

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 Economic and Social Council made two amendments to its rules of procedure and one amendment to the rules of procedure of the Economic Commission for Latin America.

2. As in earlier studies of this Article, certain rules of procedure of the Council, based on specific provisions in other Articles of the Charter, are examined in greater detail in the present *Supplement* under the relevant Articles. These are as follows: with regard to the method of voting, under Article 67; on the commissions of the Council, under Article 68; regarding participation of Members of the United Nations not members of the Council, under Article 69; on participation of and consultation with specialized agencies, under Articles 63 and 70; and with regard to consultation with non-governmental organizations, under Article 71.

I. GENERAL SURVEY

3. Following its comprehensive review of its rules of procedure at its fifty-eighth session,¹ the Council continued to consider questions relating to procedural matters in the context of the restructuring of the economic and social sectors of the United Nations system, and the revitalization of the Council.

4. During the period under review, the Council amended its rules of procedure at its second regular session of 1981 and at its first regular session of 1982. At its second regular session of 1981, the Council amended rule 80 so as to enlarge the composition of the Committee on Non-Governmental Organizations.² At its first regular session of 1982, the Council amended rule 32 so as to include Arabic as an official language of the Council.³ At its second regular session of 1984, the Council also amended the rules of procedure of the Economic Commission for Latin America.

5. In addition to the above-mentioned amendments to its rules of procedure, the Council adopted a series of resolutions and decisions on an ad hoc basis relating to procedural matters. These related, inter alia, to the duration and number of the regular sessions of the Council and the functional commissions; the agenda; the provision of summary records to its subsidiary organs; the format of reports and the issue of documentation; and the participation of intergovernmental organizations in the work of the Council.⁴

¹E S C resolution 1949 (LVIII) and annex; see also generally *Supplement No. 5*, under Article 72.

²E S C resolution 1981/50; see also E/1981/L.41.

³E S C decision 1982/147.

⁴See paras. 9-15 and 17-25 below.

II. ANALYTICAL SUMMARY OF PRACTICE

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

6. During the period under review, the method followed by the Council in adopting and amending its rules of procedure was consistent with the established practice of the Council, as described in the study of Article 72 in the *Repertory* and its *Supplements*. Rule 85 of the Council's rules of procedure stipulates the method of amendment of the Council's rules of procedure. It states that the rules may not be amended until the Council has received a report on the proposed amendment from a committee of the Council.⁵ Past practice of the Council indicates that the Council has not always required prior receipt of the report of a committee on a proposed amendment of its rules of procedure.⁶

7. In one instance, rule 32 of the Council's rules of procedure was amended to include Arabic among its official languages, in accordance with General Assembly resolution 35/219 A of 17 December 1980. At the 18th plenary meeting of its first regular session of 1981, on 8 May 1981, the Council agreed to pursue all the necessary arrangements to respond to the General Assembly's request, and asked the Secretary-General to prepare a report⁷ for submission to the General Assembly at its thirty-sixth session with regard to all the practical implications of the request.⁸ In that case, the Council did not receive a report from a committee of the Council on the proposed amendment. At its first regular session of 1982, the Council decided to include Arabic among its official languages, with effect from 1 January 1983, and to amend its rules of procedure accordingly.⁹

8. In another instance, rule 80 (1) of the rules of procedure was amended so as to enlarge the membership of the Committee on Non-Governmental Organizations from 13 to 19.¹⁰ In its resolution 1981/43, the Council decided to take action on the matter in accordance with rule 85 of its rules of procedure. The Council had requested the President to hold consultations with the regional groups and to report to the Council on the size, composition and allocation of seats of the proposed enlarged Committee.¹¹ Following a series of informal consultations, in which the Chairman of the Committee on Non-Governmental Organizations had also taken part, agreement was reached on the size and composition of the Committee and on the allocation of seats thereon.¹² At the first regular session of 1981, it was decided that the Bureau of the Council would act as a committee of the Council, and that it would report to the Council on the question of the composition of the Committee on Non-Governmental Organizations.¹³ At its second regular session

⁵See Rules of Procedure of the Economic and Social Council, E/5715 (United Nations Publication, Sales No. 75.I.15), and E/5715/Rev.1 (United Nations publication, Sales No. 83.I.9).

⁶See *Repertory*, under Article 72, paras. 31-35.

⁷See A/C.5/36/54.

⁸E S C decision 1981/135; see also E/1981/SR.18.

⁹E S C decision 1982/147.

¹⁰See note 2 above.

¹¹E/1981/SR.35; see also E/1981/L.41.

¹²E/1981/SR.35, para. 102.

¹³*Ibid.*, para. 103.

of 1981, the Council approved an amended text of paragraph 1 of rule 80.¹⁴

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

1. SESSIONS

(a) Regular sessions

9. During the period under review, the Council made several decisions regarding the duration and number of regular sessions of the Council and its subsidiary bodies.

10. During its second regular session of 1979, the Council decided to reduce the duration of each of the regular sessions of the Council by one week.¹⁵ It also decided that the regular sessions of the functional commissions and of the standing committees of the Council should normally have a duration of not more than eight working days.¹⁶ In addition, the Council decided that, once the calendar of meetings had been adopted by the Council, no additional meetings involving departures from the biennial cycle of meetings would be authorized during the biennium.¹⁷

11. During its resumed second regular session of 1982, the Council decided to discontinue the practice of holding resumed second regular sessions of the Economic and Social Council as from 1983.¹⁸

(b) Special sessions

12. During the second regular session of 1982, by its resolution 1982/50 on the revitalization of the Council, the Council decided to adopt a number of measures concerning its programme and organization of work, including its calendar of meetings. The Council decided that in formulating its biennial programme of work, it would identify issues requiring its priority consideration and organize its work in such a manner as to enable it to focus on a limited number of carefully selected policy issues. The Council expressly stated that in that context it would consider devoting parts of its sessions to specific subjects, or convening, if necessary, special sessions, in accordance with rule 4 of its rules of procedure, to deal with specific subjects or issues.¹⁹

(c) Date of sessions

13. By its resolution 1982/50, the Council also decided that it would henceforth begin its first regular session on the first Tuesday of May of each year.²⁰

** (d) Place of sessions

¹⁴See para. 26 below.

¹⁵E S C decision 1979/81, para. (b).

¹⁶*Ibid.*, para. (c).

¹⁷*Ibid.*, para. (d).

¹⁸E S C decision 1982/189.

¹⁹E S C resolution 1982/50, para. 1 (a).

²⁰*Ibid.*, para. 1 (k).

2. AGENDA OF THE COUNCIL

14. During the period under review, the Council expressed deep concern about the increasing volume of documentation and its consequent impact on the efficient conduct of its work and that of its subsidiary bodies. Aware that the problems related to the control and limitation of documentation were closely linked to the establishment of a rational calendar of conferences and meetings, the Council took measures to rationalize and improve the calendars, agendas and programmes of work of bodies in the economic and social fields. By its resolution 1981/83, the Council decided to undertake a thorough review of its agenda and programme of work at its organizational session of 1982, and requested the Secretary-General to submit proposals for the consideration of some items or questions on a biennial or triennial basis.²¹ The Council further instructed its subsidiary bodies to take urgent measures to streamline their agendas and programmes of work and to bring about a substantial reduction in their requests for documentation.

15. By its resolution 1982/50, the Council reaffirmed its desire to continue the process of restructuring the economic and social sectors of the United Nations system, and recognized that the revitalization of the Council required its continuous attention. The Council also reiterated its intent to organize its work so as to focus on specific major policy issues to be studied in depth with a view to elaborating concrete action-oriented recommendations.²² The Council decided to review its programme of work at each regular session for the ensuing session in that context, and also decided to consolidate similar or related issues under a single agenda item, in order to consider and take action on them in an integrated manner.²³

**3. METHOD OF SELECTING THE PRESIDENT

**4. POWERS OF THE PRESIDENT AND THEIR LIMITATIONS

**5. LIMITATION OF DEBATE

6. OFFICIAL AND WORKING LANGUAGES

16. During its first regular session of 1982, the Council decided to include Arabic among its official languages, with effect from 1 January 1983, and amended rule 32 of its rules of procedure accordingly.²⁴

7. NATURE OF RECORDS

17. During the period under review, the Council, anxious to improve and make more effective the work of the Council and its subsidiary bodies, adopted a series of resolutions and decisions about the provision of summary records and the production and distribution of documentation. Those resolutions and decisions were adopted in the light of the Council's concern about the large volume of documentation,

serious delays in the submission and circulation of documents, the heavy burden placed on the Secretariat and delegations, and the increasing financial costs involved. A related concern expressed by the Council was that documents were often not issued in due time in all the working languages of the Council.²⁵

18. By its resolution 1979/1, the Council adopted a number of decisions concerning the control and limitation of its documentation. The Council decided to keep its requests for documents to the minimum compatible with the efficient conduct of its work, and within the available resources of the Secretariat. It decided to review, at the outset of each regular session, all its recurrent documents to determine whether they had become redundant, or could be issued less frequently. The Council further decided to prepare reports that were as brief as possible, and to review the format of its reports to the General Assembly. The Council also decided to review the provision of summary records to its subsidiary organs on the basis of a statement of financial implications prepared by the Secretariat.²⁶ In addition, the Council requested the Secretariat to prepare proposals for new forms of presentation of documents to make them more action-oriented and concise, highlighting the main issues requiring intergovernmental consideration and review on the basis of the relevant legislative decisions.²⁷

19. Under resolution 1979/41, the Council made a number of decisions regarding the nature of records. It took note with appreciation of the Secretariat report²⁸ containing suggestions with regard to the volume of documentation, summary records, reports of subsidiary bodies, the form of presentation of documents and the report of the Council to the General Assembly. The Council also approved the modifications in the form and presentation of documents contained in the note by the Secretariat and emphasized that the 32-page rule for Secretariat reports should apply to the documents as a whole, including any annexes and appendices that might be required.²⁹ The Council decided that restraint should be exercised both in the Council and in its subsidiary bodies in making new requests for documents, and that recurrent documents should only be requested when the nature of the subject made them indispensable.³⁰ The Council also decided that the provision of summary records for the deliberations of the subsidiary bodies would be reviewed at the second regular session of 1979, with a view to reducing the number of instances when summary records were provided. The Council requested the Secretariat to prepare revised guidelines for the format of the reports of the subsidiary bodies to bring about greater uniformity and higher standards of presentation.³¹ The Council further requested that the Secretariat submit a report to the Council at its second regular session of 1979 showing the actual capacity of the Secretariat to issue documentation simultaneously in all working languages in conformity with

²¹E S C resolution 1981/83, paras. 3 and 4.

²²See also *Supplement No. 5*, under Article 72, para. 76.

²³E S C resolution 1982/50, paras. 1 (a) and (c).

²⁴E S C decision 1982/147. The decision to include Arabic as an official language of the Council was taken in accordance with General Assembly resolution 35/219 A of 17 December 1980. See para. 7 above.

²⁵E S C resolution 1979/1.

²⁶E/1979/94.

²⁷E S C resolution 1979/1.

²⁸See E/1979/21, para. 20.

²⁹E S C resolution 1979/41, para. 3.

³⁰*Ibid.*, para. 2 (c).

³¹*Ibid.*, para. 2 (g).

the six-week rule, as set out in rule 13 (4) of its rules of procedure, the foreseeable calendar of meetings and the consequent need for documentation.³² The Council also took decisions regarding the format of its report to the General Assembly.³³

20. During its organizational session of 1979, the Council also decided to discontinue the submission to it of reports of the regional commissions.³⁴ The Council decided that the reports would be transmitted directly to all Member States and that the Secretary-General would revise his annual report so as to highlight any development within each region, drawing the Council's attention to specific issues requiring its consideration. The report was also to bring to the Council's attention any decisions or recommendations of the regional commissions that statutorily required approval by the Council.

21. Conscious of the urgent need to adopt additional measures to overcome the serious problems regarding documentation faced by the Council and its subsidiary machinery, the Council, in its resolution 1979/69, adopted at the second regular session of 1979, took a number of decisions regarding the documentation of its subsidiary bodies. It decided to approve revised guidelines for the format and contents of the reports of the functional commissions and standing committees of the Council as set out in a further note prepared by the Secretariat regarding the control and limitation of documentation.³⁵ The decision was taken on the understanding that, in conformity with the revised guidelines, the functional commissions would be able to introduce specific adjustments in their reporting and recording procedures in the light of their established functions and of the questions dealt with by them. The Council also decided to discontinue for an experimental period of two years the provision of summary records for a number of its subsidiary bodies.³⁶

22. In the same resolution, the Council noted its concerns about the increasing delays in the translation of documents by the Secretariat, and insisted that the Secretariat circulate the documentation in all the working languages six weeks before the opening of the sessions of the Council and its subsidiary organs. It continued to seek a stricter application of rule 13 (4) of the Council's rules of procedure, further requesting the Secretariat to inform the Council and its subsidiary bodies which documents had not been issued in accordance with the six-week rule, with a full explanation of the reasons which prevented their circulation.³⁷

³²Ibid., para. 4.

³³Ibid., para. 5.

³⁴E S C decision 1979/1, para. 2.

³⁵E/1979/94, annex.

³⁶E S C resolution 1979/69, para. (b). This decision was reaffirmed by the Council for a further period of two years by its resolution 1981/83. However, at the 22nd plenary meeting of its first regular session of 1982, on 2 May 1980, the Council had decided that summary records would be reintroduced for the Commission on Human Rights and the Subcommittee on Prevention of Discrimination and Protection of Minorities; see E S C decision 1980/133.

³⁷E S C resolution 1979/69, paras. (c) and (d). See also *Supplement No. 5*, under Article 72, para. 75.

23. In its resolution 1981/83, the Council expressed deep regret at the extent to which its work at the second regular session of 1981 had been impeded by the late arrival or non-availability of documents. It decided to carry out a thorough review of its agenda and programme of work, with a view to rationalizing and improving them, as well as a review of the documentation requested with respect to items in the biennial programme of work of the Council. The Council also requested the Secretary-General to submit suggestions for ensuring a better distribution of some items between the General Assembly and the Council.

24. At its organizational session of 1982, the Council decided to discontinue, for an experimental period of two years, the provision of summary records for its sessional committees, and to keep the existing format of the reports of the sessional committees.³⁸ During its second regular session of 1983, the Council decided to maintain, for a further period of two years, the discontinuance of the provision of summary records for a number of its subsidiary bodies, including its sessional committees.³⁹

8. PARTICIPATION IN THE DELIBERATIONS OF THE COUNCIL

***(a) Members and non-members of the United Nations*

(b) Specialized agencies and intergovernmental organizations

25. During the period under review, the Council received applications from a number of intergovernmental organizations for designation in accordance with rule 79 of its rules of procedure. In a number of instances the Council decided, on the recommendation of its Bureau, that certain organizations might participate, without the right to vote, on either an ad hoc⁴⁰ or a continuing basis,⁴¹ in the deliberations of the Council on questions within the scope of the activities of those organizations.

(c) Non-governmental organizations

26. By its resolution 1981/50, the Council recognized the need to enlarge the composition of the Committee on Non-Governmental Organizations in order to reflect the increased membership of the United Nations and the principle of equitable geographical representation. The Council decided to enlarge the membership of the Committee from 13 to 19 and approved the following amended text of paragraph 1 of rule 80 of the rules of procedure:

"1. The Committee on Non-Governmental Organizations shall consist of nineteen Members of the United Nations elected for four years on the basis of equitable geographical representation. Accordingly, the membership of the Committee shall include:

³⁸E S C decision 1982/105.

³⁹E S C decision 1983/184.

⁴⁰See E S C decision 1979/10.

⁴¹See E S C decision 1980/114; see also E S C decision 1980/151.

Five members from African States;
Four members from Asian States;
Four members from Latin American States;
Four members from Western European and other States;
Two members from East European States."⁴²

**** (d)** *Other cases of participation in the deliberations of the Council*

9. RULES OF PROCEDURE OF THE COMMISSIONS
OF THE COUNCIL

27. At its first regular session of 1982, the Council approved the rules of procedure of the Committee for the United Nations Population Award.⁴³

⁴²E S C resolution 1981/50. For the draft resolution, see E/1981/L.26.

⁴³E S C decision 1982/112.

**** (a)** *Functional commissions*

(b) *Regional commissions*

28. At its second regular session of 1984, the Council decided to amend the rules of procedure of the Economic Commission for Latin America to reflect its change of name to "Economic Commission for Latin America and the Caribbean".⁴⁴

**** 10.** SUSPENSION OF THE RULES OF PROCEDURE
OF THE COUNCIL

⁴⁴E S C resolution 1984/67.

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