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ARGENTINE PROPOSAL FOR NEW CEPAL STRUCTURES AND
RELATED PRACTICES OF OTHER REGIONAL COMMISSIONS

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This note is based on discussions with the Chief of the Regional Commissions Section and his staff, the Secretary of the Economic and Social Council, and relevant documentation of the Commissions, the Council and the General Assembly. At a later stage, formal consultations involving, among others, the Legal Office of the United Nations, would be called for. In the meantime, the following pages attempt to present some pertinent information and comments on the issue under consideration.

M.D.P.

THE ISSUE

At the closing meeting of the 19th Session of CEPAL, held on 15 May 1981 in Montevideo, the Argentine representative, Juan Manuel Figuerero, Under Secretary for International Economic Relations, delivered an address on behalf of the delegates participating in that session. In his statement, the Argentine delegate proposed a Latin American forum to discuss matters of concern only to the regional members of the Commission, and a broader forum where the Latin American members could discuss matters of co-operation with developed countries from other parts of the world. Evidently the Commission will wish to consider these proposals on their merits and undertake the necessary consultations, both among the member governments, as well as the superior organs of the United Nations, such as the Economic and Social Council. In this connection, it may be useful to examine the practice of other Regional Commissions in regard to these or related issues, and the reaction of the Council and other appropriate United Nations bodies.

It should be noted that while the formal address by the Argentine representative was presented on behalf of the delegates present, the specific proposals advanced by him were made in "an indicative and individual capacity" and did not therefore reflect at this stage a consensus of the member governments of the Commission. However, he suggested that these ideas merit "rethinking by the Governments so as to produce the necessary consultations ... before the next meeting of the Commission".^{1/}

^{1/} Address by the representative of Argentina, Ambassador Juan Manuel Figuerero, Under-Secretary for International Economic Relations, on behalf of the delegations at the closing meeting of the Nineteenth Session of CEPAL, 15 May 1981.

The Argentine proposal, calling for a Latin American forum implicitly will exclude non-regional members of the Commission from such meetings. At present the Commission includes the following developed countries which presumably would not qualify in such a forum: Canada, France, Netherlands, Spain, United Kingdom and United States. While the proposal for a separate forum is quite clear, it does not state whether such a forum would take the place of the regular sessions of the Commission and whether developed countries members of the Commission would be excluded from the membership by virtue of the establishment of such a forum. As long as the forum remains an additional means of convening the developing members of the Commission, it does not affect the existing formal Commission structure and its periodicity of meetings and thus will presumably not have consequence on the existing membership of the Commission. Based on the experience of CEGAN which de facto is a forum for regional or developing members to meet without the presence of the developed member countries of the Commission, the newly-proposed forum would meet also prior to the sessions of the full Commission which would be informed of the decisions of such a forum.

The second proposal by the Argentine representative refers to a possibility of expansion of membership in the Commission to include other developed countries who have strong ties with Latin America in development co-operation, including the Federal Republic of Germany, the Scandinavian countries, Japan, Switzerland, and the Soviet Union.

Another matter, related to the structure of the sessions, is the need to streamline the debates, which was also mentioned in the statement of the Argentine representative, and has been a matter of concern to the

Executive Secretary. However, this issue would have to be considered separately since it does not appear to be affected directly by the question of membership.

In any event, the proposals, as formulated at present, are not clear whether these new forums are expected to substitute for the existing structure of sessions of the Commission or whether they will be an additional and presumably prior stage. The Argentine statement suggests that these forums "would operate successively" but leaves the question of additionality or substitution unanswered.

The Executive Secretary, in his closing statement to the 19th Session of the Commission, also expressed the hope that the mechanism concerning the Commission's session be modernized and that at the next meeting of the Plenary Committee governments would take action on this matter, in order to improve and strengthen the machinery for dialogue and co-operation by ECLA.

In order to examine these proposals in the light of prevailing United Nations practices, the following pages present brief summaries of the experiences of the Economic Commission for Asia and the Pacific, the Economic Commission for Africa, and the Economic Commission for Western Asia on related issues.

ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC (ESCAP)

In January 1951, four years after the establishment of the Economic Commission for Asia and the Far East, the Executive Secretary presented a Note on the Future of the Commission which gave rise to what became later to be known as the "Lahore Convention". On reviewing the original membership of the Commission, the Executive Secretary noted that of the 10 full members, six were countries outside its geographical scope. By 1951, half of the 14 members were outside the Commission's geographical scope, which prompted the comment that "when the Commission collectively reaches a decision by vote, especially on matters not directly involving countries outside the region, such a decision should in fact reflect the view of the members of the region or the majority thereof; and that a Commission decision reached because the votes of the non-regional members outweigh the votes of regional members, or most of them, is anomalous and inappropriate." ^{1/}

While the Executive Secretary did not propose formal changes in the membership of the Commission, he suggested that member governments might wish to employ devices, formal or informal, to ensure that decisions of the Commission accurately reflect the views of its regional members. Such devices might include abstention of non-regional members or the exercise of restraint in voting, especially on matters predominantly concerning the region.

The Commission essentially endorsed the above proposals which were adopted as the "Lahore Convention" of 1951. The relevant passage, as included in the report of the Commission, is quoted below:

^{1/} ECAFE, Seventh Session, Future of the Commission. Note by the Executive Secretary, E/CN.11/278, 18 January 1951.

341. In effect, therefore, countries within the region, both members and associate members, have been taking their own decisions in the formulation of which the presence, cooperation and advice of countries outside the geographical scope of the Commission have been most welcome. Member governments feel, however, that the time has come when clearer recognition should be given to the principle that member countries belonging to the region should take their own decisions in the Commission on their own economic problems; and that in doing so they should take full account of the views of the associate members in the region, to be ascertained when not known by referring any specific resolution to a Committee. In pursuance of this principle the member countries of the Commission not in the region ^{1/} would be willing, as a general rule, to refrain from using their votes in opposition to economic proposals predominantly concerning the region which had the support of a majority of the countries of the region. The Commission does not consider a more formal expression of this conclusion to be necessary and notes with satisfaction that all members are agreed on the principle which governs their cooperation.

^{1/} Member countries not in the region, at that time, were Australia, France, Netherlands, New Zealand, United Kingdom, Union of Soviet Socialist Republics and the United States of America.

It should be noted that the geographical scope of the Commission was expanded over the years with the inclusion of Australia, Japan, New Zealand, Samoa, Solomon Islands, Tonga and Trust Territory of the Pacific Islands and Tuvalu. Thus the non-regional members of the Commission were reduced to 5, namely France, the Netherlands, United Kingdom, USSR, and United States.

In the early years, the Lahore Convention appears to have worked reasonably well, even though the agreement was not formally binding. Perhaps because of the absence of such a commitment, the principles of the Lahore Convention were gradually eroded, and the regional members of the Commission began to search for other solutions which would permit them to discuss matters concerning the region without the participation of non-regional members. One of the issues related to regional cooperation in Asia. Already at its 16th Session, in 1960, the Commission had addressed itself to the subject of regional economic cooperation for development of trade and industries among the countries of the region. At its 19th Session, the Commission recognized that regional cooperation was an important and effective force for accelerating trade and economic growth, and called for an immediate and substantial increase in cooperative and concerted efforts by countries of the ECAFE region. In this connection the Commission requested the Executive Secretary to "convene a meeting of high level representatives of member and associate member countries of the ECAFE region", it being clearly understood that the participation of non-regional members of ECAFE was not contemplated.^{1/}

In pursuance of the above resolution, a meeting of cabinet members and high ranking officials of the governments of member and associate member countries of the ECAFE region was held at Manila in December 1963. For all practical purposes, this high level meeting, or Ministerial Conference as it came to be called, replaced the Lahore Convention as a means for the regional members of ECAFE (later ESCAP) to meet without

1/ Resolution 45 (XIX)

the participation of the non-regional members of the Commission. (Incidentally, the ESCAP precedent served as a basis for ECLA's Committee of High-level Government Experts, composed of the developing countries members of the Commission, which was established in 1971 under resolution 310 (XIV) of ECLA).

A number of these Ministerial Conferences were held in subsequent years, although more recently this format also began to fall into disuse. The changing relationships between the regional and non-regional members, particularly during the 1970's, and the increasing reliance of ESCAP on extrabudgetary resources from the non-regional members of the Commission, contributed to reduce the importance of the "regional versus the non-regional members" as an issue. To a certain degree it also reflected the attitude of the respective Executive Secretaries on this matter.

ECONOMIC COMMISSION FOR AFRICA (ECA)

The Economic Commission for Africa was established in April 1958 by a resolution of the Economic and Social Council, which opened membership in the Commission to 15 member States of the United Nations, of which only 8 were African States. The 6 non-African States included Belgium, France, Italy, Portugal, Spain and the United Kingdom. South Africa, which was also a full member, was later suspended by the Economic and Social Council because of its racial policies. In 1963 the Council expelled Portugal from membership in the Commission for non-compliance with resolutions of the Commission and the General Assembly.

The terms of reference of the Economic Commission for Africa provide for associate membership to any territory within the geographical scope of the Commission upon presentation by the member State responsible for the international relations of such territory. In accordance with the above, the following territories were admitted in 1958 as associated members: Federation of Nigeria, Zambia, Kenya, Zanzibar, Sierra Leone, British Somaliland Protectorate, Tanganyika and Uganda. The Italian-administered Trust Territory of Somaliland was admitted as associate member later that same year. The terms of reference also state that a territory which has become responsible for its own international relations may be admitted as a full member of the Commission.

The African member States of the Commission were concerned since the earliest years that certain non-self-governing territories were not represented in the Commission as associate members, whereas certain non-African States with territorial responsibility in Africa were

full members.^{1/} The African members were firmly of the view that it was their collective responsibility "to take decisions affecting Africa without the said decisions being influenced by the opposing votes of non-African powers" and they, therefore insisted on the full membership status of the colonial powers being altered or terminated and on African participation on behalf of non-self-governing territories.^{2/}

Accordingly, Italy ceased to be a member of the Commission in 1960 upon the cessation of its territorial responsibility for what has now become the Republic of Somalia; and Belgium in 1962 upon achievement of independence of the Belgian Congo (now Zaire), Rwanda and Burundi. France, Spain and the United Kingdom eventually agreed to a reduction in their status to associate membership.

The Conference of Ministers, which is the principal legislative organ of the Economic Commission for Africa, effectively represents the African members of the Commission, since the remaining non-regional members are circumscribed to associate membership and thus not eligible to vote in meetings of the Commission.

1/ The Economic Commission for Africa, Its Origin, Development and Prospects,
by Adebayo Adedeji, March 1979.

2/ The ECA, op.cit., Resolutions 42(IV), 68(V), 69(V), 84(V), 94(VI), 151(VIII).

ECONOMIC COMMISSION FOR WESTERN ASIA (ECWA)

The Economic Commission for Western Asia was established in August 1973 by the Economic and Social Council by virtue of its Resolution 1818(LV), which lays down the terms of reference of that Commission. According to these terms of reference, membership of the Commission "shall consist of the States members of the United Nations situated in Western Asia which at present call on the services of the United Nations Economic and Social Office in Beirut". The issue of regional or non-regional members of the Commission thus does not arise in the case of ECWA, since only countries situated in Western Asia may become members. However, the issue of inclusion of all countries in that region does arise, since under the above definition Israel is not eligible for membership in that Commission. Moreover, the Commission, has in the past, voted to expel one of its members, Egypt, but this recommendation was not endorsed by the Economic and Social Council which has final authority on such matters.

The terms of reference of ECWA also provide that the Commission "may invite any State member of the United Nations to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member". This formulation is substantially different from that of the other regional commissions whose terms of reference provide that the Commission "shall invite...". Under the latter interpretation, any member expressing an interest is invited automatically to a session of these Commissions, whereas in the case of ECWA this automaticity does not prevail. Apart from political considerations of a regional nature, this formula effectively precludes routine attendance by non-regional members, as is the case in the other commissions.

IMPLICATIONS FOR CEPAL

The experience of the three Regional Commissions described above, points to a very clear trend of the role of the non-regional developed countries in the work of these Commissions. This is manifested by a lessening proportion in the total membership, by conversion from full membership to associate membership, by ceasing to be members under certain conditions, or by not becoming members in the first place. As a corollary to the above, there has been an increasing number of meetings limited to the regional members of the Commissions, resorting where necessary to the device of ad hoc meetings outside the regular conference structure. The oldest of these Commissions, the Economic Commission for Asia and the Pacific, ESCAP (formerly ECAFE), was concerned very early with the need to discuss within a regional forum matters of concern to the regional members only. As a result, the Lahore Convention was approved in 1951, effectively allowing the regional members to take decisions without the vote of the non-regional members. Subsequently, the ministerial meetings of the regional members have become the mechanism by which these countries could convene without the participation of the non-regional members. This format apparently has proven successful and presumably acceptable to the non-regional members of ESCAP.

As regards the addition to the membership of non-regional countries, the ESCAP experience does not show a precedent to add developed non-regional countries as members of the Commission. It may however be noted that in the early years the geographical scope of ESCAP did not include Australia, New Zealand and Japan, which were later added. Thus the non-regional members

of the Commission now are limited to - France, Netherlands, United Kingdom, the USSR, and the United States, who are original members of the Commission.

In the case of the Economic Commission for Africa, the trend has also been towards a reduced role of the non-African states. Some of the regional members of the Commission ceased to be members after the territories for which they had international responsibility became independent, while other developed countries accepted a reduction in the status from full member to associated member of ECA. Thus, the Conference of Ministers, which is the main forum of the ECA, is essentially composed of African members only and all indications are that there are no prospects for expansion of membership to include non-regional developed countries.

Finally, the most recently established of the Commissions, the Economic Commission for West Asia, reflecting this same trend, limited its membership from the beginning to countries situated in Western Asia, and consequently does not include non-regional developed countries.

It has been suggested that the Economic and Social Council may be an appropriate forum where developing and developed countries could debate issues of mutual concern. It will be recalled that the original membership of the Council consisted of 18 countries when the total membership of the United Nations did not surpass 60 countries. With the increase in the membership of the organization, the Council was also expanded and now includes 54 out of the 160 members of the organization. Recently a draft resolution by Jamaica and Argentina proposed to expand the ECOSOC membership even further with an aim to making it universal. However, this proposal appears to have little support since it would in fact duplicate the universal

character of the Second (Economic) and Third (Social) Committees of the General Assembly. Furthermore, it is felt that both UNCTAD and UNIDO provide a global forum for discussions of specific development problems. Nevertheless, in the context of the revitalization of the Economic and Social Council which is to include shorter and more subject-oriented sessions, as well as for ministerial meetings to "review major issues in the world economic and social situation" a new role for dialogue between developed regions and developed countries may be explored. In this connection, the Secretary of the Economic and Social Council would be supportive of a high level Council meeting at which specific problems of regional countries were to be discussed with the developed countries concerned with cooperation with such a region. This would in some measure respond to the broader dialogue between Latin America and the developing countries contemplated by the Argentine representative at the CEPAL Session.

In the context of the action by the General Assembly on development and international cooperation, it has been recognized that reorganization efforts with respect to the conference structure of the Regional Commissions have so far mostly concerned the Commissions proper and their "regular legislative and sub-structures". It was felt that these measures will need to be extended to include ad hoc bodies and other meetings. A report presented to the General Assembly at its 35th session (Document A/35/546) suggests that "the Commissions may strengthen their role in the promotion or cooperation by providing more opportunity for inter-governmental consultations on issues of specific interest to their members." Several commissions have long allowed sub-regional groups of member countries to meet

under the auspices of these Commissions on matters of common economic interest, or common status in special meetings with limited membership, or of a "closed nature".

In the 1981 report on this subject, it is noted that recent developments in several commissions point to a growing concern of member countries, particularly the developing countries, to enhance the responsiveness of the conference structure of the commissions to the needs of particular sections of their membership. Furthermore, within the regional commissions, having both developed and developing member countries, there is increasing interest in arrangements which would enable the developing member countries to mutually consult on major substantive and programme needs of particular concern to them.

SUMMARY AND CONCLUSION

In conclusion, in the light of the experience of the regional commissions in other developing regions, as well as action by the Economic and Social Council, and the General Assembly, there appears to be little prospect of expanding non-regional membership in a regional commission. At the current juncture, it seems the trend is rather pointing in the opposite direction. In this context, the recent admission of Spain to ECLA should be regarded as a special case which is unlikely to be viewed as a precedent for the inclusion of other non-regional developed countries. Prospects would appear better for the proposal of a Latin American forum, either to be held at the regular Commission session or prior to the meetings of the Commission. The latter formula would in fact be an expansion and adaptation of the existing structure of CEGAN by raising the level and scope of the meeting to go beyond the discussions of limited subject matter, as is now the case of CEGAN. The practice of private meetings of the Latin American caucus is of course well-established in New York and Geneva, through the Latin American group (GRULA), but also in such bodies as the OAS, where Latin American delegates often meet during a session to develop their position vis-a-vis the non-regional member of the organization.

The experience of other regional commissions suggests that the formula of special meetings, such as the Ministerial Conference in ESCAP or High Level Governmental Experts in ECLA effectively circumvent the question of exclusivity which has been a highly sensitive issue for some developed countries. Indeed the Argentine proposal has been interpreted, erroneously,

as an attempt to exclude developed countries from ECLA. As described earlier, this process would require a decision by the Commission, endorsed by the Economic and Social Council, which has neither been proposed by the Argentine representative, nor contemplated by the Commission at its Montevideo Session. Only in the Economic Commission for Africa has this process taken place, whereas in ESCAP the original non-regional developed members continue as full members, even though the regional members (both developing and developed) have devised mechanisms to meet separately and arrive at decisions and resolutions reflecting their views..

While all regional commissions are subsidiary organs of the Economic and Social Council and the terms of reference tend to be fairly standardized, there are nevertheless sufficient differences, both in the terms of references, as well as the mode of operation to make comparison difficult. In particular, the conference structure, the role of subsidiary bodies, the frequency of meetings, both of the commissions and these bodies, as well as the mode of contact with governments, e.g. permanent representatives, and/or subsidiary bodies, vary considerably between commissions. There is however an impression that the number of instances of contact with government representatives through meetings of subsidiary bodies tend to be more frequent in the other commissions than in ECLA.

In this connection, the practice of other commissions of holding technical meetings prior to the commission's session may be considered. This would allow more time for policy debate and decisions, while reducing the duration of the session. As regards regional cooperation, the Latin

American members of the Commission may convene high-level conferences to discuss issues which are exclusively relevant to the countries of the region and adopt resolutions reflecting their views. Similarly, with regard to cooperation among countries of the region and countries outside the region, special conferences could be convened at which, in addition to the members of the Commission other interested member states of the United Nations may be invited. Such arrangements would respond in some measure and under the existing practices, to the proposals for a regional forum on one hand, and on the other for an expanded dialogue of the region with "countries outside the region which have important cooperation policies with the countries of Latin America."