

ARTICLE 56

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TEXT OF ARTICLE 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

INTRODUCTORY NOTE

1. In this study a brief review is made of those additional decisions and related discussions of the General Assembly and the Economic and Social Council during the period covered by this Supplement 1/, in which Article 56 has been referred to or its language paraphrased.

I. GENERAL SURVEY

2. During the period under review there have been only a few references to Article 56 in the decisions of the General Assembly and the Economic and Social Council, and these have continued to be related to the achievement of the purposes set forth in Article 55. Most of these references were made in the preambles of resolutions which, for the most part, related to questions of human rights and economic development and trade. 2/

1/ See in the Repertory, the study of Article 56, in paras. 1-3 of which the question of the pledge contained in Article 56 is discussed.

2/ See, for example, G A resolution 926 (X) on Advisory services in the field of human rights and E S C resolution 614 B (XXII).

3. As in the preceding period there was no elaboration of the meaning of the word "pledge" in the decisions of the United Nations and instances occurred where a word other than "pledge" was used in the decisions referring to Article 56. For example, in the preamble of the resolution concerning the question of the establishment of a special United Nations fund for economic development reference was made to "the obligations of the United Nations and its Members under Articles 55 and 56 of the Charter", ^{3/} and in a decision concerning the question of race conflict in the Union of South Africa the General Assembly referred to "the obligations contained in Article 56 of the Charter". ^{4/}

II. ANALYTICAL SUMMARY OF PRACTICE

The scope of the pledge to take joint and separate action in co-operation with the Organization

A. Joint and separate action in co-operation with the Organization

4. A reference to "joint and separate action" and not only to one type of action was made in Economic and Social Council resolution 614 B (XXII) concerning trade and production policies in relation to the economic development in under-developed countries. In one of the paragraphs of the preamble the Council cited "Articles 55 and 56 of the United Nations Charter and the pledges made by the signatory peoples to take joint and separate action with a view to promoting 'higher standards of living, full employment and conditions of economic and social progress and development'".

B. General Assembly resolutions 820 (IX) and 917 (X)

5. The question of the racial situation in the Union of South Africa, in connexion with which the pledge in Article 56 ^{5/} had previously been invoked, received further consideration by the General Assembly at its ninth and tenth sessions.

6. In the decision taken at its ninth session ^{6/} the General Assembly made no express reference to Article 56, but it did refer to "the pledge of all Member States to respect human rights and fundamental freedoms without distinction as to race". At the tenth session the General Assembly adopted resolution 917 (X) which reiterated resolution 616 B (VII) in which the General Assembly had declared that "it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination and that governmental policies which are designed to perpetuate or increase discrimination are inconsistent with the pledges of the Members under Article 56 of the Charter". Resolution 917 (X) also contained the following provisions:

"The General Assembly,

".....

"4. Expresses its concern at the fact that the Government of the Union of South Africa continues to give effect to the policies of apartheid, notwithstanding the request made to it by the General Assembly to reconsider its position in the

^{3/} G A resolution 822 (IX).

^{4/} G A resolution 917 (X).

^{5/} See in the Repertory under Article 56, para. 15.

^{6/} G A resolution (IX).

light of the high principles contained in the Charter and taking into account the pledge of all Member States to promote respect for human rights and fundamental freedoms without distinction as to race;

"5. Reminds the Government of the Union of South Africa of the faith it had reaffirmed, in signing the Charter, in fundamental human rights and in the dignity and worth of the human person;

"6. Calls on the Government of the Union of South Africa to observe the obligations contained in Article 56 of the Charter."

7. During the discussion 7/ of the draft resolution adopted at the ninth session of the General Assembly several references were made to Article 56, frequently together with Article 55 and Article 1 (3). Those favouring the draft resolution expressed the view that under Articles 55, 56, 1 (3) and several other provisions of the Charter, the United Nations was fully competent to concern itself with the observance by Member States of the obligations assumed under the Charter, and that undue stress on the applicability of Article 2 (7) was a pretext for evading obligations under certain other Articles, particularly Articles 55 and 56. Those who opposed the draft resolution felt that Article 2 (7) was a governing factor, that matters of domestic jurisdiction were the exclusive concern of each Member State, that with respect to Articles 55 and 56, Article 2 (7) should always be borne in mind, and that Articles 55 and 56 did not take an alleged infraction of human rights out of the sphere of domestic jurisdiction.

8. During the consideration 8/ of the item at the tenth session of the General Assembly references to the question of obligations under the Charter were repeatedly made both in general terms and in terms of specific Articles. References were frequently made to Article 56 together with Article 55 and Article 1 (3). Among other Articles, Article 2 (7) was again frequently referred to. Representatives who opposed the draft resolution which eventually became General Assembly resolution 917 (X), besides pointing to Article 2 (7), held that Article 56 imposed no legal obligation, that it had moral force only, that the draft International Covenants on Human Rights were an acknowledgement of the fact that it had been necessary to translate the human rights provisions of the Charter into language which would enable States to accept specific legal obligations in that field. It was also held that some delegates appeared to confuse obligations imposed by the Charter with the objectives of the United Nations proclaimed in it. Certain principles were set forth in the Articles of the Charter. These Articles contained statements of principle carrying great moral force but they did

7/ For texts of relevant statements, see G A (IX), Ad Hoc Pol. Com., 42nd mtg., paras. 9, 22, 23, 26 and 41; 43rd mtg., paras. 2 and 21; 44th mtg., para. 8; 45th mtg., paras. 13 and 23. The views of the UN Commission on the Racial Situation in the Union of South Africa concerning the obligations of Member States under Articles 55 and 56 were referred to at the 42nd meeting (para. 9) of the Ad Hoc Political Committee.

8/ For texts of relevant statements, see G A (X), Ad Hoc Pol. Com., 5th mtg., para. 20; 8th mtg., para. 48; 9th mtg., para. 2; 10th mtg., para. 25; 11th mtg., paras. 6, 18, 39, 47 and 48; 12th mtg., paras. 5, 27 and 35. The Union of South Africa took no part in the discussion.

not in the view of these delegations impose specific legal obligations upon Member States. 2/ It was also pointed out that the word "obligations" used in the last operative paragraph of the resolution, which called on the Government of the Union of South Africa "to observe the obligations contained in Article 56 of the Charter," did not appear in the text of Article 56. In support of the resolution it was stated, on the other hand, that the Government of the Union of South Africa had violated its obligations under Articles 1, 55 and 56 of the Charter. It was also stated that those denying the competence of the General Assembly were a minority which had been overruled in the past, and that their view could not be accepted. A different interpretation would vitiate an international pledge to which the United Nations had a right to call attention; the resolution did not aim at enforcing it, it drew South Africa's attention to it. As to the distinction drawn by some delegates, who opposed the resolution, between those provisions of the Charter which dealt with the Purposes of the United Nations, and those provisions which imposed obligations on Member States it was said that this distinction was not valid; the signatory States had pledged themselves to promote the Purposes and Principles of the Charter, thereby they had assumed obligations, including the obligation to promote respect for human rights and fundamental freedoms without distinction as to race.

2/ References to Article 56 and to the question of whether or not it imposes legal obligations were also made in the course of the discussions by the General Assembly of the draft International Covenants on Human Rights and the Universal Declaration of Human Rights; see, for example, G A (IX), 3rd Com., 570th mtg., para. 19, and G A (X), 3rd Com., 647th mtg., para. 5.