertaken by the United Nations relating to matters which are of direct concern to one or more specialized agencies or the International Atomic Energy Agency, the Secretary-General shall enter into consultation with the agency or agencies concerned and report to the Commission on the means of achieving co-ordinated use of the resources of the respective agencies.

"2. Where a proposal put forward in the course of a meeting for new activities to be undertaken by the United Nations relates to matters which are of direct concern to one or more specialized agencies or the International Atomic Energy Agency, the

Secretary-General shall, after such consultation as may be possible with the representatives at the meeting of the other agency or agencies concerned, draw the attention of the meeting to those implications of the proposal.

"3. Before deciding on the proposals referred to above, the Commission shall satisfy itself that adequate consultations have taken place with the agencies concerned."

15. At its forty-sixth session³⁰ the Council established a Working Group of six of its members to examine the note by the Secretary-General³¹ relating to the amendments of the rules of procedure of the functional commissions of the Council consequent upon the entry into force of Council resolution 1296(XLIV). On the basis of the proposals made by the Working Group,³² the Council adopted resolution 1393(XLVI), by which it approved the *pro forma* changes in rules 5, on the drawing up and communication of the provisional agenda, 6 (6), on the inclusion of items proposed by non-governmental organizations, 7, on the proposal of items by those organizations for inclusion in the provisional agenda of commissions, 37, on summary records, 41, on communication of reports and formal decisions, and 76, on consultation with non-governmental organizations, of the rules of procedure of the functional commissions as set forth in paragraph 8 of the note by the Secretary-General, and amended rule 75 to read as follows: "Non-governmental organizations in categories I and II may designate authorized representatives to sit as observers at public meetings of the commission. Organizations on the roster may have representatives present at such meetings which are concerned with matters within their field of competence."

16. At the same session³³ the Council further decided to amend rule 37 of the rules of procedure of the functional commissions, on summary records, by the addition in the first sentence of the rule of the words "where required", the first sentence thus reading as follows: "Summary records of public meetings of the commission and its subsidiary bodies, where required, shall be prepared by the Secretariat."

17. At its resumed forty-seventh session³⁴ the Council decided to amend rule 2 of the rules of procedure of its functional commissions, on the date of opening, by replacing the reference therein to the Interim Committee on the Programme of Conferences which the Council³⁵ had decided to discontinue at its forty-seventh session, by a reference to the Committee on Conferences of the General Assembly.

b. *Regional economic commissions*

18. During the period under review the regional economic commissions amended their rules of procedure pursuant to recommendations made by the Council.³⁶ In addition, at its forty-fifth session the Council, by resolution 1343(XLV), approved an amendment to rule 69 of the rules of procedure of the Economic Commission for Africa (ECA)³⁷ regarding the periodicity and nature of the reporting of the Commission to the Council.

³⁰E S C (XLVI), 1580th mtg.

³¹E/L.1251 (mimeographed).

³²E S C (XLVI), Annexes, a.i. 17, E/4685 and Add.1.

³³E S C (XLVI), 1596th mtg.

³⁴E S C (XLVII), 1647th mtg.

³⁵*Ibid.*, 1637th mtg.

³⁶See also this *Supplement*, under Article 68, paras. 76-77.

³⁷*Ibid.*, para. 69.

²⁶See this *Supplement*, under Article 21, para. 25.

²⁷E S C (XLV), 1561st mtg.

²⁸*Ibid.*, Annexes, a.i. 23, E/4543 and Add.1.

²⁹E S C (XLV), 1561st mtg.

10. SUSPENSION OF THE RULES OF PROCEDURE
OF THE COUNCIL

19. As indicated earlier³⁸ the Council decided, at its resumed forty-seventh session, to suspend rules 2, on the date of opening, 9, on the basic annual programme,

³⁸See para. 9 above.

and 14, on the adoption of the agenda, of its rules of procedure.³⁹ At its resumed forty-first session⁴⁰ the Council suspended rule 88 of its rules of procedure, on amendments to the rules of procedure of the Council.⁴¹

³⁹E S C (XLVII), 1647th mtg.

⁴⁰E S C (resumed XLI), 1455th mtg., para. 38.

⁴¹See para. 6 above.

Chapter XI
DECLARATION REGARDING
NON-SELF-GOVERNING TERRITORIES