

LEGAL NOTE ON THE ALIGNMENT OF THE UN-HABITAT PLANNING CYCLES AND CYCLE OF ELECTION OF OFFICES OF THE GOVERNING BODIES OF UN-HABITAT WITH THE QCPR

First session of the United Nations Habitat Assembly

1. The Report of the United Nations Habitat Assembly of the United Nations Human Settlements Programme¹ states that the Assembly held its first session in Nairobi between 27-31 May 2019. At its 1st plenary meeting, the UN-Habitat Assembly elected by acclamation Ms. Martha Delgado Peralta (Mexico) to serve as President of the UN-Habitat Assembly at its first session. At its 2nd plenary meeting, the UN-Habitat Assembly adopted its rules of procedure. At its 2nd plenary meeting, the UN-Habitat Assembly elected the following Member States to serve on the Bureau at its first session: Vice-Presidents: Germany, Ghana, Poland. Rapporteur: China.
2. The Committee of Permanent Representatives (CPR) had recommended that the Assembly at its first session proceed to elect, on an exceptional basis, the Bureau of the CPR for the period 2019–2021. At its second plenary meeting, the Assembly elected the Bureau of the CPR to serve until the end of the high-level mid-term review of the Committee, to be held in 2021, as follows: Chair: Eritrea, Vice-Chairs: Bangladesh, Serbia Costa Rica.
3. At its 2nd and 7th plenary meetings, the UN-Habitat Assembly elected by acclamation the 36 members of the Executive Board, taking into account the distribution of seats described in the report on the work of the Open-ended Working Group² which was **endorsed** by the General Assembly in its resolution 73/239, as follows: 10 seats for the African States; 8 seats for the Asia Pacific States; 4 seats for the Eastern European States; 6 seats for the Latin American and Caribbean States; and 8 seats for the Western European and other States. At its 2nd plenary meeting, the UN-Habitat Assembly further decided to forward the draft rules of procedure of the Executive Board³ to the Board for consideration and possible adoption, and for subsequent consideration and possible endorsement by the Assembly.

Applicable rules of procedure

4. Rule 2 of the UN HABITAT Assembly rules provides that “the UN-Habitat Assembly, having a universal governmental membership, will convene in Nairobi for a **five-day period every four years.**” (Emphasis added). Rule 9 allows for the adjournment of sessions and provides that “the UN-Habitat Assembly may decide to adjourn any session temporarily and resume meeting at a later date.”
5. As far as the election of its Bureau is concerned, rule 18, paragraph 1 provides that, “**during the final meeting of a regular session**, the UN-Habitat Assembly shall elect the five members of its

¹ A/74/8

² A/73/726

³ HSP/HA/1/9

Bureau, composed of Member States elected to hold the offices of President, Rapporteur and three Vice-Presidents.” Rule 20, paragraph 1 provides that, “the President, Vice-Presidents and Rapporteur shall hold office until their successors are elected. **They shall begin their terms of office at the closure of the session at which they are elected and shall remain in office until the closure of the next regular session.** Subject to the provisions of rule 18, they shall be eligible for re-election.” (Emphasis added).

6. As far as the CPR is concerned, Rule 23, paragraph 1 of the Assembly’s rules provides that, “the Committee of Permanent Representatives is composed of all Permanent Representatives of States Members of the United Nations and members of the United Nations specialized agencies that are accredited to UN-Habitat.” According to rule 23, paragraph 2, “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.” The rules of the Assembly apply *mutatis mutandis* to the CPR. Rule 29 of the Assembly’s 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”
7. As far as the Executive Board (“EB”) is concerned, rule 24, paragraph 2 of the Assembly’s rules provides that, “the members of the Executive Board shall serve for a period of 4 years, commencing with their election during a session of the UN-Habitat Assembly.” Rule 7 of the Board’s rules provides that, “(1) the Executive Board shall consist of 36 Member States, to be elected by the UN-Habitat Assembly in accordance with the following criteria: 10 seats for African States; 8 seats for Asia-Pacific States; 4 seats for Eastern European States; 6 seats for Latin American and Caribbean States; and 8 seats for Western European and other States. (2). The 36 Member States comprising the Executive Board shall be referred to as “members” of the Executive Board. (3) The members of the Executive Board shall hold office for a term of four years.” The rules of procedure are silent on whether members of the Executive Board can be re-elected.

Duration of the Assembly and a possible adjournment

8. The rules of the Assembly limit the duration of a session of the Assembly to FIVE DAYS. Accordingly, should the Assembly wish to adjourn then this limitation should be taken into account. Any session of the Assembly can only be five days in total taking into account the number of days of the first part (2.1) together with the number of days of the resumed session (2.2).
9. Should the Assembly wish to adjourn, then at the first part of the session (2.1) the Assembly would have to decide (i) when it would adjourn and (ii) the date when it would resume. Thus, a date needs to be set for the resumption of the meeting. Technically speaking should the Assembly decide to resume its second regular session in 2025 and the number of days the Assembly is in session exceeds five days, then this would require a suspension of rule 2 of the rules of the Assembly, which stipulates that the Assembly convenes for five days.

10. In this connection, rule 72 of the rules provides that, “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”

Election of Officers for the Assembly

11. In 2019 the UN Habitat Assembly convened its first session. The current officers of the Bureau have only been elected for the first session and there was no election of the Bureau for the second session at the final meeting of the first session as required by the rules which require that at the final meeting a Bureau be elected. Had the rule been applied, then the Bureau elected at the beginning of the first session would have only served for one week and not for the first full cycle of the Assembly. It is therefore proposed that the election of officers for the second session takes place at the first meeting of the second regular session, it being understood that the rules do allow for the re-election of officers. Consequently:

- a. The officers who have served at the first session can be re-elected for the second session to serve until the final meeting of the resumed second regular session in 2025 through a procedural decision
- b. Alternatively, new officers can be elected at the first meeting of the second session to serve until the final meeting of the resumed second regular session in 2025 through a procedural decision.

12. The term of office of the Bureaus is linked to each session as per the rules. They are not elected for a four-year period. In accordance with the rules, officers begin their terms of office at the closure of the session at which they are elected and remain in office until the closure of the next regular session. Consequently, the length of their term depends on the duration of each session.

13. The rules require that at the final meeting of the second regular session, the Bureau for the third session be elected. Thus, the election of officers for the third session would be held in 2025, in the event that the second regular session is adjourned and resumed in that year. A new Bureau for the second regular session is eligible for re-election at the final meeting of the resumed second regular session in 2025 to serve for the third regular session to be held in 2029.

Election of Members of the Executive Board

14. The current members of the Executive Board were elected in 2019 by the UNHABITAT Assembly. Under the rules of the Assembly and the Board, its Members are elected and serve for four-years. Their term of office therefore expires in 2023.
15. There are thus the following options with respect to the election of the members of the Executive Board for the purpose of alignment:

- (i) A new Board can be elected for two years until 2025. Technically speaking this would require a suspension of rule 24.2 of the rules of the Assembly and rule 7.3 of the rules of the Board, which both stipulate a term of four years. The Assembly would have to be clear on the term of office of the new Members. At the resumed session in 2025 a new Board could be elected for four years; or
- (ii) The current Board can have their terms extended by two years until 2025 whereupon new members are elected for a four-year term at the resumed session in 2025. The same consideration as in paragraph 17 (i) would apply concerning the suspension of the rules.

Election of the Bureau of the Committee of Permanent Representatives (CPR)

16. As far as the CPR is concerned, Rule 23, paragraph 1 provides that, “the Committee of Permanent Representatives is composed of all Permanent Representatives of States Members of the United Nations and members of the United Nations specialized agencies that are accredited to UN-Habitat.”
 17. At the first Assembly, the Committee recommended that the Assembly at its first session proceed to elect, on an exceptional basis, the Bureau of the Committee for the period 2019–2021.
 18. The CPR Bureau is elected at the end of each of the meetings of the CPR in accordance with the rules of the Assembly, i.e. under rule 23. The CPR convenes, 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. The CPR Bureau therefore follows a two-year cycle for its elections. The CPR Bureau elections can follow their own cycle and do not have to follow the cycle of either the Assembly or other intersessional bodies.
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