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Economic and Social Commission for Western Asia (ESCWA)

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REVISION OF THE TERMS OF REFERENCE AND RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA

Summary

The review conducted by the Economic and Social Commission for Western Asia (ESCWA) in 2011 of its intergovernmental mechanism concluded that the current structure does not require any major change. However, discussions at the seventh meeting of the Technical Committee (18-19 March 2013) addressed the effectiveness of the Technical Committee in facilitating consultations and cooperation and strengthening partnership between the secretariat of ESCWA and its member States.

In this document, the secretariat presents recommendations to enhance such cooperation and coordination. These recommendations were formulated drawing on the experiences of other regional commissions and on the 2011 Review of the intergovernmental mechanism of ESCWA and its subsidiary bodies.
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Introduction

1. According to its Terms of Reference, the Economic and Social Commission for Western Asia (ESCWA) has the mandate to initiate and participate in measures for facilitating concerted action for the economic reconstruction and development of Western Asia, raising the level of economic activity in Western Asia and maintaining and strengthening the economic relations of the countries of that area among themselves and with other countries of the world.

2. The Commission relies on its subsidiary bodies to achieve this mandate. The subsidiary bodies provide guidance on the various sectoral programmes of work, oversee the work of the secretariat, monitor implementation of decisions and resolutions, and cooperate with member States and other organizations.

3. In this document, the secretariat presents recommendations to enhance such cooperation and coordination between ESCWA and its member States. These recommendations were formulated drawing on the experiences of other regional commissions and on the 2011 Review of the intergovernmental mechanism of ESCWA and its subsidiary bodies. ¹

4. The Technical Committee is invited to review the document and provide guidance on the proposed amendments to its Terms of Reference and the Terms of Reference and Rules of Procedure of ESCWA in order to submit them to the Commission at its twenty-eighth session.

I. THE CONFERENCE STRUCTURE OF OTHER REGIONAL COMMISSIONS

5. While each regional commission has a different mandate and must adapt to different realities, a look at the different conference structures of these commissions may help streamline and render the functioning of ESCWA more efficient. A brief history of the current conference structures of the Economic Commission for Africa (ECA), the Economic Commission for Europe (ECE), the Economic Commission for Latin America and the Caribbean (ECLAC), and the Economic and Social Commission for Asia and the Pacific (ESCAP) is therefore presented in this document.

Economic Commission for Africa ²

6. The Economic Commission for Africa (ECA) underwent a major reform of its intergovernmental machinery in 1997 in response to new circumstances at the international, regional and national levels. Several committees were then abolished, and new sectoral committees were established.

7. In 2007, ECA conducted a review of its intergovernmental machinery in light of the slow economic growth in Africa, the emergence of new continental institutions, the increased international will to address the special needs of Africa, and the United Nations reform process. A number of modifications to the structure of ECA were proposed including that ECA and the African Union organize an annual joint meeting in order to enhance their partnership, provide more coherence, reduce costs and increase attendance and high-level participation. ECA would also continue to convene an annual session of the Conference of African Ministers at the same time and venue as the joint ECA-African Union meeting to discuss statutory issues. The five Intergovernmental Committees of Experts would convene at subministerial level. The States members of the Commission approved the revised intergovernmental machinery as proposed by the 2007 review and the Economic and Social Council endorsed it.

² Based on the following ECA documents: Review of the intergovernmental machinery of the Economic Commission for Africa, 2007 (E/ECA/COE/26/10); Repositioning ECA to better respond to Africa’s priorities, 2006 (E/ECA/CM.39/7); and Recent organizational changes to the ECA secretariat, 2010 (E/ECA/COE/29/14).
8. Under the current structure, the Commission or the Conference of African Ministers of Finance, Planning and Economic Development meets annually to provide legislative mandates and policy guidance on the work of the Commission; to articulate Africa’s position on key development issues on the agenda of the United Nations; and to decide on the recommendations of its subsidiary bodies and of the Executive Secretary.

9. ECA comprises seven committees, which act as subsidiary organs. Their mandate is to provide guidance on the work of the subprogrammes and monitor implementation. The committees meet on a biennial basis for a period of three to five days and report directly to the Commission.

10. The five Intergovernmental Committees of Experts represent the following subregions: East Africa, West Africa, Central Africa, North Africa and Southern Africa. They hold annual meetings prior to the Conference of African Ministers. Experts from governments and non-state institutions participate in these meetings to discuss economic and social conditions in the subregions and to formulate recommendations for development and regional integration.

11. In 2010, ECA evaluated the impact of the reform on its activities. It concluded that it had become stronger, more relevant and better-focused, and that it delivers more effectively within its mandate.

Economic Commission for Europe

12. Prior to 2005, the Economic Commission for Europe (ECE) held annual sessions and its structure consisted of the Bureau, which comprised the representatives of member States and insured dialogue with the secretariat between the annual sessions of the Commission; the Group of Experts on the Programme of Work (GEPW), representing all member States, which advised the Commission on possible adjustments to the programme of work in light of new priorities, competing demands or budget changes; and the Steering Committee representing the eight permanent subsidiary bodies (PSBs) or sectoral committees.

13. In 2005, a review was conducted to evaluate the structure and work of ECE. The main findings included that the ECE governance was unnecessarily complex. More specifically, the Steering Committee’s actual power of coordination over the different PSBs was relatively weak and there was a lack of horizontal communication. The structure and functions of GEPW were too cumbersome and its terms of reference insufficiently defined to interact with the secretariat in an effective manner. The recommendations included merging the Bureau and GEPW to form a single governing body, the Executive Committee (EXCOM); holding biennial sessions of the Commission; and charging EXCOM with the overall guidance on the programme of work covering the years in which the Commission does not convene. The recommendations also included discontinuing the Steering Committee, and inviting the chairs of PSBs to report to EXCOM and participate directly in the formal discussions related to their specific work programmes. The Commission adopted a work plan for the reform, which was endorsed by the Economic and Social Council.

14. The Commission takes the strategic decisions on the programme of work and on the allocation of resources. It provides general guidance to EXCOM and convenes its sessions every two years providing a forum for policy dialogue at a high level on the economic development in the region.

15. EXCOM comprises representatives of all ECE member States. It is in charge of the implementation of the overall guidance adopted by the Commission. In between sessions of the Commission, EXCOM acts on behalf of the Commission with regard to all matters related to ECE activities. In particular, EXCOM carries out the following tasks: (a) preparing the sessions of the Commission; (b) approving the programme of work of the sectoral committees; (c) approving the set-up, renewal, discontinuance, terms of reference, and work

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3 Based on the following ECE documents: Work plan on ECE reform, 2005 (E/ECE/1434/Rev.1); Outcome of the review of the 2005 reform of ECE, 2013 (E/ECE/1468); and Implementation of the reform, 2009 (E/ECE/1446).
plans of groups under the sectoral committees; (d) examining, with the chairperson and vice-chairperson of the sectoral committees, their report on the implementation of their programme of work and other relevant issues; (e) ensuring coherence between subprogrammes; and (f) dealing with all matters related to programme planning and administrative and budgetary issues, including extrabudgetary funding. EXCOM meets when necessary and reports to the Commission annually.

16. The Commission comprises eight subsidiary bodies, designated as sectoral committees which meet once a year and implement their respective programme of work. They report once a year to EXCOM, through a meeting with the chairs and vice-chairs, where they jointly prepare and submit proposals on issues and activities of common interest.

17. The ECE first assessed the implementation of the reform in 2007. A major accomplishment of the reform was the streamlining and strengthening of the ECE governance structure at the intergovernmental level.

18. A second review of the implementation of the reform was conducted in 2009 and found that EXCOM was working efficiently as the standing governing body of ECE particularly for meeting frequently, reviewing the work of all sectoral committees, approving their programmes of work, establishing and renewing subsidiary bodies, and addressing issues requiring the attention of a decision between the biennial sessions of the Commission. Working through informal groups when there was a need to examine certain issues in more detail was seen as a useful practice. Holding meetings of the chairs of sectoral committees immediately after the annual session of each committee also generated greater awareness and knowledge of the work of ECE among member States.

19. A final review of the outcome of the 2005 ECE reform was completed in 2013. It emphasized the importance of the interaction between EXCOM and the sectoral committees, through proper evaluation, reporting and discussion on the evaluation of subprogramme performance.

Economic Commission for Latin America and the Caribbean

20. The Economic Commission for Latin America and the Caribbean (ECLAC) meets once every two years to discuss issues of importance for the development of Latin American and Caribbean countries and review its activities. It also coordinates its activities with the appropriate organs of the Inter-American System.

21. The Commission comprises the Committee of the Whole which meets in the years the Commission does not convene. It addresses the activities of the subsidiary bodies of ECLAC, proposes strategic frameworks and, with the assistance of the Executive Secretary, prepares for the next session of the Commission.

22. The Commission also comprises the following six committees: the Caribbean Development and Cooperation Committee; the Conference on Science, Innovation and Information and Communications Technologies; the Committee on Population and Development; the Statistical Conference of the Americas and its Executive Committee; the Regional Council for Planning of the Latin American and Caribbean Institute for Economic and Social Planning and its Presiding Officers; and the Regional Conference on Women in Latin America and the Caribbean.

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5 ECLAC, Joint Inspection Unit, Review of management and administration in the Economic Commission for Latin America and the Caribbean, 2013 (JIU/Note12013/2).
23. In 2002, ECLAC conducted a review of its intergovernmental structure and found that its current institutional and conference structure should be maintained.

**Economic and Social Commission for Asia and the Pacific**

24. In 2008, The Economic and Social Commission for Asia and the Pacific (ESCAP) introduced a reform of its conference structure aimed at improving responsiveness to the needs of member States, fostering ownership and participation by member States in the work of the Commission and its subsidiary bodies, and holding more effective meetings. The new structure of the Commission includes the following organs: the Advisory Committee of Permanent Representatives and Other Representatives Designated by Members of the Commission (ACPR), which assists the work of the Commission; eight committees, which perform specific work on programmatic issues (four of them meet biennially and the others annually); and five regional institutions, which have the status of subsidiary bodies and in which member States are represented.

25. A midterm review of the conference structure of ESCAP was presented at its sixty-seventh session in 2011. Member States agreed that the five regional institutions of ESCAP could be better integrated into the conference structure and would gain from a clearer mandate. They noted that an annual session of the Commission is desirable in view of the unique status of the Commission as the only regional forum for dialogue between officials at the ministerial level in the fast changing global economic environment. Member States also noted the need for clearer terms of reference and rules of procedures and greater monitoring powers for ACPR.

26. ACPR meets when necessary, but for no more than twelve days per calendar year. The new Terms of Reference of ACPR include, among others, the following:

- To strengthen close cooperation and consultation between member States and the secretariat;
- To serve as a forum for substantive exchange of views and provide guidance on the formulation of the ESCAP agenda, in connection with economic and social developments that have an impact on the Asia and Pacific region;
- To advise and guide the Executive Secretary in monitoring and evaluating the implementation of the programme of work and resource allocation and in drawing up proposals for the strategic framework, programme of work and agendas of the annual sessions of the Commission;
- To advise and guide the Executive Secretary on the identification of emerging economic and social issues and other relevant issues for incorporation into the agendas of the annual sessions of the Commission;
- To follow up on ESCAP collaboration and related arrangements with other regional and international organizations, in particular on long-term cooperation programmes and joint initiatives.

27. The Commission conducted a final review of its conference structure in 2013. The review suggested that ACPR should follow up on the work of ESCAP subregional offices and regional institutions in order to strengthen ownership and awareness of those member States that are not actively involved in the governance structure of the regional institutions and report on national implementation of resolutions in order to enhance

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6 Based on the following ESCAP documents: Resolution 64/1 of 30 April 2008 concerning the Restructuring of the conference structure of the Economic and Social Commission for Asia and the Pacific; Midterm review of the functioning of the conference structure of the Commission, 2011 (E/ESCAP/67/15); and Final review of the conference structure of the Commission, including its subsidiary structure, pursuant to resolutions 64/1 and 67/15, 2013 (E/ESCAP/69/18).
the linkages between the representatives and their capitals. The ACPR is not involved in the approval of the programme of work or decisions of the subsidiary bodies.

II. CONFERENCE STRUCTURE OF THE ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA

28. In 2006, ESCWA initiated a comprehensive review of its intergovernmental mechanism. The objective was to strengthen the coordination and cooperation between subprogrammes and provide coherent programmes of work focused on the priority issues of the region. The evaluation report raised a number of concerns shared by member States on the functioning of the Commission, in particular, on the following elements:

(a) The need for the secretariat to coordinate more closely with member States in preparation for the sessions, in particular regarding inputs on substantive issues and agenda items;

(b) The lack of consultations and coordination with member States throughout the year;

(c) The lack of time available for debate, which does not permit delegations to present country-specific experience and success stories.

29. While no reform was implemented across the Commission, the Technical Committee was established in 2006 with the purpose of enhancing interaction and close consultation between the States members of the Commission and its secretariat on substantive development issues. In particular, the Technical Committee advises and assists the secretariat in drawing up proposals for the strategic framework, the programme of work and priorities; advises and assists the secretariat in preparing follow-up reports on the implementation of Commission resolutions, as well as the implementation of the work programme and additional activities of the Commission, including the mobilization of extrabudgetary resources to support their implementation, and other outstanding matters that require action; assists the secretariat in identifying emerging economic and social issues and other relevant priority issues for incorporation into the agendas of the sessions of the Commission and the subsidiary intergovernmental committees; and carries out any other task entrusted to it by the Commission. It regroups high-level officials of member States and meets three times per biennium and a fourth time, if necessary.

30. Under the current structure, the Commission is the highest decision-making body. It holds biennial sessions and comprises seven subsidiary bodies: the Statistical Committee, the Committee on Social Development, the Committee on Energy, the Committee on Water Resources, the Committee on Transport, the Committee on Liberalization of Foreign Trade and Economic Globalization, and the Committee on Women. The committees meet biennially, except for the Committee on Transport which holds its sessions annually. However, many committees have recently discussed holding annual sessions.

31. Another evaluation of the intergovernmental mechanism of ESCWA and its subsidiary bodies was completed in 2011. The evaluation report concluded that the current intergovernmental structure is more than satisfactory and does not require any major change. However, opinions of member States were divided on the effectiveness of the Technical Committee in facilitating consultations and cooperation between the secretariat and member States. The idea of replacing the Technical Committee by a body that has more executive power was proposed.

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7 Based on the following ESCWA documents: Streamlining the work of the Commission: Lessons learned from the evaluation of the sessions of the Commission and its subsidiary bodies, 2010 (E/ESCWA/26/6(Part I)/A); Terms of Reference of the Technical Committee, 2011 (E/ESCWA/2011/C.5.); Evaluation of the intergovernmental mechanism of ESCWA and its subsidiary bodies, 2011 (E/ESCWA/2011/C.5/CRP.1); and The intergovernmental mechanism of ESCWA and its subsidiary bodies: Key options for consideration by ESCWA at its twenty-seventh session, 2011 (E/ESCWA/2011/C.5/3).
32. In response to the report, the secretariat suggested that linkages between the subsidiary bodies could be enhanced. The secretariat also noted that meetings of the Technical Committee should coincide with the planning timeline for the strategic framework and the programme budget to enhance consultation with member States before documents are submitted to the relevant bodies of the United Nations for approval. Additionally, the secretariat proposed to transform the Technical Committee into an executive body for the Commission. Namely, it suggested that the Technical Committee should review and transmit decisions taken by the subsidiary committees to the next session of the Commission. However, should the Technical Committee remain a preparatory committee, the secretariat proposed to reduce the length of the senior officials segment of the ministerial session of the Commission and to entrust the senior officials segment with the consideration of the decisions of the preparatory committee.

III. RECOMMENDATIONS

33. Under the current conference structure, the Commission meets only once every two years. In between these sessions, the Commission cannot take decisions or report to the Economic and Social Council, and the Technical Committee is not currently authorized to take decisions of such a nature. In view of that shortcoming, the secretariat emphasizes the need to extend the power of the Technical Committee to better support the work of the Commission in between sessions.

34. Another drawback of the current structure is the lack of coordination between the subsidiary committees and the Technical Committee. Only the Commission may adopt the recommendations proposed by subsidiary committees. Accordingly, during the years the Commission does not meet, committees are stuck at a standstill. This situation could also be remedied by increasing the powers of the Technical Committee to act as a clearinghouse for the proposals brought forward by the committees. Such a solution would reduce the workload of the sessions of the Commission considerably.

35. While contemplating possible solutions to the current challenges affecting the conference structure of ESCWA, it is important to keep in mind that, unlike ECE, which is headquartered at the United Nations Office in Geneva (UNOG), and, to a certain extent, ECLAC, which can hold meetings at New York United Nations Headquarters, there are no permanent representatives to the United Nations in Beirut.

36. Despite the specificity of its statutory instruments, ESCWA would benefit from the reform of certain of its mechanisms. In particular, the secretariat proposes amendments to the structure and role of the Technical Committee and to the ESCWA Terms of Reference to reflect the new realities of the region and its member States including the provisions relating to reporting mechanisms, membership and relationship with other regional organizations.

Technical Committee

37. The secretariat stresses the need to amend the functions and reporting lines of the Technical Committee. Increased powers would allow better coordination in between the biennial sessions of the Commission, lightening the workload of the ministerial session and ensuring prompt responses to the issues raised by subsidiary committees. In evaluating possible solutions, the secretariat examined the functioning of equivalent subsidiary bodies in the other regional commissions and has identified a number of positive attributes.

38. The secretariat is recommending the establishment of a vertical conference structure. This requires the amendment of both the Terms of Reference and Rules of Procedure of the Commission and the Terms of Reference of the Technical Committee. Expanding the functions and power of the Technical Committee over the subsidiary committees is the most effective and efficient manner to achieve this objective. Specifically, and inspired by the Terms of Reference of ECE and ECLAC, the Technical Committee must be allowed to approve the programme of work and resolutions of the subsidiary
committees. It must also be empowered to approve the set-up, renewal, discontinuance, terms of reference, and work plans of the groups under the subsidiary committees.

39. The ECE has a vertical structure, with committees reporting to EXCOM, which, in turn, reports to the Commission.\textsuperscript{8} The functions entrusted to EXCOM are much more committee-oriented than those of the ESCWA TC. In particular, EXCOM shall do the following: (a) review, evaluate and approve the programme of work of the sectoral committees; (b) approve the set-up, renewal, discontinuance, terms of reference, and work plan of groups under the sectoral committees; and (c) examine the reports of the sectoral committees.\textsuperscript{9} To ensure continuity, Commission officers chair the EXCOM. Moreover, the chairpersons, or vice-chairpersons, of the sectoral committees are regularly invited to meetings of EXCOM in order to facilitate cooperation. The Terms of Reference of EXCOM are also clearer than those of the ESCWA TC on its powers: EXCOM is competent on all matters related to ECE activities in conformity with its Terms of Reference.

40. Cooperation between EXCOM and the Commission is also set out in sufficient detail and entails the following: (a) preparing the sessions of the Commission; (b) ensuring coherence between subprogrammes; and (c) dealing with all matters related to programme planning, administrative and budget issues, including extrabudgetary funding. It is also noteworthy that EXCOM is established directly by the Rules of Procedure of the Commission, which provide that the Commission shall adopt the Terms of Reference and Rules of Procedure of EXCOM and that the Commission shall provide general guidance to EXCOM.

41. At ESCAP, identical to the current structure of ESCWA, committees report directly to the Commission. In that manner, the ACPR does not serve as a clearinghouse for their decisions, but only as an intermediary between the secretariat and the Commission. However, the context of ESCAP is different from that of ESCWA. Indeed, the Commission meets annually, whereas the subsidiary committees meet biennially. In view of that, the role of the ACPR is entirely different: It needs to organize conferences more frequently, but has less subsidiary committee activities to analyse.

Reporting

42. ESCWA is required to submit to the Economic and Social Council an annual report on its activities and plans, including those of the subsidiary bodies. However, it is not specified how this reporting should take place in years in which the Commission does not convene. The relevant provisions of the Terms of Reference and Rules of Procedure need to be supplemented in order to render the practice more efficient.

43. The Terms of Reference of ECA and ECLAC indicate that in years in which the Commission does not hold a session, the Executive Secretary submits to the Economic and Social Council a report on its activities and plans, including those of the subsidiary bodies, following approval by the chair of the session in question and circulation to the Governments of member States for their comments and modifications. This work mechanism could be simplified by delegating the adoption of the intersessional report to the Technical Committee. This would require both an amendment to the Terms of Reference of the Technical Committee, as well as a modification of the provisions pertaining to annual reports in the Terms of Reference and Rules of Procedure of the Commission.

44. In order for the Technical Committee to be in a position to submit intersessional reports to the Economic and Social, it needs to receive the reports of the sectoral committees. Such a provision on reporting could be included in section V on subsidiary bodies of the Rules of Procedure of ESCWA.

\textsuperscript{8} ECLAC is also structured vertically; committees report to the Committee of the Whole.

Redesignation of ESCWA

45. Interest in ESCWA membership is increasing. At its twenty-seventh ministerial session, the Commission adopted resolution 302(XXVII), approving the membership requests from Libya, Morocco and Tunisia and inviting all other Arab countries to become members of ESCWA. In this resolution, the Commission also requested the secretariat to coordinate the redesignation of ESCWA to represent all Arab countries. The Economic and Social Council endorsed the new membership in its resolution 2012/1 of 10 July 2012.

46. At its seventh meeting, the Technical Committee discussed the progress made in implementing the resolution. Member States expressed concern about the delay in implementing the redesignation of ESCWA. They agreed on Economic and Social Commission for Arab States as the new name of the Commission and recommended that the secretariat effect this change.

47. In that regard, a resolution should be adopted by the ministerial session of ESCWA recommending the new designation to the Economic and Social Council. A similar amendment was effected in 1985 when the Commission adopted a resolution to change its name from ECWA (Economic Commission for Western Asia) to ESCWA (Economic and Social Commission for Western Asia) and the Economic and Social Council endorsed it.

Relationship with other regional organizations

48. ESCWA regularly liaises with many regional organizations and agencies, most notably the League of Arab States. However, the terms of the partnership are not set out in detail in the Terms of Reference and Rules of Procedure of the Commission. These Terms of Reference simply state that the Commission may invite representatives of any intergovernmental organization to participate in a consultative capacity in the consideration of any matter of particular concern to those organizations, following the practice of the Economic and Social Council.

49. In contrast, the relationship of ECLAC with the Inter-American System is very clearly structured. ECLAC cooperates and coordinates its activities with the appropriate organs of the Inter-American System in order to avoid any unnecessary duplication of efforts. It is empowered to establish working arrangements regarding the joint study of economic problems within its competence and comprehensive exchange of information. ECLAC invites representatives of the Organization of American States and other regional bodies to attend its meetings in a consultative capacity.

50. The secretariat is of the opinion that an increasingly concerted action would result from a more structured relationship with the League of Arab States and other Arab regional organizations, which would enable ESCWA to better achieve its objectives.

IV. PROCESS FOR THE ADOPTION OF THE REVISED TERMS OF REFERENCE

51. The secretariat is therefore proposing to amend the Terms of Reference and Rules of Procedure of ESCWA and the Terms of Reference of the Technical Committee, along the above-mentioned proposals.

52. The Economic and Social Council must approve any revision of the terms of reference of regional commissions. Rules 72 and 73 of the Rules of Procedure of ESCWA state that the rules of procedure may be amended by the Commission after its officers have reported to it on the proposed amendment, as long as the amendment does not contravene the Terms of Reference of the Commission.

53. The Rules of Procedure also provide that the Commission may, with the approval of the Economic and Social Council, establish such standing subsidiary bodies as it deems necessary for the performance of its functions and shall define the powers and composition of each of them.
54. Any revision to the Terms of Reference and Rules of Procedure of ESCWA has to be adopted by the Commission at its ministerial session. Accordingly, modifications to the statutes of subsidiary bodies must be approved at three levels: first, the subsidiary bodies approve their new terms of reference; the subsidiary bodies will then submit the proposed amendments to the ministerial session for approval; and, finally, ESCWA will refer to the Economic and Social Council for endorsement.