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Volume IV

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 meeting on the request of a majority of its members.

INTRODUCTORY NOTE

1. During the period under review, the Economic and Social Council made no amendments to its rules of procedure and six amendments to the rules of procedure of the Economic and Social Commission for Asia and the Pacific, the Economic Commission for Western Asia and the Economic and Commission for Latin America and the Caribbean.

2. As stated 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.

1. GENERAL SURVEY

3. Following its comprehensive review of its rules of procedure at its fifty-eighth session¹, 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 of the revitalization of the Council.

4. During the period under review, The Council continued to endorse, in accordance with its rule 79, the participation of intergovernmental organizations in the work of the Economic and Social Council.² At its second regular session of 1986, the Council also amended the rules of procedure of the Economic Commission for Latin America and the Caribbean³.

5. In addition to the above, 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 and the participation of intergovernmental organizations in the work of

¹ E S C resolution 1949 (LVIII) and annex; see also generally *Supplement No. 6*, under Article 72.

² E S C decision 1987/161.

³ E S C decision 1986/173.

the Council⁴. In two instances, the Council waived rule 2 of its rules of procedure on an exceptional basis, to reschedule its regular session.

II. Analytical summary of practice

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

6. During the period under review, the Economic and Social Council continued to take decisions, in accordance with its rule 79 to endorse the participation of intergovernmental organizations in the work of the Council.⁵ Specifically, the Economic and Social Council, having considered the applications of the Organization of Ibero-American States for Education, Science and Culture at its 1986 session,⁶ and the African Accounting Council, the African Cultural Institute, the African Development Bank, the Council of Arab Ministers of the Interior and the International Bauxite Association at its 1987 session, decided, in accordance with rule 79⁷ of its rules, that those organizations might participate, without the right to vote, in the deliberations of the Council on questions within the scope of their activities, as follows: (a) the Organization of Ibero-American States for Education, Science and Culture and the African Development Bank, on a continuing basis; (b) the African Accounting Council, the African Cultural Institute, the Council of Arab Ministers of the Interior and the International Bauxite Association, on an *ad hoc* basis.

7. At its first regular session of 1986⁸, the Economic and Social Council adopted procedure for the election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Council (1) decided that, from 1987 onwards, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities shall be elected for a term of four years; (2) further decided that half of the membership of the Sub-Commission and the corresponding alternates, if any, shall be elected every two years and that accordingly, at the elections held in 1987, the Chairman shall draw lots to select those members whose terms will expire in two years; (3) authorized the Chairman of the forty-third session of the Commission on Human Rights to draw lots to select the members and, as applicable, their corresponding alternates, whose terms will expire after two years in accordance with the following pattern: three members from African States; three members from Asian States; three members from Latin American States; one member from Eastern European States; and three members from Western European and other States; (4) invited the Secretary-General to make the necessary arrangements so that elections of members of the Sub-Commission could be conducted from 1987 onwards in accordance with the procedures set out in the present resolution.

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

1. SESSIONS

(a) Regular sessions

8. 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.

9. During its second regular session of 1988, by its resolution 1988/77,⁹ the Economic and Social Council decided that the annual general discussion of “international economic and social policy, including regional and sectoral developments” should take place during the first five working days of the second

⁴See paras. 10-11 and 12-17 below.

⁵E S C decision 1987/161.

⁶E S C resolution 1986/156.

⁷E/5715/Rev.1.

⁸E S C resolution 1986/35.

⁹E S C resolution 1988/77 para 2 (a) (i).

regular session and should allow enough time for a dialogue and an exchange of views between members and executive heads of the organizations of the United Nations system.

(b) Special sessions

10. During the second regular session of 1985, by its resolution 1985/79¹⁰ on the ninth special session of the Commission on Narcotic Drugs, the Economic and Social Council decided that the Commission on Narcotic Drugs would hold a special session of five days' duration in 1986 at a time when it would not overlap with other meetings, and within existing United Nations resources, to consider scheduling of substances under the provisions of the 1971 Convention on Psychotropic Substances, follow-up action to General Assembly resolutions 39/141¹¹ and 39/143¹² of 14 December 1984, the review of the report of the International Narcotics Control Board for 1985, and other urgent matters.

11. During the second regular session of 1985, by its¹³ decision 1985/193 on the reconvened special session of the Commission on Transnational Corporations, the Economic and Social Council decided to reconvene the special session of the Commission on Transnational Corporations from 20 to 31 January 1986, in order for the Commission to reach agreement on a final, overall solution to the outstanding issues, to complete the code of conduct on transnational corporations and to report thereon to the Economic and Social Council.

12. During the first regular session of 1986, by its decision 1986/109¹⁴ on the reconvened special session of the Commission on Transnational Corporations, the Economic and Social Council authorized the Commission on Transnational Corporations to reconvene its special session for one day so that the Chairman of the Commission might report on the result of the informal consultations held on the outstanding issues in the draft code of conduct on transnational corporations.

13. During the first regular session of 1987, by its resolution 1987/33¹⁵, the Council decided that the Commission on Narcotic Drugs would hold a special session of ten working days in 1988 at a time when it would not overlap with other meetings, and within existing United Nations resources, to expedite the preparation of the new convention against illicit traffic in narcotic drugs and psychotropic substances and to consider appropriate measures to give effect to relevant recommendations of the International Conference on Drug Abuse and Illicit Trafficking, the report of the International Narcotics Control Board, an interim report of the United Nations Fund for Drug Abuse Control, and other urgent matters.

(c) Date of session

14. At its first regular session of 1988, by its decision 1988/111¹⁶ on change of dates of the fourteenth session of the United Nations Group of Experts on Geographical Names, the Economic and Social Council decided to hold the fourteenth session of the United Nations Group of Experts on Geographical Names at Geneva from 17 to 26 May 1989 instead of in September 1989.

15. During the second regular session of 1988, by its decision 1988/164¹⁷ on change of dates of the seventh session of the Intergovernmental Working Group of Experts on International Standards of

¹⁰ E S C resolution 1985/79.

¹¹ G A resolution 39/141.

¹² G A resolution 39/143.

¹³ E S C decision 1985/19.3.

¹⁴ E S C decision 1986/109.

¹⁵ E S C resolution 1987/33.

¹⁶ E S C decision 1988/111.

¹⁷ E S C decision 1988/164.

Accounting and Reporting, the Council decided that the seventh session of the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting would meet at United Nations Headquarters from 7 to 17 March 1989 instead of from 27 February to 10 March 1989.

** (d) Place of sessions

2. AGENDA OF THE COUNCIL

16. During its second regular session, by its decision 1988/77¹⁸, the Economic and Social Council adopted a number of measures aimed at revitalizing the Council, improving its functioning and enabling it to exercise effectively its functions and powers as set out in Chapter IX and X of the Charter of the United Nations. In formulating its biennial program of work, the Council decided that it should, to the extent possible, consolidate similar or closely related issues under a single agenda item. The Council should further continue to consider the biennialization of the sessions of its subsidiary bodies and items on its own agenda and program work, taking into account the need for a balance between economic and social issues. The Council also decided that the six-week rule for the circulation of substantive reports of the Secretariat and the eight-week rule for the annotated agenda of the Council should be strictly observed.

**3. METHOD OF SELECTING THE PRESIDENT

**4. POWERS OF THE PRESIDENT AND THEIR LIMITATIONS

**5. LIMITATION OF DEBATE

6. OFFICIAL AND WORKING LANGUAGES

17. During its second regular session of 1985, by its resolution 1985/68¹⁹, the Economic and Social Council decided that the Portuguese should be introduced gradually as an official working language of the Economic Commission for Africa and requested the General Assembly to make the necessary arrangements to this effect.

7. NATURE OF RECORDS

18. At its second regular session of 1985, by its decision 1985/200²⁰, the Economic and Social Council decided to maintain, for a further period of two years, from 1986, the discontinuance of summary records for its sessional committees and for the subsidiary bodies. During its second regular session of 1987, by its decision 1987/179²¹, the Council decided to discontinue for a further period of two years, from 1988, summary records for its sessional committees and subsidiary bodies.

8. PARTICIPATION IN THE DELIBERATIONS OF THE COUNCIL

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

(b) *Specialized agencies and intergovernmental organizations*

19. During the period under review, the Council received an application from the Organization of Ibero-American States for Education, Science and Culture, the Council decided, in accordance with rule 79 of the rules of procedure of the Council²², that the Organization of Ibero-American States for Education, Science and Culture might participate, on a continuing basis, without the right to vote, in the deliberations of the Council on questions within the scope of the activities of that organization²³.

¹⁸E S C decision 1988/77 para 2 (f) (ii) (v).

¹⁹E S C resolution 1985/68.

²⁰E S C decision 1985/200.

²¹E S C decision 1987/179.

²²E/5715/Rev.1.

²³E S C decision 1986/156.

20. At its second regular session of 1987, by its decision 1987/61²⁴, the Economic and Social Council, having considered the applications of the African Accounting Council, the African Cultural Institute, the African Development Bank, the Council of Arab Ministers of the Interior and the International Bauxite Association, decided, in accordance, with rule 79 of the rules of procedure of the Council²⁵, that those organizations might participate, without the right to vote, in the deliberations of the Council on questions within the scope of their activities, as follows: (a) The African Development Bank, on a continuing basis; (b) The African Accounting Council, the African Cultural Institute, the Council of Arab Ministers of the Interior and the International Bauxite Association, on an *ad hoc basis*.

(c) Non-governmental organizations

21. At its organizational session of 1987, by its decision 1987/113²⁶, the Economic and Social Council, having considered the report of the Committee on Non-Governmental Organizations²⁷, decided: (a) to grant fifty two non-governmental organizations consultative status; (b) to reclassify one organization from category II to category I and nine others from the Roster to category II.

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

9. RULES OF PROCEDURE OF THE COMMISSIONS OF THE COUNCIL

22. At its first regular session of 1987, the Council approved the rules of procedure of the Committee for the United Nations Population Award²⁸.

(a) Functional commissions

23. During its first session of 1988, the Council, noting that the membership of the United Nations had increased from 120 Member States in 1966 to 159 Member States, considering that issues related to women had grown in complexity and in number, especially in the developing world and that the Commission on the Status of Women had not been enlarged proportionately²⁹. The Council decided that action should be taken on draft resolution XIII, entitled "Enlargement of the Commission on the Status of Women", contained in the report of the Commission³⁰, at its first regular session of 1989.

(b) Regional commissions

24. At its second regular session of 1985, by its resolution 1985/60³¹, the Economic and Social Council, noting that Brunei Darussalam and Tuvalu had become members of the Economic and Social Commission for Asia and the Pacific in accordance with paragraph 3 of the terms of reference of the Commission,³² the Council decided to amend paragraph 3 and 4 of the terms of reference of the Economic and Social Commission for Asia and the Pacific accordingly.

25. During the second regular session of 1985, by its resolution 1985/69³³, the Economic and Social Council decided to change the name of the Economic Commission for Western Asia to "Economic and Social Commission for Western Asia", the Council also decided to amend the terms of reference of the Commission as contained in Council resolution 1818 (LV)³⁴ to reflect the new name.

²⁴ E S C decision 1987/161 (a) (b).

²⁵ E/5715/Rev. 1.

²⁶ E S C decision 1987/113 (a) (b).

²⁷ E/1987/32.

²⁸ E S C decision 1987/129.

²⁹ E S C decision 1988/125 para 1.

³⁰ E/1988/C.2/L2.

³¹ E S C resolution 1985/60.

³² Official Record of the Economic and Social Council, 1985, Supplement No. 12 & E/1985/33 annex V.

³³ E S C resolution 1985/69 para 1 & 2.

³⁴ E S C resolution 1818 (LV).

26. At its second regular session of 1986, by its resolution 1986/57³⁵, the Council noting that the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau had become associate members of the Economic and Social Commission of Asia and the Pacific, decided to amend paragraph 4 of the terms of reference of the Economic and Social Commission for Asia and Pacific to reflect this change³⁶.

27. By its decision 1985/190, the Council, taking into account General Assembly resolution 31/140, requested the Economic Commission for Latin America and the Caribbean to analyse rule 2 of its rules of procedure at its twenty-first session and to report thereon to the Council at its second regular session of 1986. During its second regular session of 1986, at its 38th plenary meeting, on 22 July³⁷, the Council decided to endorse resolution 480 (XXI) of 25 April 1986 of the Economic Commission for Latin America and the Caribbean³⁸ on rule 2 of the rules of procedure of the Economic Commission for Latin America and the Caribbean concerning the place of meeting of its sessions.

28. At its second regular session of 1986, by its decision 1986/175³⁹, the Economic and Social Council decided to amend the terms of reference of the Economic Commission for Latin America and the Caribbean⁴⁰ as follows:

(a) In the introductory sentence of paragraph 1, the words “Economic Commission for Latin America” was replaced by the words “Economic Commission for Latin America and the Caribbean”;

(b) In paragraphs 1 (a), 1 (b), 2 and 15, the words “Latin America” was replaced by the words “Latin America and the Caribbean”; in paragraphs 1 (a), 1 (e) and 2, the words “Latin American” was replaced by the words “Latin American and Caribbean”;

(c) The first sentence of paragraph 3 (a) was amended to read: “Membership in the Commission shall be open to the Membership in the Commission shall be open to the Members of the United Nations in North, Central and South America and in the Caribbean area, and to France, the Netherlands, Portugal, Spain and the United Kingdom.”;

(d) Paragraph 4 was amended to read: “The geographical scope of the Commission’s work comprises the Latin American and Caribbean states Members of the United Nations and participating territories in Central America and the Caribbean.”;

(e) Paragraph 9 was amended to read: “The Commission shall co-operate with and take the necessary measures to co-ordinate its activities with the appropriate organs of the Inter-American System in order to avoid any unnecessary duplication of effort between those organs and itself; to this end the Commission is empowered to, and shall seek to, make working arrangements with the appropriate organs of the Inter-American System regarding the joint or independent study of economic problems within its competence and ways of solving them and regarding the fullest exchange of information necessary for the co-ordination of efforts in the economic field. The Commission shall invite the Organization of American States and other regional bodies to nominate a representative to attend the meetings of the Commission in a consultative capacity.”

29. During its second regular session of 1988, at its 40th plenary meeting,⁴¹ the Economic and Social Council, noting that the Territory of American Samoa had become an associate member of the Economic and Social Commission for Asia and the Pacific in accordance with paragraph 5 of the terms of reference

³⁵ E S C resolution 1986/57.

³⁶ Official Records of the Economic and Social Council, 1986, Supplement No. 11 & E/1986/32 annex V.

³⁷ E S C decision 1986/173.

³⁸ Official Records of the Economic and Social Council, 1986, Supplement No. 13 & E/1986/34 sect. D.

³⁹ E S C decision 1986/175.

⁴⁰ E/CN.12/544 and E S C resolution 1984/67.

⁴¹ E S C decision 1988/170.

of the Commission⁴², decided to amend paragraph 4 of the terms of reference of the Commission accordingly.

10. SUSPENSION OF THE RULES OF PROCEDURE OF THE COUNCIL

28. In one instance, the Economic and Social Council at its 4th plenary meeting, on 7 February 1986⁴³, decided: (a) to waive, on an exceptional basis, rule 2 of the Council's rules of procedure⁴⁴ in order to reschedule its first regular session of 1986 from 29 April to 23 May instead of from 6 to 30 May 1986, and; (b) to reschedule the session of the Sessional Working Group of Governmental Experts on the Implementation of International Covenant on Economic, Social and Cultural Rights from 14 April to 2 May instead of from 21 April to 3 May 1986.

29. At its 3rd plenary meeting, on 6 February 1987, the Economic and Social Council decided to waive, on an exceptional basis, rule 2 of the Council's rules of procedure⁴⁵ in order to reschedule its regular sessions of 1987 as follows: (a) the first regular session of 1987 would be held from 4 to 29 May instead of from 5 to 29 May 1987; (b) in accordance with General Assembly resolution 41/188⁴⁶ of 8 December 1986, the second regular session of 1987 would be held at Geneva from 23 June to 9 July instead of from 1 to 24 July 1987, and a resumed session, not exceeding three days, would be convened in New York in September 1987.

⁴² Official Records of the Economic and Social Council, 1988, Supplement No. 11 & E/1988/35 annex V.

⁴³ E S C decision 1986/101.

⁴⁴ E/5715/Rev.1

⁴⁵ E S C decision 1987/107.

⁴⁶ By its resolution 41/188, the General Assembly, recognizing the need for appropriate adjustments in the dates and programmes of work of, *inter alia*, the Economic and Social Council following the Assembly's decision to convene the seventh session of the UNCTAD, requested the Council, at its organizational session for 1987, to suspend on an exceptional basis, rule two of its rules of procedure to enable its second regular session of 1987 to be held from 23 June to 9 July at Geneva, and to convene a resumed second regular session, not exceeding three days, in September in New York.