# ARTICLE 60

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**TEXT OF ARTICLE 60**

Responsibility for the discharge of the functions of the Organization set forth in this chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in chapter X.

## INTRODUCTORY NOTE

1. The functions exercised by the General Assembly and the Economic and Social Council in the discharge of their responsibilities under Article 60 are dealt with in this Supplement, as in the case of the Repertory, under the Articles which set forth the functions or powers of the two organs.

## I. GENERAL SURVEY

2. During the period covered by this Supplement, as in the preceding period, no decision was made in elaboration of the meaning of Article 60. The procedural arrangements made by the General Assembly and the Economic and Social Council in connexion with their responsibilities under Article 60 have not undergone any important change. On several occasions the General Assembly followed the practice...
of endorsing a particular action of the Council / and maintained the regular examination of the reports on the work of the Council to which it continued also to address requests. / The rules of procedure of the Council contain procedural arrangements by which the General Assembly can exercise its authority. / The rules of procedure of the Council contain procedural arrangements by which the General Assembly can exercise its authority. / The rules of procedure of the Council contain procedural arrangements by which the General Assembly can exercise its authority. / The rules of procedure of the Council contain procedural arrangements by which the General Assembly can exercise its authority. / The rules of procedure of the Council contain procedural arrangements by which the General Assembly can exercise its authority. / The rules of procedure of the Council contain procedural arrangements by which the General Assembly can exercise its authority. 2/ The rules of procedure of the Council contain procedural arrangements by which the General Assembly can exercise its authority. 3/ The Council, as in the past, has depended on the General Assembly for funds to carry out certain actions initiated by the Council or undertaken at the request of the General Assembly. / In resolution 631 (XXII) the Council, in August 1956, transmitted to the General Assembly the estimates on financial implications of actions taken by the Council together with the summary records of the views expressed in the Council in the debate on this question. These records contain a summary of the discussion in the Council's Committee on Co-ordination. / Several representatives on that Committee expressed the view that the practice of adding a paragraph to some of the Council's resolutions requesting the General Assembly to provide the necessary funds for a particular activity / would confuse the General Assembly, that decisions on financial matters were an exclusive responsibility of the General Assembly and that the Council should limit itself to indicating priorities of various projects as provided in rule 3 of the rules of procedure of the Council. / A contrary view was also expressed, namely that the Council had established its right to recommend to the General Assembly that funds should be appropriated to give effect to the resolutions it adopted and that this in no way limited the freedom of action of the General Assembly. This view was supported by the opinion that there could be no objection in practice to adding a financial paragraph to a resolution of the Council in cases where a specific minimum sum would be required to carry out a programme. A suggestion that the report of the Committee on Co-ordination should contain a proposal to the effect that at its next session the Council should discuss the advisability of this practice was not followed up. Instead, the Committee agreed to propose to the Council a draft resolution providing for transmission to the eleventh session of the General Assembly of the summary records of the Committee's discussion together with the estimates of financial implications. The proposal was subsequently adopted by the Council in resolution 631 (XXII).

II. ANALYTICAL SUMMARY OF PRACTICE

4. As in the past Article 60 did not directly give rise to a constitutional conflict in the practice of the General Assembly and the Economic and Social Council.

A. The question of the relationship between the General Assembly and the Economic and Social Council

5. The Council at its eighteenth session invited the General Assembly to give its approval to an arrangement under which the Technical Assistance Committee (TAC) of the Council, would, subject to the confirmation of the General Assembly, authorize the allocation of funds to each of the participating organizations in proportion to their

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1/ See, for example, G A resolutions 825 (IX), 329 (IX) and 830 (IX).
2/ See, for example, G A resolution 926 (X), para. 9.
3/ See in the Repertory under Article 72.
4/ See in the Repertory under Article 17 (1).
6/ See, for example, E S C resolutions 618 (XXII) and 623 A, II (XXII).
7/ See also in the Repertory, under Article 72.
share in the approved over-all Programme 8/. Thus specified types of decisions of this standing Committee of the Council, which consists of all the members of the Council, were to be considered directly by the General Assembly without first being examined by the Council. The General Assembly approved this arrangement 9/ and it was subsequently put into effect 10/.

**B. The question of the reconsideration of decisions by the Economic and Social Council at the request of the General Assembly**

**C. The question of the General Assembly exercising its authority at the request of the Economic and Social Council**

6. Many decisions of the Economic and Social Council consist of recommendations to the General Assembly for a particular type of action; in three decisions during this period the General Assembly was requested by the Economic and Social Council to reconsider a previous decision. As in the past, these requests were of a procedural or organizational nature.

7. One of these requests dealt with the arrangements made by the General Assembly 11/ for reports on the international flow of private capital. The Council recommended 12/ that the General Assembly should modify its request to the Secretary-General for an annual report; he should substitute instead a triennial report, submitting however an annual review of developments and a statistical treatment of the flow of capital.

8. Another case was connected with the United Nations Korean Reconstruction Agency (UNKRA) reports. When the General Assembly established UNKRA it provided for transmission to the Council by the Agent-General of that organ of a copy of his report to the General Assembly. 13/ The Council was requested to review the Agent-General's reports and related materials, and report thereon with recommendations to the General Assembly. The Council, at its twenty-first session, recommended to the General Assembly 14/ to delete this provision on the grounds that the activities of the Agency were examined by the Advisory Committee to the Agent-General and reviewed by the General Assembly, that the main lines of the programme of the Agency had been established and that the time schedule of the reports made their examination by the Council impractical.

9. In a third case the Council requested the General Assembly to give urgent and early consideration in its eleventh session to the proposal to modify the composition of the Executive Board of the United Nations Children's Fund 15/ by means of the direct election of all the members of the Board. This would be done by revising the decision of the General Assembly (resolution 417 (V)) and by eliminating the provision under which the Executive Board included governments of the States represented on the Social Commission; membership of the Executive Board would then be separated from that of the Social Commission.

8/ ESC resolution 542 B, II (XVIII).
9/ GA resolution 831 B (IX).
10/ Thus, the General Assembly, by resolution 994 (X) confirmed the allocation of funds as authorized by the Technical Assistance Committee.
11/ GA resolution 824 (IX).
12/ ESC resolution 619 B (XXII).
13/ GA resolution 410 A (V).
14/ ESC resolution 611 (XXI).
15/ ESC resolution 610 B (XXI).
D. The question of the General Assembly addressing directly a subsidiary organ of the Economic and Social Council

10. At its ninth session the General Assembly made a direct request to the Commission on Human Rights to complete its recommendations concerning international respect for the right of peoples and nations to self-determination. 16/ The General Assembly in this decision did not address itself to the Council except for a request to transmit the recommendations of the Commission on Human Rights to the General Assembly.

11. At its session which followed that of the General Assembly, the Council decided 17/ to transmit to the Commission on Human Rights the resolution of the General Assembly containing this request.

12. When the Council subsequently received the recommendations from the Commission on Human Rights it adopted a resolution 18/ in which it noted the resolution of the General Assembly containing the request, and transmitted to the General Assembly for consideration the draft resolutions proposed by the Commission on Human Rights together with the records of the debate of the Council. It also transmitted to the General Assembly another draft resolution for consideration by the General Assembly, a draft which was proposed by one of the representatives on the Council.

13. In the discussion 19/ of the draft recommendations of the Commission on Human Rights it was generally agreed that the Council could not amend them and was obliged to transmit them textually intact because the General Assembly had asked for them. It was held by some, however, that the Council should be guided by the general responsibility laid down in Article 60, namely, to meet the request of the General Assembly; it was held also that there was not sufficient time to examine the substance of any new proposal and that a transmittal of additional draft recommendations from the Council might suggest that they were alternative proposals to those made by the Commission. Finally, a different view prevailed, namely that the Council could and in fact was bound to consider the substance of the question and had authority to transmit its own views to the General Assembly. The Council decided to delete the words "and adoption" from the text proposed by the Commission requesting the Council to transmit the draft resolutions of the Commission "for consideration and adoption" 20/; a draft resolution proposed by one representative was then added to those of the Commission for transmittal to the General Assembly. 21/

16/ G A resolution 837 (IX). See also in the Repertory, under Article 60, paras. 18-21.
17/ This decision was made at the 834th meeting of the Council on 16 December 1954. The view was expressed at the time the decision was taken that the Council derived its powers directly from the Charter of the United Nations, that no organ of the United Nations could restrict its powers, that the Council could not be asked to act merely as an intermediary and that it was its duty to study the recommendations of the Commission on Human Rights and to transmit them to the General Assembly with any observations the Council decided to make (E S C (XVIII, resumed), 834th mtg., para. 35).
18/ E S C resolution 586 D (XX).
19/ E S C (XX), 889th and 990th mtgs.; E/AC.7/SR.319 and 324-328.
20/ E/AC.7/SR.327, p. 10.
21/ At its tenth session, the General Assembly decided to postpone its consideration of these recommendations until its next session (G A (X), Plen., 554th mtg., para. 35).
Chapter X

THE ECONOMIC AND SOCIAL COUNCIL