

## 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* and its *Supplements Nos. 1* and *2*, under the Articles which set forth the functions or powers of the two organs. As pointed out in the study of Article 66 (1) in this *Supplement*, there is a close relationship between Article 60 and Article 66 (1) and it is therefore advisable to examine the two Articles together.

## I. GENERAL SURVEY

2. During the period under review, Article 60 was referred to by the Economic and Social Council in its resolution 799 A (XXX) and also in a draft recommendation adopted by the Commission on the Status of Women, which the Council transmitted to the General Assembly.<sup>1</sup> In the draft recommendation of Article 60, would have endorsed the draft recommendations and the arrangements concerning consent to marriage, minimum age of marriage and registration of marriages, prepared for the Council by the Commission on the Status of Women in the name of the Council. The later version of the draft recommendation, prepared<sup>2</sup> by the Commission at the request of the General Assembly and transmitted<sup>3</sup> to it by the Council, was not drafted in the name of the Council, but in the name of the General Assembly and therefore no endorsement by the Assembly was required as in the case of the first draft.

3. Article 60 was paraphrased<sup>4</sup> by the Council in the preamble of its resolution on a review and reappraisal of the Council's role and functions when the Council referred to the provisions of the Charter.

4. The establishment by the General Assembly, at its nineteenth session, of the United Nations

Conference on Trade and Development (UNCTAD) as an organ of the General Assembly,<sup>5</sup> with broad terms of reference for promoting international trade and with special emphasis on acceleration of economic development, and the establishment, at its twentieth session, of the United Nations Organization for Industrial Development as an autonomous organization for the promotion of industrial development,<sup>6</sup> changed the emphasis the Economic and Social Council placed on its activities in the fields of international trade and industrial development. For example, the Council discontinued<sup>7</sup> the Commission on International Commodity Trade and agreed to transfer the functions of the Commission<sup>8</sup> to the Committee on Commodities of the Trade and Development Board of UNCTAD. It should be recalled that these functions included, *inter alia*, the study and analysis of the developments and trends in international commodity trade, the bringing of the Commission's views and recommendations on problems disclosed by its studies to the attention of the Council or Members of the United Nations, the review of the movements of world primary commodity markets and the publication of studies and statistical reports on prices, terms of trade and other matters relating to international trade in primary commodities. The Council also discontinued<sup>9</sup> its Com-

<sup>1</sup> Included in E S C resolution 821 III B (XXXII). Article 60 was also referred to in connexion with the question of whether the Council could meet with a vacancy in its membership, a matter discussed at the meeting of seventeen of its members (see this *Supplement* under Article 61, para. 21). Opposing views were expressed on the applicability of Article 60 to that question.

<sup>2</sup> G A resolution 1763 B (XVII).

<sup>3</sup> E S C resolution 961 H (XXXVI).

<sup>4</sup> E S C resolution 1091 (XXXIX).

<sup>5</sup> G A resolution 1995 (XIX).

<sup>6</sup> G A resolution 2089 (XX). At the following session, the Second Committee decided that the English title of the new Organization should be United Nations Industrial Development Organization (UNIDO) (see GA (XXI), 2nd. Com., 104th mtg., para. 52) The Assembly employed the new title in its resolution 2152 (XXI).

<sup>7</sup> E S C resolution 1050 (XXXVII).

<sup>8</sup> See also *Repertory Supplement No. 1*, under Article 68, para. 10, and *Supplement No. 2*, under Article 68, para. 13.

<sup>9</sup> E S C resolution 1194 (XLI).

mittee for Industrial Development, having taken note of the establishment<sup>10</sup> by the General Assembly of the United Nations Industrial Development Organization (UNIDO).

5. As in the past, the General Assembly in a number of instances commended the work done by the Council. Thus, for example, it noted<sup>11</sup> with approval the decision of the Council to amend the terms of reference of the Economic Commission for Asia and the Far East and the Economic Commission for Latin America to include the social aspects of economic development. It welcomed<sup>12</sup> the request of the Council concerning a report to be prepared by the Secretary-General on measures calculated to intensify concerted action by the United Nations and the specialized agencies with regard to the training of national personnel for the economic and social development of the developing countries, and requested<sup>13</sup> the Secretary-General to make all necessary arrangements for a thorough discussion by the Council at its forty-third session of the problem

<sup>10</sup> This action was taken by the Council in December 1966, subsequent to the period under review, in response to General Assembly resolution 2152 (XXI) under which the Council was requested to abolish the Committee. In that resolution the General Assembly declared that UNIDO would play the central role in, and be responsible for, reviewing and promoting the co-ordination of all activities of the United Nations system in the field of industrial development.

<sup>11</sup> G A resolution 1392 (XIV).

<sup>12</sup> E S C resolution 1090 A (XXXIX).

<sup>13</sup> G A resolution 2083 (XX).

of development and utilization of human resources. In another case, the General Assembly broadened the terms of a decision of the Council when, in endorsing the decision of the Council to convene the United Nations Conference on Trade and Development,<sup>14</sup> the Assembly made recommendations<sup>15</sup> to the Council concerning the preparations for that Conference. These recommendations pertained, *inter alia*, to the size and composition of the Preparatory Committee, the timing of its meetings, the date of the Conference and the scope of its work. Under the pertinent resolution, the Assembly also requested the Secretary-General to take certain specific actions related to the Conference, including the invitation of participants.

6. Acting upon the request<sup>16</sup> of the Council concerning its decision on a thorough review and reappraisal of the Council's role and functions, the General Assembly responded by requesting<sup>17</sup> the Secretary-General to submit to the Council proposals on the ways in which it might adapt its procedures and working methods so as to enable it effectively to fulfil its role. At the same time the Assembly requested Member States which had not yet done so to inform the Secretary-General of their views on that subject.

<sup>14</sup> E S C resolution 917 (XXXIV).

<sup>15</sup> G A resolution 1785 (XVII).

<sup>16</sup> E S C resolution 1091 (XXXIX).

<sup>17</sup> G A resolution 2097 (XX).

## II. ANALYTICAL SUMMARY OF PRACTICE

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

7. At the invitation of the Economic and Social Council, the General Assembly continued its direct confirmation of the allocation of funds authorized by the Technical Assistance Committee to each of the organizations participating in the Expanded Programme of Technical Assistance.<sup>18</sup>

8. On one occasion, the General Assembly took the initiative concerning the creation of a new body by the Council when at its fourteenth session it recommended<sup>19</sup> that the Council consider the prompt establishment of a commission for industrial development. At its next spring session following the fourteenth session of the General Assembly, the Council established<sup>20</sup> a standing Committee for Industrial Development, and later, upon another recommendation<sup>21</sup> of the General Assembly, the Council enlarged<sup>22</sup> the membership of that Committee.

<sup>18</sup> See *Repertory Supplement No. 1*, vol. II, under Article 60, para. 5; see also G A resolution 2094 (XX).

<sup>19</sup> G A resolution 1431 (XIV).

<sup>20</sup> E S C resolution 751 (XXIX). See also this *Supplement*, under Article 68, paras. 20 and 37.

<sup>21</sup> G A resolution 1525 (XV).

<sup>22</sup> E S C (XXX), 1135th mtg., paras. 61-65, and 1136th mtg., paras. 6 and 7.

9. At its eighteenth session, the General Assembly called upon<sup>23</sup> the Council to bear in mind the principle of equitable geographical distribution and, in particular, the necessity of having Africa equitably represented in the elections of members of the enlarged Commission on Human Rights.

10. In connexion with the question of the work programme of the United Nations in the economic, social and human rights fields and its budgetary requirements, the Council recommended<sup>24</sup> that the Chairman of the Advisory Committee on Administrative and Budgetary Questions, a subsidiary body of the General Assembly, be invited to be present at the meetings of the Council's Special Committee on Co-ordination. The Council also requested the Advisory Committee to continue to make available to the Council its comments concerning the administrative and financial aspects of activities in the economic, social and human rights fields. In another case, the Council requested<sup>25</sup> the Administrative Committee on Co-ordination (ACC) to continue,

<sup>23</sup> G A resolution 1923 (XVIII).

<sup>24</sup> E S C resolution 1093 (XXXIX); see also General Assembly resolution 1797 (XVII) and E S C resolutions 990 (XXXVI) and 1046 (XXXVII). See also a case where the General Assembly, upon request of the Council, authorized the Advisory Committee on Administrative and Budgetary Questions to co-operate with a subsidiary body of the Council (see *Repertory Supplement No. 2*, under Article 60, para. 14).

<sup>25</sup> E S C resolution 1090 D, I (XXXIX).

in collaboration with the Advisory Committee, the study of the possibility of utilizing a uniform layout for the preparation and presentation of the budgets of the specialized agencies and of the International Atomic Energy Agency. Subsequently, the Chairman of the Advisory Committee informed<sup>26</sup> the General Assembly that the Committee would be happy to co-operate with ACC as requested by the Council.

11. There were instances during the period under review where the General Assembly directly concerned itself with the question of the lines of responsibility or continuation of the bodies created by the Council. The Council's decision to discontinue the Commission on International Commodity Trade was taken at its thirty-seventh session in March 1965.<sup>27</sup> However, the General Assembly, in establishing UNCTAD in December 1964,<sup>28</sup> that is, at an earlier date, stated that the Trade and Development Board of UNCTAD should establish a committee on commodities "which, *inter alia*, will carry out the functions which are now performed by the Commission on International Commodity Trade and the Interim Co-ordinating Committee for International Commodity Arrangements". The General Assembly also stated that the Interim Co-ordinating Committee should be maintained as an advisory body of the Board. It should be noted that the Interim Co-ordinating Committee for International Commodity Arrangements was established by the Council under Article 68 to convene inter-governmental study groups, advise the Secretary-General on the convening of commodity conferences and co-ordinate the activities of individual commodity groups and councils.<sup>29</sup>

12. Another occasion when the General Assembly concerned itself with the procedural arrangements of the subsidiary bodies of the Council was at its eighteenth session, when it requested<sup>30</sup> the Council to undertake a study of the optimum frequency for the sessions of its functional commissions, committees and other subsidiary bodies, as well as a study of the possibility of either integrating or eliminating those of the subsidiary bodies whose terms of reference might overlap. Pursuant to that request, the Council considered the policy which should in future govern the pattern of its meetings and those of its subsidiary bodies,<sup>31</sup> and took a number of decisions on the subject.

13. In the discussion by the Council, during its thirty-sixth session, of the question of the membership of Portugal and South Africa in the Economic Commission for Africa (ECA), in connexion with a draft resolution contained in the report of ECA, views were expressed<sup>32</sup> that the Council should not surrender its responsibilities and, without any action

on its own part, transmit the draft resolution to the General Assembly. It was also stated that the Council's competence in the matter had no political aspect, since it would be acting under the authority of Article 68. Although the General Assembly had the right of ultimate control under Article 60, that should not prevent the Council from discharging its own responsibilities. Another view was that, under Article 60, the Council's powers had been delegated to it by the General Assembly and that, therefore, the Council could submit any matter to the General Assembly.

14. By its resolution 974 D, III (XXXVI), the Economic and Social Council decided to expel Portugal from membership in ECA, and by its resolution 974 D, IV (XXXVI) the Council decided that the Republic of South Africa should not take part in the work of that Commission until the Council, on the Commission's recommendation, found that conditions for constructive co-operation had been restored by a change in South Africa's racial policy.

15. A question was raised at the thirty-second session of the Council as to whether it was competent to reconsider and modify the text of the draft resolution which the Commission on Permanent Sovereignty over Natural Resources had requested the Council to recommend to the General Assembly for adoption.<sup>33</sup> The Commission was established by the General Assembly by its resolution 1314 (XIII) and was requested to report to the Economic and Social Council at its twenty-ninth session. The Commission submitted a progress report to the Council at that session and its final report containing the draft resolution to the Council at its thirty-second session. Some representatives asked whether the draft should not be merely transmitted to the General Assembly together with the amendments submitted during the discussion by the Council. It was also pointed out that when the General Assembly had set up the Commission, it had requested that recommendations be made by the Commission and not by the Council. The opposing views were to the effect that the Council was competent to study the question and that there was an implicit assumption in the resolution of the General Assembly that the Council should consider the Commission's report and make recommendations on it. There was a consensus, however, that the Council had no time left at its thirty-second session to consider the report in detail, to reach a conclusion on it and to submit that conclusion to the next session of the General Assembly. It was also the view of a number of representatives that the General Assembly would wish to receive the Commission's recommendations as soon as possible.<sup>34</sup>

16. The Council decided<sup>35</sup> to transmit to the General Assembly the report of the Commission, together with the summary records of the Council's discussions thereon, including the proposed amendments to the draft resolution.

<sup>26</sup> G A (XX), 5th Com., 1110th mtg., para. 27.

<sup>27</sup> See para. 4 above.

<sup>28</sup> *Ibid.*

<sup>29</sup> See *Repertory*, under Article 68, paras. 49 and 74.

<sup>30</sup> G A resolution 1987 (XVIII).

<sup>31</sup> E S C (XXXVII), 1351st mtg., paras. 17-28.

<sup>32</sup> E S C (XXXVI), 1289th mtg., para. 44 *et seq.*, and E S C (XXXVI), Suppl. No. 10, part IV, draft resolution II. See also this *Supplement*, under Article 68, paras. 78-84.

<sup>33</sup> E S C (XXXII), 1179th mtg., paras. 18, 23 and 24. See also E S C (XXXII), Annexes, a. i. 9, E/3511.

<sup>34</sup> For texts of relevant statements, see E S C (XXXII), 1179th and 1181st mtgs.

<sup>35</sup> E S C resolution 847 (XXXII).

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

17. The General Assembly recommended<sup>36</sup> to the Economic and Social Council to consider the advisability of the Social Commission meeting annually. On another occasion, the Assembly urged<sup>37</sup> the Council to reconsider its decision that the Commission on Human Rights could not meet in 1964, so that it might continue to meet annually. The Council subsequently reconsidered<sup>38</sup> its position and decided that the Commission should be convened in 1964, and eventually arranged for annual meetings of both Commissions.<sup>39</sup>

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

18. There were several cases during the period under review where the Council requested the General Assembly to take specific action. Thus, for example, the Council invited the General Assembly to authorize the Advisory Committee on Administrative and Budgetary Questions to bring up to date the studies which it had made under General Assembly resolution 722 (VIII), giving particular attention to the question of financial procedures and overhead costs of the programmes of technical co-operation.<sup>40</sup> At the suggestion<sup>41</sup> of the Council, the General Assembly made a decision<sup>42</sup> concerning the course to be followed on a draft declaration on the elimination of all forms of religious intolerance when the Council referred to the Assembly a resolution of the Commission on Human Rights concerning the Commission's work on that draft and related documents.

19. With a view to intensifying the work of the United Nations in the field of population growth and economic development, the Council invited<sup>43</sup> the General Assembly to examine the replies of the Governments to the inquiry conducted by the Secretary-General and to make recommendations on the problems confronting them as a result of the reciprocal action of economic development and population changes.

<sup>36</sup> G A resolution 1392 (XIV).

<sup>37</sup> G A resolution 1922 (XVIII).

<sup>38</sup> E S C (XXXVI), 1305th mtg., para. 38.

<sup>39</sup> E S C (XXXVII), 1351st mtg., para. 17. See also E S C (XXXVII), Annexes, a. i. 36, E/3980, and E S C resolution 1156 (XLI).

<sup>40</sup> E S C resolution 900 A (XXXIV). The Council in its resolution 1060 (XXXIX) noted that the Advisory Committee, in response to that request, had completed a study on the question.

<sup>41</sup> E S C resolution 1015 C (XXXVII).

<sup>42</sup> G A resolution 2020 (XX).

<sup>43</sup> E S C resolution 1048 (XXXVII). The General Assembly acted on that request, *inter alia*, in its resolution 2211 (XXI).

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

20. During the period under review, the General Assembly addressed its requests for reports, studies and the like to subsidiary bodies of the Economic and Social Council in a number of different ways, frequently with a request for the Council to consider such reports and submit them to the Assembly with its comments. Thus, it addressed requests through the Council to the Commission on Human Rights;<sup>44</sup> to the regional economic commissions;<sup>45</sup> and to the Commission on International Commodity Trade.<sup>46</sup> In another case, the General Assembly requested the Commission on Human Rights,<sup>47</sup> through the Council, to prepare draft declarations and draft conventions, and the Commission on the Status of Women<sup>48</sup> to prepare a draft recommendation and a draft declaration. In some instances, the Assembly, through the Council, requested one of the Council's subsidiary organs to consider a specific problem such as the establishment of an organization for industrial development,<sup>49</sup> addressed to the Committee for Industrial Development, and the creation of the post of United Nations High Commissioner for Human Rights, addressed to the Commission on Human Rights.<sup>50</sup>

21. There were also many cases where the General Assembly addressed the subsidiary bodies of the Economic and Social Council directly. Thus, it requested<sup>51</sup> the Commission on Human Rights to report, through the Council, on its deliberations concerning an article on the rights of the child in the draft International Covenants on Human Rights; it decided<sup>52</sup> to establish, "in consultation with the Commission on Human Rights", a Preparatory Committee for the International Conference on Human Rights; it invited<sup>53</sup> the Commission on the Status of Women to participate and co-operate in the preparatory work for the International Year for Human Rights and to examine and report on<sup>54</sup> the reports from Member States relating to Consent to Marriage, Minimum Age for Marriage and

<sup>44</sup> G A resolution 1776 (XVII), under which the General Assembly proposed that the Council instruct the Commission on Human Rights to submit its report and recommendations directly to the General Assembly; G A resolution 1918 (XVIII), under which the Assembly requested the Council to invite the Commission to study and make recommendations on the report on Capital Punishment; and G A resolution 2017 (XX), under which the Assembly addressed itself to the Commission as well as the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning measures against all forms of racial discrimination.

<sup>45</sup> G A resolution 1519 (XV).

<sup>46</sup> *Ibid.*

<sup>47</sup> G A resolutions 1780 (XVII), 1781 (XVII) and 1906 (XVIII).

<sup>48</sup> G A resolutions 1763 (XVII) and 1921 (XVIII).

<sup>49</sup> G A resolution 1940 (XVIII).

<sup>50</sup> G A resolution 2062 (XX).

<sup>51</sup> G A resolution 1843 A (XVII).

<sup>52</sup> G A resolution 2081 (XX).

<sup>53</sup> *Ibid.*

<sup>54</sup> G A resolution 2018 (XX).

Registration of Marriages. With reference to the United Nations Development Decade, it invited the Committee on Housing, Building and Planning to prepare<sup>55</sup> certain recommendations to Governments and to work out practical and effective measures pertaining to housing problems. Requests were made<sup>56</sup> to the Committee for Industrial Development on the subject of the financing of economic development, industrial development and training of national technical personnel, to the Commission on International Commodity Trade<sup>57</sup> concerning studies on compensatory financing, to the regional economic commissions<sup>58</sup> on strengthening co-operation among themselves and among their executive secretaries; and to ECA<sup>59</sup> on convening a meeting of African countries on trade. The Advisory Committee of ten experts, established under Council resolution 873 (XXXIII), was recommended<sup>60</sup> by the General Assembly to take into account in its work and recommendations certain questions on industrial development. The Advisory Committee on the Application of Science and Technology to Development was approached<sup>61</sup> by the General Assembly on establishing a programme on international co-operation in science and technology for economic and social development. The General Assembly also addressed<sup>62</sup> itself to the Administrative Committee on Co-ordination on providing the Advisory Committee on the Application of Science and Technology to Development, through the Secretary-General, with certain information relevant to the Advisory Committee's tasks. In connexion with the earthquake in Iran, the Assembly addressed itself,<sup>63</sup> among others, to the Technical Assistance Committee.

22. In some instances the General Assembly addressed itself jointly to the Council and its subsidiary bodies. For example, a request concerning studies on promoting the effective integration of literacy in development was addressed<sup>64</sup> to the Council and to the regional economic commissions;

<sup>55</sup> G A resolutions 1917 (XVIII) and 2036 (XX).

<sup>56</sup> G A resolutions 1524 (XV), 1712 (XVI) and 1824 (XVII).

<sup>57</sup> G A resolution 1829 (XVII).

<sup>58</sup> G A resolution 1518 (XV).

<sup>59</sup> G A resolution 1718 (XVI).

<sup>60</sup> G A resolution 1821 I (XVII).

<sup>61</sup> G A resolutions 1944 (XVIII) and 2082 (XX).

<sup>62</sup> G A resolution 1944 (XVIII).

<sup>63</sup> G A resolution 1753 (XVII).

<sup>64</sup> G A resolution 2043 (XX).

another request on certain principles which were to be borne in mind was addressed<sup>65</sup> to the Council and its Social Commission in connexion with the question of the role of the United Nations in the social field; and a recommendation<sup>66</sup> on the intensification of the study of measures designed to extend and improve the terms of trade was addressed to the Council and to the Commission on International Commodity Trade. On the question of accelerated industrialization and international trade, the Assembly addressed<sup>67</sup> itself jointly to the Council and its Committee for Industrial Development.

23. In other instances the General Assembly made procedural arrangements directly involving both the Council and its subsidiary bodies. Thus, in requesting the Secretary-General to appoint a group of experts on the question of establishing machinery for offsetting fluctuations in commodity prices, the General Assembly stipulated<sup>68</sup> that the group should report and make recommendations to the Commission on International Commodity Trade and that the Council should comment on and transmit the experts' report to the General Assembly. Another example of detailed procedural arrangements by the General Assembly for the preparation of reports and recommendations involving the Economic and Social Council was the request<sup>69</sup> of the Assembly, addressed to the United Nations Development Programme and the regional economic commissions, to consider certain recommendations on the training of national technical personnel for the accelerated industrialization of the developing countries, which were contained in the report of the Secretary-General.<sup>70</sup> These bodies, among others, were requested to transmit their comments and suggestions pertaining to the report to the Secretary-General. The Secretary-General was to report to the Committee for Industrial Development on the action taken and on proposals for further measures in that field. The Committee was requested to present its recommendations on the question to the Economic and Social Council for consideration and for submission to the General Assembly.

<sup>65</sup> G A resolution 2035 (XX).

<sup>66</sup> G A resolution 1520 (XV).

<sup>67</sup> G A resolution 1821 II (XVII).

<sup>68</sup> G A resolution 1423 (XIV).

<sup>69</sup> G A resolution 2090 (XX).

<sup>70</sup> E S C (XXXVII), Annexes, a. i. 12, E/3901 Rev. 1 and Add. 1 and 2.

## **Chapter X**

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