

ARTICLE 60

CONTENTS

Text of Article 60	
	<i>Paragraphs</i>
Introductory note	1
I. General survey	2-9
II. Analytical summary of Practice	10-22
A. The question of the relationship between the General Assembly and the Economic and Social Council	10-13
B. The question of the reconsideration of decisions by the Economic and Social Council at the request of the General Assembly	14-15
C. The question of the General Assembly exercising its authority at the request of the Economic and Social Council	16-18
**D. The question of the General Assembly addressing directly a subsidiary organ of the Economic and Social Council	
E. The competence of the Economic and Social Council under Article 60	19-22

ARTICLE 60

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 study on Article 60, as indicated in the *Repertory*, treats the general aspects of the functioning and the interrelationship of the General Assembly and the Economic and Social Council bearing on their responsibilities under this Article. The specific 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, 2 and 3*, under the Articles which set forth the functions or powers of the two organs. As pointed out in *Supplement No. 3*, there is a close relationship between Article 60 and Article 66 (1) and it is therefore advisable to examine the two Articles together. Reference should also be made to the studies on Articles 55, 56, 62 (2) and 65.

I. GENERAL SURVEY

2. During the period under review, references were made to Article 60, together with Articles 1, 3, 7, 55, 56, 62, 65 and Chapters IX and X of the Charter, in the course of a controversial but inconclusive debate which took place during the Economic and Social Council's forty-third session¹ on a proposal by the Union of Soviet Socialist Republics to include in the agenda a supplementary item² relating to the economic consequences of the recent hostilities between Israel and certain Arab States.

3. Article 60 was also mentioned by the General Assembly in the preamble of its resolution³ on a general review of United Nations programmes and activities in the economic, social, technical co-operation and related fields, when it referred to its responsibilities under Chapter IX of the Charter, and in particular under Articles 58 and 60 thereof, and reaffirmed the "central role assigned to the Economic and Social Council in the economic, social and human rights fields under Chapter X of the Charter." The resolution went on, in an apparent reference to Article 60, to underline the authority of the General Assembly thereunder by providing that the Enlarged Committee for Programme and Co-ordination—which the Assembly by the same resolution requested the Council to establish for a period not exceeding three years in order to carry out a full review of the activities of the United Nations organizations in the field of economic and social development—should "be responsible to the Assembly and, under its authority, to the Council."

4. The Council for its part, in the preamble of its resolution 1367(XLV) recalled "the provisions of Chapter IX of the United Nations Charter concerning international economic and social co-operation and, in

particular, Article 60 concerning the special responsibility of the Economic and Social Council for the discharge of functions in economic, social, cultural, educational, health and related fields, and also concerning the central role of the Council in the co-ordination of that activity." In the preamble of a subsequent resolution⁴ the Council "drew attention once again to its special responsibility under Chapter IX of the Charter of the United Nations for co-ordinating the activities of the United Nations system in the economic, social and human rights fields" and recalled the earlier resolution 1367(XLV), pointing out the need for further efforts to improve co-ordination so as to render the machinery of the organizations in the United Nations system more efficient and to ensure more rational use of means and resources.

5. The authority of the General Assembly with respect to the discharge by the Economic and Social Council of the latter's responsibilities under Chapter IX of the Charter, as prescribed in Article 60, appeared once more in the action taken by the former⁵ on the final report of the Enlarged Committee for Programme and Co-ordination, transmitted to it by the Council.⁶ After again reaffirming the Council's central role in the economic, social and human rights fields under Chapter X, the Assembly requested it explicitly to reconstitute its Committee for Programme and Co-ordination,⁷

⁴E S C resolution 1459(XLVII).

⁵G A resolution 2579(XXIV).

⁶E S C resolution 1467(XLVII).

⁷See also the action taken under paras. 1 and 2 of G A resolution 2411(XXIII), when the Assembly requested the Council to enlarge its Economic Committee by twenty-seven States, to be designated annually by the President of the General Assembly, and decided that the enlarged Economic Committee should be the Preparatory Committee for the Second United Nations Development Decade, responsible to and reporting to the Assembly through the Council "in conformity with the Council's responsibilities for co-ordination under the Charter".

¹E S C (XLIII) 1486th-1492nd, 1502nd and 1507th mtgs.

²E/4409.

³G A resolution 2188(XXI).

as had been recommended by the Enlarged Committee, and thereafter to examine and keep under continuing review the machinery for co-ordination and programme review and to introduce improvements or modifications appearing necessary in the light of the experience gained and of relevant developments within the United Nations system of organizations. Included in the action was a decision by the Assembly to review at its twenty-sixth session the arrangements made by the Council in pursuance of those requests.

6. In general, the practice during the period under review reflected both the increased scope of the activities of the General Assembly and the Economic and Social Council under Chapter IX, and the exercise by the Assembly of its authority under Article 60 in somewhat greater measure, although not explicitly, to ensure the integration of those activities, and in many cases their expansion, within the operation of the United Nations system as a whole. Initiatives for particular activities arose either in the Council or in the Assembly as, for example, when the Council took a number of decisions with respect to the development and utilization of human resources in developing countries,⁸ leading *inter alia* to a decision by the General Assembly to observe an International Education Year⁹, and when the Assembly initiated a request for the Council to consider, in connexion with the preparations for the Second United Nations Development Decade, the question of the role of the co-operative movement in economic and social development.¹⁰

7. In many instances, the General Assembly expanded the terms of a Council decision in a particular area and, in effect, assumed responsibility for the project. Thus it broadened a decision¹¹ requesting the Secretary-General to make a survey of the state of knowledge of the resources of the sea beyond the continental shelf, excluding fish, and of the techniques for exploiting those resources, by requesting him¹² in addition thereto to carry out a comprehensive survey of activities in marine science and technology, including those relating to mineral resources development, undertaken by members of the United Nations family of organizations, various Member States and other organizations and institutions. It requested him further, in the light of that survey, to formulate, with the assistance of a group of

⁸E S C resolution 1274(XLIII).

⁹G A resolution 2306(XXII).

¹⁰G A resolution 2459(XXIII).

¹¹E S C resolution 1112(XL).

¹²G A resolution 2172(XXI); see also E S C resolutions 1380(XLV), 1381(XLV) and 1382(XLV), as well as G A resolution 2467(XXIII) in which the Assembly established a Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and endorsed, at the invitation of the Council, the concepts of a co-ordinated long-term programme of oceanographic research. The matter was taken further in E S C resolution 1470 (XLVII) and G A resolution 2560(XXIV).

experts, certain proposals and to submit those to it through the Council, with the comments of the Council's Advisory Committee on the Application of Science and Technology to Development.¹³

8. In other cases, as in the past, the General Assembly commended in one form or another the work of the Council, often including therein a commendation of the Secretary-General or a specialized agency or similar institution, and at the same time adding its directions or requests for further action in the matter. In one instance, for example, it commended¹⁴ the Council and the Secretary-General for convening the World Population Conference in Belgrade in 1965, invited the Council, the Population Commission, the regional economic commissions and the specialized agencies to study the proceedings of the Conference when pursuing their activities in the field of population, noted with satisfaction certain related decisions of WHO and UNESCO, requested the Secretary-General to take action involving, *inter alia*, co-ordination of the activities of the United Nations system of organizations with respect to population, and called upon the Council, the Population Commission, the regional economic commissions and the specialized agencies concerned to assist, when requested, in further developing and strengthening national and regional facilities for training, research, information and advisory services in the population field.

9. In broad terms, the General Assembly continued to exercise its authority under Article 60 by such means as endorsing action taken by the Council, approving its recommendations¹⁵ and adopting resolutions submitted for its consideration.¹⁶ At the same time it often called upon or requested the Council to take certain specific action, as for instance in its resolution 2475(XXIII) with respect to the implementation of the recommendations of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, concerned itself with such matters as the role of the Council's regional economic commissions in meeting certain requirements of Member States,¹⁷ and in general required or to an increasing degree invited the submission of reports or studies by the Secretary-General, the specialized agencies, UNIDO, UNCTAD and like bodies to it through the Council with a view to concerting action in the United Nations system as a whole.

¹³*Ibid.*, paras. 3, 4, 5 and 6.

¹⁴G A resolution 2211(XXI).

¹⁵See, for example, G A resolution 2514(XXIV) with regard to the application of programming and budgetary procedures to the United Nations technical co-operation activities other than industrial development.

¹⁶See G A resolutions 2439 and 2440(XXIII), dealing with the policies of *apartheid* and treatment of political prisoners in South Africa.

II. ANALYTICAL SUMMARY OF PRACTICE

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

10. The General Assembly decided in 1966,¹⁸ after a review by the Governing Council of the United Nations Development Programme and the Economic and Social Council of the experimental provision of operational

personnel, at the request of Governments, by the participating organizations from the funds of the technical assistance component of UNDP, to continue its authorization of the temporary use of such funds for the years 1967-1968. At the invitation of the Council,¹⁹ the authorization was continued on a temporary basis in 1967,²⁰ in respect of the year 1969, and continued in 1968²¹ as an integral part of the assistance normally pro-

¹⁷G A resolution 2563(XXIV).

¹⁸E S C (XLIII), 1497th mtg. and E S C (XLV), 1550th mtg.

¹⁹G A (XXII), Plen., 1618th mtg., para. 306.

²⁰G A (XXIII), Plen., 1745th mtg.

¹⁸G A resolution 2179(XXI); see also G A resolution 1946(XVIII) and E S C resolution 951(XXXVI).

vided by UNDP. On the recommendation of the Council,²² the Assembly also approved²³ the procedures recommended by the Governing Council of UNDP for the preparation, approval and implementation of the projects of the technical assistance component of the programme for 1969 and future years.

11. In establishing, at its twenty-first session, the Capital Development Fund as a new organ of the General Assembly and an autonomous organization within the United Nations, the Assembly provided²⁴, that it should report annually to the Assembly through the Council and act in conformity with the responsibilities of the Council under the Charter, particularly those of co-ordination, and with the relationship agreements with the agencies concerned. It provided also that there should be a close and continuous relationship between the Fund and the regional economic commissions, UNIDO, UNDP, the specialized agencies concerned with those fields of activities in which it would operate, the IAEA and the regional development banks. At its twenty-second session, the General Assembly decided,²⁵ on a provisional basis, that the Secretary-General should be invited to ask the Administrator of UNDP to administer the Fund by performing the functions of Managing Director, that the Governing Council of UNDP should function as its Executive Board, and that the United Nations Pledging Conference on the Fund should be convened simultaneously with the annual Pledging Conference for UNDP. These provisional arrangements were continued at the twenty-third and twenty-fourth sessions.²⁶

12. The relationship between the Council and the Assembly was illustrated also when the Council re-emphasized the complementarity of the functions of its Committee for Programme and Co-ordination (CPC) and those of the Assembly's Advisory Committee on Administrative and Budgetary Questions (ACABQ).²⁷ The Council requested CPC to take account of financial implications of substantive programmes and invited the ACABQ to give due weight to CPC recommendations.²⁸ Similarly, under the arrangements proposed in its final report by the Enlarged Committee for Programme and Co-ordination,²⁹ and endorsed by the Assembly,³⁰ reports of the Joint Inspection Unit³¹ concerning the economic, social and human rights programmes of the United Nations, under the general responsibility of the Council, together with the comments of the Secretary-General, were to be submitted through the CPC to the Council and the Assembly, as well as to the ACABQ. In addition, the comments of the ACABQ were to be transmitted to the Council and the CPC, and to the governing organs of the United Nations programmes.

13. During the period under review, the general pattern of the relationship between the Council and the Assembly, however, underwent no inherent change of sufficient significance to justify special comment or analysis. It may be remarked, nevertheless, that to an

increasing extent the General Assembly turned to the specialized agencies and the IAEA, as well as to bodies such as UNIDO and UNCTAD, for assistance in carrying out the tasks developing, *inter alia*, from the numerous studies and reports which it requested should be submitted to it through the Economic and Social Council. Co-ordination of these manifold tasks, within the responsibilities of the Council and Assembly as defined in Article 60, was more extensive but did not essentially change the relationship between them.

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

14. The General Assembly, having been unable at its twenty-first session to give adequate consideration to a draft declaration on the elimination of discrimination against women prepared by the Commission on the Status of Women and transmitted to it by the Council,³² and considering that the large number of amendments submitted to the text during both the forty-first session of the Council and the twenty-first session of the Assembly, as well as the increased membership of the Commission, justified a re-examination of the text, requested³³ the Council to invite the Commission to review it, bearing in mind the amendments, the observations of Governments and the various discussions which had taken place. A revised text prepared by the Commission was subsequently submitted by the Council³⁴ to the Assembly and approved by the latter at its twenty-second session.³⁵

15. In another instance,³⁶ the General Assembly, expressing its belief that the work of the Commission had reached a decisive stage and that achievement of its aims demanded a sustained effort, urged the Council to reconsider a decision³⁷ that, beginning in 1971, the Commission on the Status of Women should meet biennially, rather than annually. The Council, however, reaffirmed its decision.³⁸

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

16. There were many occasions during the period under review when the Council requested or recommended that the General Assembly take specific action. In most cases this was done by way of the submission to the Assembly of a draft resolution for its adoption. In a number of instances these recommendations arose from the consideration by the Council of the reports of the Commission on Human Rights as, for example, when it recommended³⁹ that the Assembly adopt a resolution⁴⁰ in which, *inter alia*, it would urge all eligible Governments to sign, ratify and implement the International Convention on the Elimination of All Forms of Racial Discrimination and all other conventions directed against discrimination in employment and occupation and against discrimination in education. In other similar

²²E S C resolution 1250(XLIII).

²³G A resolution 2279(XXII).

²⁴G A resolution 2186(XXI), articles VIII.2 and X.2 and 3.

²⁵G A resolution 2321(XXII).

²⁶G A resolutions 2410(XXIII) and 2525(XXIV).

²⁷E S C resolution 1367(XLV).

²⁸*Ibid.*

²⁹E S C (XLVII), document E/4748/Rev.1.

³⁰G A resolution 2579(XXIV).

³¹Brought into operation on 1 January 1968 under G A resolution 2360(XXII), on the implementation of the recommendations of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies.

³²E S C resolution 1131(XLI).

³³G A resolution 2199(XXI).

³⁴E S C resolution 1206.

³⁵G A resolution 2263(XXII).

³⁶G A resolution 2587(XXIV).

³⁷See E S C (XLVII), Resolutions (E/4735), p. 18.

³⁸See E S C (XLIX), Resolutions (E/4904).

³⁹E S C resolution 1244(XLII).

⁴⁰See G A resolution 2332(XXII).

instances the Assembly adopted resolutions⁴¹ recommended by the Council⁴² relating to measures for effectively combating racial discrimination, the policies of *apartheid* and segregation in southern Africa, the question of the punishment of war criminals and of persons who had committed crimes against humanity, and measures to be taken against nazism and racial intolerance.

17. In another type of action the Council transmitted⁴³ to the Assembly for its consideration a report prepared by the Secretary-General on marine science and technology and invited it to endorse the concept of a co-ordinated long-term programme of oceanographic research designed to increase, in the interests of world economic development, the resources of all peoples of the world. The General Assembly responded by an endorsement of the concept as part of a comprehensive resolution⁴⁴ on international co-operation on questions relating to the oceans in which Member States, individual specialized agencies, the Secretary-General and the Council were invited to take action in various specified ways.

18. In one case, during the period under review, the decision of the Council requesting action by the Assembly was of a procedural nature, the Assembly being asked⁴⁵ to reconsider certain biennial reporting requirements specified in an earlier resolution of the Council⁴⁶ related to housing, building and planning and to substitute therefor a quinquennial housing survey of a different character. The Assembly, adhering as suggested by the Council to the recommendations of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies insofar as reduction of the volume of documentation was concerned, endorsed the Council's request.⁴⁷

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

E. The competence of the Economic and Social Council under Article 60

19. During the consideration at the forty-third session of the Economic and Social Council of a proposal by the Union of Soviet Socialist Republics to include in the agenda a supplementary item relating to the economic consequences of the recent hostilities between Israel and certain Arab States, a question was raised as to the competence of the Council under the Charter to entertain action to hold Israel responsible by way of compensation for the losses sustained during those hostilities by the United Arab Republic, Syria and Jordan. It was maintained, in support of the proposal, that under Article 7 the Council was "a principal organ" of the United Nations, with functions and powers defined in Chapters IX and X. Article 55 stated that the United Nations should promote higher standards of living, full employment, and conditions of economic and social progress and development, while Article 60 laid down that the responsibility for the discharge of those functions was vested in the Council. The Council could thus

express an opinion, under Articles 55 and 56, that Israel had caused and was continuing to cause material damage which had had and was having an unfavourable effect upon the world economic situation as a whole, and could call upon Israel for compensation. It could request the Secretary-General to determine the extent of the damage, and could then furnish information to the Security Council on the subject under Article 65. Similar arguments, based upon the violation of the human rights and fundamental freedoms of peoples displaced from their homes and deprived of their property as a consequence of the hostilities, were raised in terms of Article 62 in order to affirm the competence of the Council.

20. In opposition to the proposal, it was pointed out that the matter had been on the agenda of the Security Council for the previous two months and that, at the recent emergency special session of the General Assembly, a USSR draft resolution⁴⁸ in substantially the same terms had been defeated. In the event that the Economic and Social Council reached different conclusions, a constitutional conflict involving jurisdiction would arise, with the Council arrogating to itself at the same time the right to review the actions of superior bodies. It was held also that the motive for the proposal was a political one, aimed indirectly at branding a Member State as an aggressor; the Council had been intended to deal essentially with economic matters and consideration of a proposal conceived as above would lead it into the area of peace and security, for which the General Assembly and Security Council had sole responsibility.⁴⁹

21. At the conclusion of the discussion the proposal was summed up as raising three issues: the Council's competence to deal with the matter, the question whether it was appropriate for it to do so, and the wording of the item proposed for inclusion in the agenda. On a suggestion that a period of reflection and consultation was desirable, the Council decided, with the agreement of the sponsor of the original proposal, to postpone consideration of the matter to a later date, on the understanding that the President would in the meantime consult with Council members, especially those directly concerned with the issue, and would report to the Council at an appropriate time. Before this occurred, however, a draft resolution⁵⁰ was sought to be introduced by the USSR, under an agenda item relating to a general discussion of international economic and social policy, on action to deal with the economic consequences of the conflict between Israel and the Arab States. The operative portion of the draft resolution would have provided that Israel pay compensation for the damages caused to the Arab countries and would have sought economic assistance for them. The sponsor contended that the draft resolution was entirely consonant with the Council's functions and responsibilities and that its adoption would help to give weight to the Council's role as the United Nations organ having primary responsibility for the solution of international economic and social problems.

22. Introduction of the draft resolution was opposed, under rule 66 of the rules of procedure, on the ground

⁴¹See G A resolutions 2547 B (XXIV), 2583 (XXIV) and 2545 (XXIV).

⁴²See E S C resolutions 1415 (XLVI), 1416 (XLVI) and 1417 (XLVI).

⁴³E S C resolution 1381 (XLV).

⁴⁴G A resolution 2414 (XXIII).

⁴⁵G A resolution 2036 (XX).

⁴⁶E S C resolution 1299 (XLIV).

⁴⁷G A resolution 2598 (XXIV).

⁴⁸A/L.519 (mimeographed).

⁴⁹No specific reference was made, however, to the wording of Article 60 vesting responsibility for the discharge of the functions of the Organization under chapter IX "in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council . . .".

⁵⁰E/L.1172/Rev.1 (mimeographed).

that it was identical in substance with the proposal which the Council had earlier decided to postpone pending further consultation, and moreover dealt with issues within the competence of and currently under consideration by the General Assembly and the Security Council. Views similar to those in the earlier discussion were nevertheless expressed, reliance being placed, *inter alia*,

upon Articles 55, 56, 60 and 62 of the Charter. Finally, the discussion was concluded by the decision of the sponsor not to press the draft resolution to a vote, having felt himself obliged to admit that there was no prospect of the Council's adopting a decision on it under that item of the agenda.

Chapter X
THE ECONOMIC AND SOCIAL COUNCIL