

NOTE TO THE SECRETARY OF THE GOVERNING BODIES OF UNHABITAT

Special sessions of the Committee of Permanent Representatives of UNHABITAT

1. This is in reference to your question as to whether the Committee of Permanent Representatives (“CPR”) of the UN Habitat Assembly can convene a special session. Our views are as follows:
2. By way of background, the United Nations Charter (Chapter IV, article 20) provides for the General Assembly to meet in special sessions as follows: "The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations."
3. To that end, the General Assembly has over the years met in special sessions and many of their special sessions have addressed a specific subject or theme such as the coronavirus disease.¹ As far as the organizational arrangements for special sessions are concerned, special sessions usually elect their own officers unless a decision is taken by a regular session as to who those officers shall be.²
4. The rules of procedure of the Governing bodies of the United Nations Funds and Programmes can provide for special sessions. Provision is made for special sessions of the United Nations Environment Assembly in rules 5 and rule 6 of the rules of procedure. Rule 6 of the rules of procedure of the UN Habitat Assembly also allow for special sessions under “unexpected circumstances.”
5. As far as the Committee of Permanent Representatives (CPR) is concerned, rule 29 of the rules of procedure of the UN Habitat Assembly (“Rules”) provide that “the rules of procedure of the UN-Habitat Assembly shall apply, *mutatis mutandis*, to all intersessional organs that do not have their own rules of procedure. Where an intersessional organ has its own rules of procedure, the rules of procedure of the Assembly may apply in cases where the rules of intersessional organs are silent. The Executive Board of UN-Habitat shall act in accordance with its own rules of procedure.” Accordingly, it is the rules of procedure of the UN Habitat Assembly that apply *mutatis mutandis* to the proceedings of the CPR.
6. Rule 23, paragraph 2 of the rules provides that, “The Committee of Permanent Representatives shall convene, in an open-ended manner, twice every four years: once prior to the UN-Habitat Assembly, in preparation for that session, and once for a high-level midterm review. If necessary to efficiently implement its mandate to prepare the next session of the Assembly, the Committee may, on a basis of consensus, establish subcommittees.”

¹ <https://www.un.org/en/ga/sessions/special.shtml>

² See the Provisional agenda of the thirty-second special session of the General Assembly (A/S-32/1) on the challenges and measures to prevent and combat corruption and strengthen international cooperation that elected a President.

7. As far as the election of the Officers for the Bureau of the CPR are concerned, rule 27 provides that, “**At the end of each of its meetings**, the Committee of Permanent Representatives shall elect its Bureau, which shall be composed of a Chair, three Vice-Chairs and a Rapporteur. In electing five Member States to hold those offices, the Committee of Permanent Representatives shall ensure that each of the five regional groups is equally represented in the Bureau.” (Emphasis added).
8. As far as special session are concerned, the rule 6, paragraph 1 provides that,” special sessions may be held under unexpected circumstances pursuant to a decision taken by the UN-Habitat Assembly at a regular session or at the request of any of the following: (a) A majority of the States Members of the United Nations; (b) The General Assembly; (c) The Economic and Social Council; and(d) The President of the UN-Habitat Assembly, with the concurrence of the other members of the Bureau of the Assembly and in consultation with the Executive Director.”
9. Within the United Nations there is a practice of subsidiary and intersessional bodies convening special sessions, but this practice is rare. For example, the rules of procedure of the Main Committees of the United Nations General Assembly do not allow for special sessions. However, there have been certain subsidiary bodies of the United Nations Economic and Social Council (ECOSOC) that have on isolated cases convened special sessions, but only if mandated by ECOSOC.³
10. In the light of the above explanation, the following concerns may be expressed concerning the convening of a special session of the CPR and that such action may not be consistent with the rules or United Nations practice:
 - (a) The UN Habitat Assembly has not granted a mandate to the CPR to convene a special session.
 - (b) Special sessions elect their own Officers and do not elect or decide upon the Officers for regular sessions. Rather, regular sessions can decide upon the officers for special session. For example, by Decision 5/3 of the United Nations Environment Assembly, the Assembly decided “to convene a special session of the United Nations Environment Assembly to commemorate the fiftieth anniversary of the establishment of the United Nations Environment Programme, to be held in Nairobi for two days, on 3 and 4 March 2022, in conjunction with the resumed fifth session of the Environment Assembly, **under the leadership of the Presidency and the Bureau of the sixth session of the Environment Assembly.**” (Emphasis added).
 - (c) The rules are specific for the election of the Officers for the CPR. Rule 27 provides that, “At the end of each of its meetings, the Committee of Permanent Representatives shall elect its Bureau.” This presumes the election of officers at a regular meeting of the CPR.
 - (d) Special sessions address pressing substantive matters.
11. However, within the practice of the United Nations, subsidiary and intersessional bodies have suspended or adjourned their meetings or at times convened extraordinary meetings in order to

³ For example, the United Nations Commission for Social Development convened a Special Session in May 1996 to review, inter alia, its mandate pursuant to ECOSOC resolution 1995/60. The United Nations Statistical Commission also convened a Special Session in September 1993 (E/CN.3/AC.1/1993/R.2/Add.1).

complete their work, provided that their decisions on such meetings are consistent with their mandate and the applicable rules of procedure.⁴

12. In this connection, rule 72 of the rules allow for the suspension of rules of procedure. Specifically, “a rule of procedure may be temporarily suspended by the UN-Habitat Assembly on a non-objection basis or by way of voting, provided that notice of the proposal for suspension has been given to the members of the UN-Habitat Assembly at least 24 hours in advance.”
13. One option would be to allow for the suspension of the rules on a no-objection basis, which can be done in writing through communicating to all members of the Habitat Assembly - as the CPR do not have the authority to change the rules. This would allow for an extraordinary meeting of the CPR to be convened by its Bureau, so that it can address procedural and other questions, as needed and if appropriate. It would be advisable to have the support of both the Bureaus of the Assembly and the CPR for this course of action.

16 November 2022

⁴ See for example the decisions of the Commission on the Status of Women for extraordinary meetings (E/1999/L.9) submitted to the United Nation Economic and Social Commission for approval.