

TERMS OF REFERENCE AND RULES OF PROCEDURE



TERMS OF REFERENCE OF THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

As adopted by the Economic and Social Council at its fourth session, amended by the Council at subsequent sessions, and revised in consequence of various General Assembly resolutions.

The Economic and Social Council,

Having considered General Assembly resolution 46(I) of 11 December 1946, in which the General Assembly “recommends that, in order to give effective aid to the countries devastated by war, the Economic and Social Council, at its next session, give prompt and favourable consideration to the establishment of ... an Economic Commission for Asia and the Far East”,

Having noted the report of the Working Group for Asia and the Far East of the Temporary Sub-Commission on Economic Reconstruction of Devastated Areas,

Establishes an Economic and Social Commission for Asia and the Pacific with terms of reference as follows:

1. The Economic and Social Commission for Asia and the Pacific, acting within the framework of the policies of the United Nations and subject to the general supervision of the Council, shall, provided that the

Commission takes no action in respect of any country without the agreement of the Government of that country:

(a) Initiate and participate in measures for facilitating concerted action for the economic reconstruction and development of Asia and the Pacific, for raising the level of economic activity in Asia and the Pacific and for maintaining and strengthening the economic relations of these areas both among themselves and with other countries of the world;

(b) Make or sponsor such investigations and studies of economic and technological problems and developments within territories of Asia and the Pacific as the Commission deems appropriate;

(c) Undertake or sponsor the collection, evaluation and dissemination of such economic, technological and statistical information as the Commission deems appropriate;

(d) Perform such advisory services, within the available resources of its secretariat, as the countries of the region may desire, provided that such services do not overlap with those rendered by the specialized agencies or the relevant United Nations bodies;

(e) Assist the Economic and Social Council, at its request, in discharging its functions within the region in connection with any economic problems, including problems in the field of technical assistance;

(f) In carrying out the above functions, deal, as appropriate, with the social aspects of economic development and the interrelationship of the economic and social factors.

2. The territories of Asia and the Pacific referred to in paragraph 1 shall include Afghanistan; American Samoa; Armenia; Australia; Azerbaijan; Bangladesh; Bhutan; Brunei Darussalam; Cambodia; China; Cook Islands; Fiji; French Polynesia; Georgia; Guam; Hong Kong, China; India; Indonesia; Iran (Islamic Republic of); Japan; Kazakhstan; Kiribati; Korea; Kyrgyzstan; Lao People's Democratic Republic; Macao, China; Malaysia; Maldives; Marshall Islands; Micronesia (Federated States of); Mongolia; Myanmar; Nauru; Nepal; New Caledonia; New Zealand; Niue; Northern Mariana Islands; Pakistan; Palau; Papua New Guinea; Philippines; Russian Federation; Samoa; Singapore; Solomon Islands; Sri Lanka; Tajikistan; Thailand; Timor-Leste; Tonga; Turkey; Turkmenistan; Tuvalu; Uzbekistan; Vanuatu; and Viet Nam.

3. The members of the Commission shall consist of Afghanistan, Armenia, Australia, Azerbaijan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Fiji, France, Georgia, India, Indonesia, Iran (Islamic Republic of), Japan, Kazakhstan, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Malaysia, Maldives, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, Nepal, Netherlands, New

Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Russian Federation, Samoa, Singapore, Solomon Islands, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Tonga, Turkey, Turkmenistan, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Vanuatu and Viet Nam, provided that any State in the area which may hereafter become a Member of the United Nations shall be thereupon admitted as a member of the Commission.

4. The associate members shall include American Samoa; Cook Islands; French Polynesia; Guam; Hong Kong, China; Macao, China; New Caledonia; Niue; and Northern Mariana Islands.

5. Any territory, part or group of territories within the geographical scope of the Commission as defined in paragraph 2 may, on presentation of its application to the Commission by the member responsible for the international relations of such territory, part or group of territories, be admitted by the Commission as an associate member of the Commission. If it has become responsible for its own international relations, such territory, part or group of territories may be admitted as an associate member of the Commission on itself presenting its application to the Commission.

6. Representatives of associate members shall be entitled to participate without vote in all meetings of the Commission, whether sitting as Commission or as Committee of the Whole.

7. Representatives of associate members shall be eligible to be appointed as members of any committee, or other subordinate body, which may be set up by the Commission and shall be eligible to vote and hold office in such body.

8. The Commission is empowered to make recommendations on any matters within its competence directly to the Governments of members or associate members concerned, Governments admitted in consultative capacity, and the specialized agencies concerned. The Commission shall submit for the Council's prior consideration any of its proposals of activities that would have important effects on the economy of the world as a whole.

9. The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member.

10. The Commission shall invite representatives of specialized agencies and may invite representatives of any intergovernmental organization to participate in a consultative capacity in its consideration of any matter of particular concern to that agency or organization, following the practice of the Economic and Social Council.

11. The Commission shall make arrangements for consultation with non-governmental organizations which have been granted consultative status by the

Economic and Social Council, in accordance with the principles approved by the Council for this purpose and contained in Council resolution 1296 (XLIV).

12. The Commission shall take measures to ensure that the necessary liaison is maintained with other organs of the United Nations and with the specialized agencies. The Commission shall establish appropriate liaison and cooperation with other regional commissions in accordance with the resolutions and directives of the Economic and Social Council and the General Assembly.

13. The Commission may, after discussion with any specialized agency functioning in the same general field, and with the approval of the Council, establish such subsidiary bodies as it deems appropriate, for facilitating the carrying out of its responsibilities.

14. The Commission shall adopt its own rules of procedure, including the method of selecting its Chairperson.

15. The Commission shall submit to the Council a full report on its activities and plans, including those of any subsidiary bodies, once a year.

16. The administrative budget of the Commission shall be financed from the funds of the United Nations.

17. The Secretary-General of the United Nations shall appoint the staff of the Commission, which shall form part of the Secretariat of the United Nations.

18. The headquarters of the Commission shall be located at Bangkok, Thailand.

19. The Council shall, from time to time, make special reviews of the work of the Commission.

RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

*As drawn up at the first session, confirmed and adopted
at the second session, and amended at subsequent
sessions of the Commission.*

Chapter I

SESSIONS

Rule 1

The following principles shall apply as regards date and place for the sessions of the Commission:

(a) The Commission shall at each session recommend the date and place for its next session, subject to the approval of the Council and in consultation with the Secretary-General. Sessions of the Commission shall also be held within forty-five days of the communication to the Executive Secretary of a request to that effect by the Economic and Social Council, and, in that case, the Secretary-General shall establish the place of such sessions in consultation with the Chairman of the Commission;

(b) In special cases the date and place of the session may be altered by the Secretary-General in

consultation with the Chairman of the Commission and the Council's Interim Committee on Programme of Conferences. At the request of the majority of the members of the Commission, the Secretary-General, in consultation with the Chairman of the Commission and the Council's Interim Committee on Programme of Conferences, may also alter the date and place of the session;

(c) Sessions shall ordinarily be held at the office of the United Nations in Asia and the Pacific. The Commission may recommend holding a particular session elsewhere.

Rule 2

The Executive Secretary shall, at least forty-two days before the commencement of a session, distribute a notice of the opening date of the session, together with three copies of the provisional agenda and of the basic documents relating to each item appearing on the provisional agenda. Distribution shall be similar to that under rule 49.

Rule 3

The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that Member.

Chapter II

AGENDA

Rule 4

The provisional agenda for each session shall be drawn up by the Executive Secretary in consultation with the Chairman.

Rule 5

The provisional agenda for any session shall include:

(a) Items arising from previous sessions of the Commission;

(b) Items proposed by the Economic and Social Council;

(c) Items proposed by any member or associate member of the Commission;

(d) Items proposed by a specialized agency in accordance with the agreements of relationship concluded between the United Nations and such agencies;

(e) Items proposed by non-governmental organizations in general consultative status, subject to the provisions of rule 6;

(f) Any other items which the Chairman or the Executive Secretary sees fit to include.

Rule 6

Non-governmental organizations in general consultative status may propose items on matters within their competence for the provisional agenda of the Commission, subject to the following conditions:

(a) An organization which intends to propose such an item shall inform the Executive Secretary at least sixty-three days before the commencement of the session, and before formally proposing an item shall give due consideration to any comments he may make;

(b) The proposal shall be formally submitted with the relevant basic documentation not less than forty-nine days before the commencement of the session. The item shall be included in the agenda of the Commission if it is adopted by a two-thirds majority of those present and voting.

Rule 7

The first item upon the provisional agenda for each session shall be the adoption of the agenda.

Rule 8

The Commission may amend the agenda at any time.

Chapter III**REPRESENTATION AND CREDENTIALS***Rule 9*

Each member shall be represented on the Commission by an accredited representative.

Rule 10

A representative may be accompanied to the sessions of the Commission by alternate representatives and advisers and, when absent, he may be replaced by an alternate representative.

Rule 11

The credentials of each representative appointed to the Commission, together with a designation of alternate representatives, shall be submitted to the Executive Secretary without delay.

Rule 12

The Chairman and the two Vice-Chairmen shall examine the credentials and report upon them to the Commission.

Chapter IV**OFFICERS***Rule 13*

The Commission shall, at its first meeting of each year, elect from among its representatives a Chairman and two Vice-Chairmen, designated as First and Second Vice-Chairmen, who shall hold office until their successors are elected. They shall be eligible for re-election.

Rule 14

If the Chairman is absent from a meeting, or any part thereof, the Vice-Chairman designated by the Chairman shall preside.

Rule 15

If the Chairman ceases to represent a member of the Commission, or is so incapacitated that he can no longer hold office, the First Vice-Chairman shall become

Chairman for the unexpired portion of the term. If the First Vice-Chairman also ceases to represent a member of the Commission, or is so incapacitated that he can no longer hold office, the Second Vice-Chairman shall become Chairman for the unexpired portion of the term.

Rule 16

The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Rule 17

The Chairman, or the Vice-Chairman acting as Chairman, shall participate in the meetings of the Commission as such, and not as the representative of the member by whom he was accredited. The Commission shall admit an alternate representative to represent that member in the meetings of the Commission and to exercise its right to vote.

Chapter V

SECRETARIAT

Rule 18

The Executive Secretary shall act in that capacity at all meetings of the Commission and of its

subcommissions, other subsidiary bodies and committees. He may appoint another member of the staff to take his place at any meeting.

Rule 19

The Executive Secretary or his representative may at any meeting make either oral or written statements concerning any question under consideration.

Rule 20

The Executive Secretary shall direct the staff provided by the Secretary-General and required by the Commission, its subcommissions, and any other subsidiary bodies and committees.

Rule 21

The Executive Secretary shall be responsible for the necessary arrangements being made for meetings.

Rule 22

The Executive Secretary in carrying out his functions shall act on behalf of the Secretary-General.

Rule 23

Before new proposals which involve expenditure from United Nations funds are approved by the Commission, the Executive Secretary shall prepare and

circulate to members an estimate of that part of the cost involved in the proposals which could not be met out of the resources available to the secretariat. It shall be the duty of the Chairman to draw the attention of members to this estimate, and invite discussion on it before the proposals are approved.

Chapter VI

CONDUCT OF BUSINESS

Rule 24

A majority of the members of the Commission shall constitute a quorum.

Rule 25

In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Commission, shall direct the discussion, ensure the observance of these rules, and shall accord the right to speak, put questions to the vote, and announce decisions. The Chairman may also call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 26

During the discussion of any matter, a representative may raise a point of order. In this case,

the Chairman shall immediately state his ruling. If it is challenged, the Chairman shall forthwith submit his ruling to the Commission for decision, and it shall stand unless overruled.

Rule 27

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proposer of the motion, one representative shall be allowed to speak in favour of, and one representative against, the motion.

Rule 28

A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak. Not more than two representatives may be granted permission to speak against the closure.

Rule 29

The Chairman shall take the sense of the Commission on a motion for closure. If the Commission is in favour of the closure, the Chairman shall declare the debate closed.

Rule 30

The Commission may limit the time allowed to each speaker.

Rule 31

Draft resolutions, and substantial amendments or motions, shall be introduced in writing and handed to the Executive Secretary, who shall circulate copies to the representatives at least twenty-four hours before they are discussed and voted upon, unless the Commission decides otherwise.

Rule 32

Upon the request of any member, any motion and amendment thereto made by any speaker shall be given to the Chairman in writing and shall be read by him before any further speaker is called upon and also immediately before a vote is taken on such motion or amendment. The Chairman may direct that any motion or amendment be circulated to the members present before a vote is taken.

This rule shall not apply to formal motions such as one for closure or adjournment.

Rule 33

Principal motions and resolutions shall be put to the vote in the order of their submission unless the Commission decides otherwise.

Rule 34

When an amendment revises, adds to or deletes from a proposal, the amendment shall be put to the vote first, and, if it is adopted, the amended proposal shall then be put to the vote.

Rule 35

If two or more amendments are moved to a proposal, the Commission shall vote first on the amendment furthest removed in substance from the original proposal; then, if necessary, on the amendment next furthest removed; and so on, until all the amendments have been put to the vote.

Rule 36

The Commission may, at the request of a representative, decide to put a motion or resolution to the vote in parts. If this is done, the text resulting from the series of votes shall be put to the vote as a whole.

Chapter VII**VOTING***Rule 37*

Each member of the Commission shall have one vote.

Rule 38

Except for the provision of rule 6(b), decisions of the Commission shall be made by a majority of the members present and voting.

Rule 39

The Commission shall take no action in respect of any country without the agreement of the Government of that country.

Rule 40

The Commission shall normally vote by a show of hands. If any representative requests a roll-call, a roll-call shall be taken in the English alphabetical order of the names of the members.

Rule 41

All elections shall be decided by secret ballot.

Rule 42

If a vote is equally divided upon matters other than elections, a second vote shall be taken at the next meeting. If this vote also results in equality, the proposal shall be regarded as rejected.

Rule 43

After the voting has commenced, no representative shall interrupt voting except on a point of order in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairman, if he deems it necessary, before the voting has commenced or after the voting has been completed.

Chapter VIII**LANGUAGES***Rule 44*

Chinese, English, French and Russian shall be the working languages of the Commission.

Rule 45

Speeches made in one of the working languages shall be interpreted into the other working languages.

Chapter IX**RECORDS***Rule 46*

Summary records of the meetings of the Commission shall be kept by the secretariat. They shall

be sent as soon as possible to the representatives of members and to the representatives of any other government agency or organization which participated in the meeting concerned. Such representatives shall inform the secretariat, not later than seventy-two hours after the circulation of any summary record, of any changes they wish to have made. Any disagreement concerning such changes shall be referred to the Chairman, whose decision shall be final.

Rule 47

The corrected version of the summary records of public meetings shall be distributed as soon as possible in accordance with the usual practice of the United Nations. This shall include distribution to non-governmental organizations in general and special consultative status and those on the Roster, and on appropriate occasions to consultative members.

Rule 48

The corrected version of the summary records of private meetings shall be distributed as soon as possible to the members of the Commission, to any consultative member participating in the meeting concerned, and to the specialized agencies. They shall be distributed to all the Members of the United Nations if and when the Commission so decides.

Rule 49

As soon as possible, the text of all reports, resolutions, recommendations and other formal decisions made by the Commission, its subcommissions or other subsidiary bodies and its committees shall be communicated to the members of the Commission, to the consultative members concerned, to all other Members of the United Nations, to the specialized agencies, and to the non-governmental organizations in general and special consultative status and those on the Roster.

Chapter X**PUBLICITY OF MEETINGS***Rule 50*

The meetings of the Commission shall ordinarily be held in public. The Commission may decide that a particular meeting or meetings shall be held in private.

Chapter XI**CONSULTATIONS WITH SPECIALIZED
AGENCIES AND THE INTERNATIONAL
ATOMIC ENERGY AGENCY**

Rule 51

1. Where an item proposed for the provisional agenda for a session 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 Executive Secretary shall enter into consultation with the agency or agencies concerned and report to the Commission on the means of achieving coordinated 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 Executive Secretary 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 these implications of the proposal.

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

Chapter XII

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Rule 52

Non-governmental organizations in general and special consultative status 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.

Rule 53

Written statements relevant to the work of the Commission or its subsidiary bodies may be submitted by organizations in general and special consultative status on subjects for which these organizations have a special competence. Such statements shall be circulated by the Executive Secretary to the members and associate members of the Commission except those statements which have become obsolete - e.g. those dealing with matters already disposed of, and those which have already been circulated in some other form to members and associate members of the Commission or its subsidiary bodies.

Rule 54

The following conditions shall be observed regarding the submission and circulation of such written statements:

(a) The written statement shall be submitted in one of the official languages;

(b) It shall be submitted in sufficient time for appropriate consultation to take place between the Executive Secretary and the organization before circulation;

(c) The organization shall give due consideration to any comments which the Executive Secretary may make in the course of such consultation before transmitting the statement in final form;

(d) A written statement submitted by an organization in general consultative status will be circulated in full if it does not exceed 2,000 words. Where a statement is in excess of 2,000 words, the organization shall submit a summary, which will be circulated, or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon the specific request of the Commission or of one of its subsidiary bodies;

(e) A written statement submitted by an organization in special consultative status will be circulated in full if it does not exceed 1,500 words. Where a statement is in excess of 1,500 words, the

organization shall submit a summary, which will be circulated, or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon the specific request of the Commission or other subsidiary bodies;

(f) The Executive Secretary in consultation with the Chairman or the Commission itself may invite organizations on the Roster to submit written statements. The provisions of paragraphs (a), (b), (c) and (e) above shall apply to such statements;

(g) A written statement or summary, as the case may be, will be circulated by the Executive Secretary in the working languages and, upon the request of a member or associate member of the Commission, in any of the official languages.

Rule 55

(a) The Commission and its subsidiary bodies may consult with organizations in general or special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged on the request of the organization;

(b) On the recommendation of the Executive Secretary and at the request of the Commission or one of its subsidiary bodies, organizations on the Roster may also be heard by the Commission or its subsidiary bodies.

Rule 56

Subject to rule 23 the Commission may recommend that a non-governmental organization which has special competence in a particular field should undertake specific studies or investigations or prepare specific papers for the Commission. The limitations of rule 54(d) and (e) shall not apply in this case.

Chapter XIII**SUBCOMMISSIONS, OTHER SUBSIDIARY
BODIES AND COMMITTEES***Rule 57*

After discussion with any specialized agency functioning in the same field, and with the approval of the Economic and Social Council, the Commission may establish such continually acting subcommissions or other subsidiary bodies as it deems necessary for the performance of its functions and shall define the powers and composition of each of them. Such autonomy as may be necessary for the effective discharge of the technical responsibilities laid upon them may be delegated to them.

Rule 58

The Commission may establish such committees and subcommittees as it deems necessary to assist it in carrying out its tasks.

Rule 59

Subcommissions or other subsidiary bodies and committees, subcommittees and working parties shall

Subcommissions or other subsidiary bodies and committees, subcommittees and working parties shall adopt their own rules of procedure unless otherwise decided by the Commission.

Chapter XIV**REPORTS***Rule 60*

The Commission shall, once a year, submit to the Economic and Social Council a full report on its activities and plans, including those of any subsidiary bodies.

Chapter XV

AMENDMENTS AND SUSPENSIONS

Rule 61

Any of these rules of procedure may be amended or suspended by the Commission, provided that the proposed amendments or suspensions do not attempt to set aside the terms of reference laid down by the Economic and Social Council.