

ARTICLE 56

Table of Contents

	<u>Paragraphs</u>
Text of Article 56	
Introductory Note	1 - 3
I. General Survey	4 - 8
II. Analytical Summary of Practice	9 - 16
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 .	9 - 12
B. General Assembly resolution 308 (IV)	13 - 14
C. General Assembly resolutions 616 A and B (VII)	15 - 16

TEXT OF ARTICLE 56

All Members pledge themselves to take joint and separate action in co-operation 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 decisions and related discussions of the General Assembly and the Economic and Social Council in which Article 56 has been referred to or its language paraphrased. Decisions in the economic, social and human rights fields in which reference has been made only in a general way to obligations of Members under the Charter and where no clear connexion 1/ with Article 56 can be established, are not dealt with in the body of the study. Nor are merely incidental references 2/ to Article 56 in discussions included.

2. The types of action taken for the "achievement of the purposes set forth in Article 55" are dealt with in the Repertory under Article 55. Questions concerning the relationship of Article 56 to domestic jurisdiction and to reports on steps taken to give effect to recommendations of the General Assembly and the Economic and Social Council on economic, social and human rights matters are dealt with in the Repertory under Article 2 (7) and Article 64, respectively.

1/ It is to be noted that since Article 56 contains a general pledge relating to the achievement of the purposes set forth in Article 55, it cannot be said with certainty that the pledge in Article 56 has not been taken into account in those decisions or discussions in which only a general reference has been made to obligations of Members under the Charter. For example, in adopting resolution 540 (VI) entitled "Observance of human rights", the General Assembly considered "that it is the responsibility of the Members of the United Nations, individually and collectively, to see that human rights and freedoms shall be enhanced throughout the world" and recommended that Member States "intensify their efforts for the observance of human rights and freedoms in their own territories and in the Non-Self-Governing and Trust Territories". There was no reference to any specific Article either in the decision or during the discussion. There have also been instances where Articles other than 56 were expressly invoked as the source of the obligation (for example, Article 1 (3) in General Assembly resolution 285 (III)).

2/ Examples of such are the following: G A (VIII), 3rd. Com., 529th and 532nd-536th mtgs., where Articles 55 and 56 were mentioned in connexion with the question of forced labour. See also G A (VIII), Ad Hoc Pol. Com., 13th and 16th-21st mtgs., where in the course of the debate on the treatment of people of Indian origin in the Union of South Africa, one representative observed that Article 56 enjoined Members to observe human rights. In connexion with the discussion which led to the adoption of General Assembly resolution 285 (III), one representative commented that under Article 56 the United Nations was obliged to consider the question, that the Soviet Union could not withhold its co-operation, and that it was under an obligation to withdraw certain measures contrary to the enjoyment of human rights. (See G A (III/1), 6th Com., 134th-139th mtgs., and G A (III/2), 196th mtg.)

3. The General Survey contains an account of the manner in which Article 56 has been referred to and the Analytical Summary of Practice deals with the question of the scope of the pledge of Member States under Article 56 as reflected in the proceedings of the General Assembly and the Economic and Social Council.

I. GENERAL SURVEY

4. There have not been many specific references to Article 56 in the decisions of the General Assembly and the Economic and Social Council, and those that have been made have related to the achievement of the purposes set forth in Article 55. In some cases, the Article has been mentioned specifically, while in others, only the language of the Article has been used. In a few cases, the reference occurs in the operative part of the resolution; in most cases, however, it appears in the preamble.

5. Preambular references to Article 56 have usually been made in order to place special emphasis on the pledge of Member States and its relevancy to the subject-matter dealt with. 3/ Sometimes, the reference has been made in connexion with work programmes, studies, et cetera; 4/ at other times, it has been made in connexion with recommendations. 5/

3/ See, for instance, G A resolutions 110 (II), 198 (III), 217 A (III), 406 (V), 520 (VI), 527 (VI), 622 A (VII), 724 B (VIII) and 739 (VIII), and E S C resolutions 221 E (IX), 290 (XI) and 312 (XI).

4/ For example, in considering the world economic situation, the General Assembly adopted resolution 406 (V) which provided for certain action on measures designed to make possible the uninterrupted progress of programmes of economic stability and development, and which contained the following preambular paragraphs:
 "Bearing in mind that, as a result of the international events of the last few months, new economic factors have appeared which may unbalance and dislocate the general economic stability and the economic progress of many countries,
 "Recognizing that, under Articles 55 and 56 of the Charter, the United Nations is under an obligation to use all the means at its disposal to ensure the steady growth of the world economy and to prevent the emergence of those factors of economic disequilibrium which impair general economic stability and disturb the economic development of the under-developed countries,".

5/ For instance, in General Assembly resolution 110 (II) entitled "Measures to be taken against propaganda and the inciters of a new war" and Economic and Social Council resolution 290 (XI) concerning the problem of full employment. The General Assembly resolution, requesting Governments to take certain steps, contained the following preambular paragraph:
 "Whereas the Charter also calls for the promotion of universal respect for, and observance of, fundamental freedoms which include freedom of expression, all Members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms,".
 The following preambular paragraph was included in the Council resolution which contained a comprehensive programme of action by the United Nations, specialized agencies and Member States:
 "Having in mind the obligations of Members of the United Nations under Articles 55 and 56 of the Charter to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,".

6. Where Article 56 is mentioned in the operative part, the aim has been in some cases to invoke the pledge of Member States under that Article in connexion with the decision taken. In General Assembly resolution 217 D (III) the Governments of Member States were asked "to show their adherence to Article 56" by publicizing the Universal Declaration of Human Rights; and in resolution 616 B (VII), the General Assembly affirmed that "governmental policies of Member States which are not directed" to certain specified goals relating to human rights and fundamental freedoms for all, "but which are designed to perpetuate or increase discrimination, are inconsistent with the pledges of the Members under Article 56 of the Charter," and called upon "all Member States to bring their policies into conformity with their obligation under the Charter to promote the observance of human rights and fundamental freedoms." Reference to Article 56 has also been made where it is desired that organs of the United Nations should take that Article into account in connexion with certain contemplated action. In resolution 308 (IV) the General Assembly decided to review the world economic situation at its next session in the light of Articles 55 and 56 of the Charter. In resolution 616 A (VII) it established a commission to study the racial situation in the Union of South Africa in the light of the Purposes and Principles of the Charter, with due regard to various Articles of the Charter including Article 56.

7. As noted above, all references to Article 56 have related to the achievement of the purposes set forth in Article 55. Indications of these purposes have varied from a simple reference to Article 55 to statements in words similar to the objectives described in that Article, such as "higher standards of living", "achieving and maintaining full employment" and "universal respect for and observance of human rights and fundamental freedoms". 6/ In some instances, decisions have related to particular aspects of the objectives specified in Article 55. 7/

6/ In resolution 377 A (V), section E, the General Assembly urged Member States "to respect fully, and to intensify, joint action, in co-operation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of under-developed countries and areas."

7/ In resolution 616 B (VII), the General Assembly not only referred to human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, following the language of Article 55, but specified the types of governmental policies which were inconsistent with the pledge in Article 56, declaring that "in a multi-racial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality;". The resolution then affirmed that governmental policies which were not "directed towards these goals, but which are designed to perpetuate or increase discrimination" were inconsistent with the pledge in Article 56. Attention may also be drawn to other decisions of the General Assembly and the Economic and Social Council, where mention is made of specific policies to combat inflation, to promote economic and commercial relations between all countries and to improve conditions of health, housing and education (see G A resolutions 406 (V) and 527 (VI) and E S C resolution 290 (XI)). See also in this Repertory under Article 55.

8. No elaboration of the meaning of the word "pledge" appears in the decisions of the United Nations. It may be noted that in the decisions which refer to Article 56, or paraphrase it, the words "obligations", 8/ "responsibility", 9/ or "binds", 10/ were sometimes used.

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

9. The action pledged by Members in Article 56 is described as "joint and separate action in co-operation with the Organization". The decisions of the General Assembly and of the Economic and Social Council referring to Article 56 have contained Recommendations for action either by Members 11/ or by an organ of the United Nations 12/ or by both. 13/

10. The practice of referring in decisions both to "joint" and "separate" action by Member States and not only to one type of action is illustrated in the decision concerning the question of full employment, described in paragraph 13 below.

11. While no specific questions concerning the meaning of the expression "co-operation with the Organization" have arisen, such co-operation was referred to on several occasions in the decisions. The preamble of the Universal Declaration of Human Rights 14/ contains the following clause:

"Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms";
and in the preamble of the resolution 15/ on living standards of the working population, the General Assembly quoted Article 56 concerning co-operation with the Organization.

12. Article 56 was also referred to, or paraphrased, usually in the preambles of resolutions, in those decisions which included or consisted exclusively of recommendations for action by the Organization. The Economic and Social Council, for

8/ General Assembly resolution 622 A (VII), which concerned the question of a special fund for financing economic development of under-developed countries, included the words "Having in mind the obligations assumed by the governments of Member States under Articles 55 and 56 of the Charter of the United Nations,".

9/ General Assembly resolution 308 (IV) on full employment recommended "that each Government consider, as a matter of urgency, its international responsibility under Articles 55 and 56 of the Charter to take action".

10/ General Assembly resolution 198 (III) recalled that the "Charter of the United Nations binds Member States individually and collectively to promote higher standards of living," and provided for certain actions on the question of promoting economic development of under-developed countries.

11/ See, for example, G A resolutions 110 (II), 217 (III) and 516 B (VII).

12/ See, for example, E S C resolution 312 (XI) and G A resolutions 198 (III) and 622 A (VII).

13/ See, for example, E S C resolution 290 (X) and G A resolution 527 (VI).

14/ G A resolution 217 (III).

15/ G A resolution 527 (VI).

example, in setting up a revised programme for advisory social services dealt in its decision 16/ exclusively with the policies to which the Secretary-General was to adhere, and with his authority under the programme, stating in the preamble that "direct assistance to countries is one of the most useful services that the United Nations can perform in pursuance of Articles 55, 56 and 66 of the Charter of the United Nations." Some of the recommendations contained in certain resolutions of the General Assembly on financing economic development, which referred directly or indirectly to Articles 55 and 56, were addressed to the Economic and Social Council and the International Bank for Reconstruction and Development. 17/

B. General Assembly resolution 308 (IV)

13. In the course of the consideration 18/ of the problem of full employment at the fourth session of the General Assembly, the view was expressed that under Articles 55 and 56 of the Charter the United Nations and all its Members had assumed an obligation to promote higher standards of living, and that it was not merely a matter of domestic interest for each country to promote and maintain full employment. It was also an international obligation formally assumed under the Charter, and under Articles 55 and 56 the United Nations had direct responsibility to promote full employment. A paragraph in a draft resolution 19/ in which the General Assembly would declare "that action taken by each Member designed to promote and maintain domestic full employment in accordance with Articles 55 and 56 of the Charter was a requirement for a stable world economy" was criticized as inconsistent with Articles 55 and 56. It was proposed that, since under Article 56 all Members were pledged to take joint and separate action in co-operation with the United Nations, the text should be amended to refer not merely to "action taken by each Member", but to "national and international action by Members". In the resolution ultimately adopted 20/ the General Assembly expressed the belief "that national and international action by Members, designed to promote and maintain full employment in accordance with Articles 55 and 56 of the Charter, is a basic requirement for the achievement of a stable and expanding world economy".

14. In the same resolution the General Assembly recommended that "each Government consider, as a matter of urgency, its international responsibility under Articles 55 and 56 of the Charter to take action, as the need arises, designed to promote and maintain full and productive employment, through measures appropriate to its political, economic and social institutions". During the discussion on this part of the resolution, it was stated that the question how each country would actually achieve full employment was a matter of domestic policy which would vary according to the nature of its economic structure and institutions, but it was important that the countries should pursue their policies in concert towards a common objective. The basic idea should be to provide for co-operative action while leaving it to Governments to decide what specific measures to adopt.

C. General Assembly resolutions 616 A and B (VII)

15. The General Assembly at its seventh session adopted two resolutions invoking the pledge in Article 56. In resolution 616 A (VII) it established a Commission to study

16/ E S C resolution 312 (XI).

17/ G A resolutions 198 (III) and 622 A (VII).

18/ See G A (IV), Plen., 255th mtg., paras. 111 and 112; 256th mtg., para. 26; G A (IV), 2nd Com., 104th mtg., paras. 3, 17 and 21; 105th mtg., para. 3; 106th mtg., para. 38; 107th mtg., para. 26; 108th mtg., para. 17; 109th mtg., paras. 12, 37, 44 and 95; 110th mtg., para. 43; 111th mtg., para. 29.

19/ G A (IV), 2nd Com., Annex, p. 35, A/C.2/L.14.

20/ G A resolution 308 (IV).

the racial situation in the Union of South Africa in the light of the Purposes and Principles of the Charter, with due regard to several provisions of the Charter, among others, Article 56. In resolution 616 B (VII), the General Assembly:

"1. Declares that in a multi-racial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality;

"2. Affirms that governmental policies of Member States which are not directed towards these goals, but which are designed to perpetuate or increase discrimination, are inconsistent with the pledges of the Members under Article 56 of the Charter;

"3. Solemnly calls upon all Member States to bring their policies into conformity with their obligation under the Charter to promote the observance of human rights and fundamental freedoms."

16. A number of representatives made statements during the debate 21/ bearing on the question of the obligation of Member States with respect to human rights, under the Charter; some referred specifically to Article 56. 22/ Certain representatives held that the policy of apartheid was a violation of the Purposes and Principles, or the basic objectives of the Charter. On the other hand, the view was expressed that there had been no violation of any pledge or obligation under the Charter. It was further contended that the taking of separate action to achieve the purposes of Article 55 was left to each Member State and came exclusively within the domestic jurisdiction of that State; on the other hand, international action had to be taken by agreement between the States.

21/ The discussion referred to both draft resolutions which formed the basis of resolutions 616 A and B (VII). See also in this Repertory under Articles 2 (7) and 55.

22/ For texts of relevant statements, see G A (VII), General Com., 79th mtg; Ad Hoc Pol. Com., 13th-21st mtgs. See also the explanatory memorandum (G A (VII), Annexes, a.i. 66, p. 1, A/2183), submitted by thirteen Member States in connexion with the request for inclusion of the item in the provisional agenda.