

# 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. As in the case of the earlier Repertory studies, 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 under the Articles which set forth the functions or powers of these two organs.

### I. GENERAL SURVEY

2. During the period covered by this Supplement, there was a reference to Article 60 in one of the decisions of the Economic and Social Council. In resolution 694 E (XXVI) on the co-ordination of activities in the field of atomic energy, the Council recalled that "under Articles 58, 60 and 63 of the United Nations Charter" it had responsibilities for "the co-ordination of activities of the United Nations and the

specialized agencies in the economic and social fields". In this resolution the Council expressed the hope that the International Atomic Energy Agency (IAEA), in order to assist the Council in co-ordination, would submit certain information to it in accordance with the agreement governing the relationship between the United Nations and IAEA. The International Atomic Energy Agency is not one of the specialized agencies; it was brought into relationship with the United Nations by an agreement entered into by the General Assembly, 1/ and not by the Council under Article 63. 2/ The mention in Council resolution 694 E (XXVI) of Article 60, which does not specifically refer to co-ordination, may have been meant in this particular case to indicate that the responsibility of the Council for co-ordination in the economic, social and related fields, described in Chapters IX and X, extended also to this agency.

3. There was no significant change during this period in the manner in which the General Assembly and the Economic and Social Council exercised their responsibilities under Article 60. 3/ As in the past, the General Assembly on occasion specifically commended the work done by the Council. 4/ In one instance, the General Assembly endorsed 5/ a resolution of the Council concerning the latter's responsibilities in the field of industrialization even though the resolution did not request action or endorsement. In another case, 6/ the General Assembly expanded a decision of the Council by adding to the Council's request, that the Secretary-General should consider the question of necessary organizational and administrative machinery in the field of industrialization, its own request that the Secretary-General should report to the Council on possible forms of such necessary machinery.

## II. ANALYTICAL SUMMARY OF PRACTICE

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

4. As it had previously been invited to do by the Economic and Social Council, 7/ the General Assembly continued its direct confirmation of the allocation of funds authorized by the Technical Assistance Committee (TAC) to each of the organizations participating in the Expanded Programme of Technical Assistance. A somewhat different situation arose in this connexion when TAC, after considering the recommendations of the Negotiating Committee for Extra-Budgetary Funds, adopted 8/ a statement 9/ opposing a proposal to apply a different fund-raising procedure to the Expanded Programme of Technical Assistance and requested 10/ the Chairman of TAC to so inform

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1/ G A resolution 1145 (XII).

2/ See Repertory, Supplement No. 1, vol. II, under Article 57, paras. 5-24, and the present Supplement, under Article 57.

3/ See the studies under Article 60 both in the Repertory, vol. III, and in Supplement No. 1, vol. II.

4/ See, for example, G A resolution 1161 (XII).

5/ G A resolution 1033 B (XI).

6/ Ibid., E S C resolution 618 (XXII).

7/ See Repertory, Supplement No. 1, vol. II, under Article 60, para. 5; see also, for example, G A resolution 1019 (XI).

8/ E S C (XXIV), Annexes, a.i. 9, p. 7, E/2952, para. 6.

9/ See Repertory, Supplement No. 1, vol. II, under Article 60, para. 5.

10/ E S C (XXIV), Annexes, a.i. 9, p. 7, E/2952, para. 7.

the Fifth Committee at the eleventh session of the General Assembly. 11/ The General Assembly adopted resolution 1091 A (XI), in which it decided to retain the current system of a special pledging conference in the case of the Expanded Programme of Technical Assistance.

5. One of the recommendations to the Economic and Social Council in General Assembly resolution 1036 (XI) dealt with the organizational structure of a subsidiary body of the Council. In this case, the General Assembly recommended that the Council, as an interim measure, should expand the membership of the Technical Assistance Committee, a standing committee of the whole, by electing six additional members from among the Members of the United Nations or members of the specialized agencies, in order to ensure better representation of countries which were active in technical assistance matters but were not members of the Council.

6. Prior to the adoption of General Assembly resolution 1036 (XI), it was observed during the discussion 12/ that nothing in the Charter prevented the General Assembly from making recommendations concerning any aspect of the Council's functions; under Article 66, the Council had to perform such functions as fell within its competence in carrying out the recommendations of the General Assembly. Those opposing the proposal thought 13/ it questionable whether the General Assembly was competent to recommend any new organizational measures to the Council concerning a body set up by the Council itself; that was a matter for the Council to decide.

7. On one occasion, the Economic and Social Council, in revising the organizational structure of the refugee programme by establishing an Executive Committee of the Programme of the United Nations High Commissioner for Refugees, 14/ did so at the specific request of the General Assembly, which also set forth the terms of reference of the Committee. 15/

8. In another instance, the General Assembly made recommendations to the Economic and Social Council for the creation of a new body by the latter. In resolution 1155 (XII), the General Assembly recommended that the Council should give "prompt and favourable consideration to the establishment of an Economic Commission for Africa". During the discussion of this proposal in the Second Committee, two representatives who abstained 16/ in voting on the draft of the resolution stated their opinion 17/ that the decision of the General Assembly should not predetermine the outcome of the Council's examination of the question and that the Council's freedom of action should not be restricted in a matter over which it had primary jurisdiction under the Charter.

9. During the consideration by the General Assembly at its eleventh session of certain draft resolutions 18/ which would have amended section III of Economic and Social

11/ The Chairman of the Fifth Committee invited the Chairman of the Technical Assistance Committee to take a place at the committee table in order to give the Fifth Committee fuller information on this matter (G A (XI), 5th Com., 570th mtg., para. 35).

12/ G A (XI), 2nd Com., 446th mtg., para. 2.

13/ Ibid., para. 6.

14/ E S C resolution 672 (XXV).

15/ G A resolution 1166 (XII).

16/ G A (XII), 2nd Com., 471st mtg., para. 34.

17/ Ibid., paras. 36-38; subsequently, in the plenary session, one of the representatives abstained, and the other voted in favour (G A (XII), 723rd mtg., para. 37).

18/ G A (XI), Annexes, vol. I, a.i. 26, p. 6, A/3467, para. 6.

Council resolution 623 B (XXII), on currency utilization under the Expanded Programme of Technical Assistance, doubts were expressed 19/ concerning the competence of the General Assembly to amend a resolution adopted by the Council. Although by virtue of Article 60 the Council was placed under the authority of the General Assembly, it was endowed with powers and functions of its own which were set forth in Chapter X of the Charter. It was further pointed out that "as far as the Council is concerned, the term 'under the authority of the General Assembly' means, in practice, a continuing authority of a general nature" 20/ and that no precedent of an outright rejection of a Council resolution by the General Assembly had been mentioned in the Repertory. The words "for any action it may deem necessary" in the Council resolution 21/ simply meant that the Council communicated its opinion to the General Assembly, which was free to take whatever action it considered necessary; the General Assembly could not amend a resolution which the Council had adopted under the authority conferred by the Charter. The sponsors of the proposals, though given no indication whether they shared these views, withdrew their draft proposals.

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

10. At its eleventh session, the General Assembly requested 22/ the Economic and Social Council to consider postponing until the Council's twenty-fifth session the examination of the report on national food reserves which the Council had asked the Secretary-General to prepare for its twenty-fourth session. 23/ The General Assembly did this in order to enable the Council to receive relevant information from the Food and Agriculture Organization of the United Nations (FAO). The Council postponed 24/ consideration of the report until its twenty-sixth session.

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

11. As in the past, several decisions of the Economic and Social Council requiring action by the General Assembly were of a procedural or organizational nature.

12. In one of these requests, the General Assembly was asked to modify an earlier decision, contained in General Assembly resolution 410 A (V). Acting upon the Council's request, 25/ the General Assembly deleted 26/ the provision of its earlier resolution, by which the Agent-General of the United Nations Korean Reconstruction Agency (UNKRA) had been asked to transmit a copy of his report to the Council, and the Council had been asked to review it and make recommendations on it to the General Assembly. 27/

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19/ G A (XI), 2nd Com., 398th to 401st mtgs.

20/ This phrase was quoted from the study under Article 60 in the Repertory, vol. III, para. 8.

21/ E S C 623 B III (XXII), para. 7.

22/ G A resolution 1025 (XI).

23/ E S C resolution 621 (XXII).

24/ E S C (XXVI), 993rd mtg., para. 36.

25/ E S C resolution 611 (XXI).

26/ G A resolution 1020 (XI).

27/ See Repertory, Supplement No. 1, vol. II, under Article 60, para. 8.

13. In another similar decision, the General Assembly accepted 28/ the recommendation 29/ of the Council to separate the membership of the Executive Board of the United Nations Children's Fund (UNICEF) from the membership of the Social Commission in order to provide for direct election of all members of the Board. 30/

14. In another decision, the General Assembly, acting upon the Council's request, 31/ authorized 32/ its own subsidiary body, the Advisory Committee on Administrative and Budgetary Questions, to co-operate with a subsidiary body of the Council: upon request, the Technical Assistance Committee, or any review group it might establish, was authorized to render advice in the review of the costs of the administrative and operational services of the Expanded Programme of Technical Assistance. Requests for review, and for advice to the Technical Assistance Committee on certain specific matters, were subsequently addressed by the Council to this Advisory Committee. 33/

15. In resolution 662 B (XXIV), the Economic and Social Council urged the General Assembly to decide to establish a Special United Nations Fund for Economic Development; for this purpose the Council recommended that the General Assembly should set up a preparatory commission which would select a limited number of projects that the Fund would finance in the initial period. The General Assembly noted these recommendations and took steps towards establishing a Special Fund in its resolution 1219 (XII).

#### D. The question of the General Assembly addressing directly a subsidiary organ of the Economic and Social Council

16. As in the past, there were several instances in which the General Assembly addressed itself directly to a subsidiary body of the Economic and Social Council. In one case, described in paragraph 14 above, a direct relationship with a subsidiary body of the Council was established by the General Assembly at the Council's request; the General Assembly authorized its Advisory Committee on Administrative and Budgetary Questions to co-operate with, and give advice to, the Technical Assistance Committee on the matter specified.

17. At its eleventh session, the General Assembly decided 34/ to transmit directly to the Commission on Human Rights the official records and other documents relating to its discussion of measures to be taken with respect to the violation of human rights. This proposal originally contained a request for a particular study and was addressed directly to the Commission. Among various views expressed 35/ in the General Assembly in opposition to the request, it was held inappropriate to request the Commission to undertake the study; under Article 60 it would have been more appropriate to address the request to the Council itself. The sponsor subsequently accepted 36/ an amendment to his draft resolution which eliminated this request. 37/

28/ G A resolution 1038 (XI).

29/ E S C resolution 610 B (XXI).

30/ See Repertory, Supplement No. 1, vol. II, under Article 60, para. 9.

31/ E S C resolution 633 (XXII).

32/ G A resolution 1037 (XI). Because of technical and constitutional difficulties, authorization by the General Assembly was required to enable the Advisory Committee to render advice to the Technical Assistance Committee; see G A (XI), Annexes, a.i. 26, p. 12, A/C.2/193/Add.1.

33/ E S C resolution 702 (XXVI).

34/ G A resolution 1041 (XI).

35/ G A (XI), 3rd Com., 752nd mtg., para. 20.

36/ Ibid., 753rd mtg., paras. 9 and 24.

37/ G A (XI), Annexes, vol. II, a.i. 60, p. 3, A/3524.

18. In resolution 1219 (XII), the Executive Chairman of the Technical Assistance Board was invited directly by the General Assembly to submit his views and suggestions to its Preparatory Committee for the Special Fund. In resolution 1255 C (XIII), the General Assembly requested the Technical Assistance Board to continue certain steps designed to alleviate the shortage of skilled technical personnel in less developed countries. Again, in resolution 1303 (XIII), the General Assembly requested the Technical Assistance Board to take certain steps relating to technical assistance to Libya.

19. At its twelfth session, the General Assembly expressed the hope 38/ that the regional economic commissions would continue "within their respective terms of reference and in conformity with the relevant resolutions of the Economic and Social Council, their valuable services and efforts". In another decision, it invited 39/ the regional commissions to co-operate with a new commission set up by the General Assembly to survey the status of the permanent sovereignty of peoples and nations over their natural wealth and resources. In still another resolution, 40/ the General Assembly addressed itself directly to the Commission on the Status of Women, inviting it to pursue its efforts towards improving the status of women throughout the world. The same resolution also dealt with the question of seminars on the status of women. There was subsequent action on this resolution by the Council, which decided 41/ to transmit the General Assembly resolution to the Commission.

20. On many occasions, however, requests were addressed through the Economic and Social Council. Thus, in the case of the question of freedom of information, the General Assembly addressed its requests for certain specified work to the Commission on Human Rights, through the Council. In one instance the Council was asked to transmit the Commission's report with the Council's recommendations thereon 42/ to the General Assembly. In another instance, the Council was invited to ensure that the Commission would report regularly to the Council on the specified matter. 43/

21. General Assembly resolution 1029 (XI) requested the Economic and Social Council to invite the Commission on International Commodity Trade to give special consideration to a certain specified matter. During the discussion of the draft resolution 44/ one representative expressed the view that the General Assembly could give instructions to the Commission directly, and not through the Council, since the General Assembly had established the Commission. The Chairman pointed out that the Commission had been set up by Council resolutions 512 A (XVII) and 557 F (XVIII). The representative contended, however, that though the Commission had been established by the Council, the latter had done so at the recommendation of the General Assembly and the Commission could therefore not be considered a subsidiary organ of the Council; in his opinion, the fact that some members of the Commission were not represented on the Council emphasized the Commission's independence of the Council. 45/

38/ G A resolution 1158 (XII).

39/ G A resolution 1314 (XIII).

40/ G A resolution 1163 (XII). In the discussion of the resolution, the views were expressed that it would be more courteous and logical to address the invitation to the Council; and that the Commission had no executive power and could only formulate recommendations. See G A (XII), 3rd Com., 777th mtg.

41/ E S C (XXIV) 998th mtg., para. 5.

42/ G A resolution 1189 B (XII).

43/ G A resolution 1313 A (XIII).

44/ G A (XI), Annexes, vol. I, a.i. 12, p. 8, A/3545, para. 20 (A/C.2/L.323 and Corr.1).

45/ G A (XI), 2nd Com., 444th mtg., paras. 40, 41, 48 and 57.

## **Chapter X**

### **THE ECONOMIC AND SOCIAL COUNCIL**

