

ARTICLE 61

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TEXT OF ARTICLE 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.
4. Each member of the Economic and Social Council shall have one representative.

INTRODUCTORY NOTE

1. Article 61 determines the composition of the Economic and Social Council, established under the terms of Article 7 (1) as one of the five principal organs of the United Nations. Article 61 (1) specifies that the eighteen members of the Council shall be elected by the General Assembly. This provision is to be read in conjunction with Article 18 (2), which includes the elections to the Council among the important questions for which a two-thirds majority vote of the Members of the General Assembly present and voting is required. Article 61 (2) and (3) provides for staggering the terms of office of the members. Continuing membership is made possible under the last provision of paragraph 2, which allows the immediate re-election of retiring members. The provision of the fourth and last paragraph, according to which each member of the Council has one representative, is similar to that of Article 23 (3) relating to the Security Council.
2. The implementation of the first three paragraphs of Article 61 is the responsibility of the General Assembly while the implementation of paragraph 4 is the responsibility of the Council.
3. The General Survey reviews the procedure followed by the General Assembly at its first session in electing the eighteen members of the Council, as well as the practice followed at subsequent sessions in electing their successors. Consideration is given to the eligibility of retiring members for immediate re-election and a table lists the countries which have been members of the Council since its inception and indicates the frequency of their re-election. The General Survey also reviews the rules of procedure and the practice evolved by the Economic and Social Council regarding the credentials of representatives and the designation of alternates and advisers.
4. The Analytical Summary of Practice first deals briefly with the question of the date of expiry of the term of office of the members of the Council, since the General Assembly has discussed the meaning of Article 61 (3) in this connexion. The same question is involved in the interpretation of Article 23 (2), concerning the term of office of the members of the Security Council.

5. The second question considered in the Analytical Summary of Practice is that of associating with the Council's activities the largest number of Members compatible with its efficacy. This matter arose as a result of a proposal submitted by Argentina to increase the membership of the Council to twenty-four. While that proposal was concerned primarily with the revision rather than with the implementation of Article 61, it seems to be relevant to the present study, since it led to General Assembly resolution 208 (III), "Participation of Member States in the work of the Economic and Social Council", and resolutions 409 B and C (V), "Organization and operation of the work of the Economic and Social Council and its Commissions". The legal implications of the proposed revision of Article 61 are dealt with in this Repertory under Articles 108 and 109. The question of broader representation in the subsidiary organs of the Council is dealt with in the study on Article 68, concerning the commissions and other subsidiary organs of the Council, although the question was touched upon during the debate on representation in the Council treated in the present study.

6. The third question dealt with is whether a member of the Council is represented by a duly accredited representative in accordance with Article 61 (4) and rule 18 of the rules of procedure of the Council. This question has been raised in connexion with the representation of China.

I. GENERAL SURVEY

A. Article 61 (1-3)

7. The Economic and Social Council was constituted on 12 and 14 January 1946 by the election of its eighteen members by the General Assembly. Since then, in accordance with rule 146 of the rules of procedure of the General Assembly, which is based on Article 61 (2) of the Charter, the General Assembly has each year in the course of its regular session elected six members to the Council for a period of three years.

8. The elections are held by secret ballot, without nomination, in accordance with rule 94 of the rules of procedure of the General Assembly. A two-thirds majority of the members present and voting is required under rule 85, which is based on Article 18 (2) of the Charter. Retiring members are eligible for immediate re-election in accordance with rule 147, which reproduces the final provision of Article 61 (2). Article 61 (2) implies that any Member of the United Nations which is not at the time a member of the Council is eligible for election or re-election. With regard to the voting procedure, rule 96 1/ provides that those candidates obtaining in the first

1/ Rule 96 reads:

"When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or Members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled. These provisions shall not prejudice the application of rules 144, 145, 147 and 149."

This rule was adopted by the General Assembly on 17 November 1947. The first three elections were held under provisional rule 75, which did not provide for unrestricted ballots if no decision were reached after three restricted ballots.

ballot the majority required are elected and that further ballots are to be held until the remaining seats are filled.

9. The election of the first eighteen members of the Council was held in accordance with supplementary rule R of the provisional rules of procedure of the General Assembly. That rule, which defined the procedure for implementing Article 61 (3) of the Charter, laid down, first, that the eighteen members of the Council were to be elected simultaneously. In addition, since the General Assembly could, under Article 61 (3), make its own arrangements for staggering the terms of office of the members, supplementary rule R provided: "It shall then by a second vote choose six of the eighteen elected members for the three-year term. By a third vote it shall choose six of the remaining elected members for the two-year term."

10. At the fifth meeting of the General Assembly, seventeen members of the Council were elected by a two-thirds majority. Two further ballots were held to elect the eighteenth member, but the votes were divided between New Zealand and Yugoslavia. At the next meeting, New Zealand withdrew its candidature and Yugoslavia received the required two-thirds majority. In accordance with supplementary rule R, the General Assembly then chose by a simple majority the six members which would serve on the Council for a period of three years; these were: Belgium, Canada, Chile, China, France, Peru. By a further vote, six more of the members were chosen for a two-year term; these were: Cuba, Czechoslovakia, India, Norway, United Kingdom, USSR. The remaining members - Colombia, Greece, Lebanon, Ukrainian SSR, United States, Yugoslavia - were to serve for one year.

11. At the second part of its first session, the General Assembly adopted ^{2/} a rule of procedure (present rule 140) according to which the term of office of members of the Council was to end on 31 December following the election of their successors. The members of the Council elected for one year were therefore to remain in office until 31 December 1946. The election ^{3/} of their successors was held at the 48th, 49th, 50th and 59th meetings of the General Assembly, on 19 November and 7 and 12 December 1946. Three Member States received the required two-thirds majority on the first ballot, another on the second ballot, a fifth Member on the sixth ballot. After a seventh ballot, the last vacant seat was not filled, the votes being divided between the Netherlands and Turkey, neither of which received the required two-thirds majority. The representative of Belgium then stated that his Government, whose term of office had not expired, offered to relinquish its seat in order that both countries could be elected to the Council. This procedure was opposed by some delegations, which considered ^{4/} that the resignation of Belgium could not be made conditional upon the election of the Netherlands, since rule 82 (present rule 94) specified that there should be no nominations. The President then stated that if the proposal submitted by Belgium was accepted by a two-thirds majority of the General Assembly, a first ballot would be held to elect a Member to the eighteenth seat on the Council, and a second ballot to elect another Member to the seat rendered vacant by the resignation of Belgium. The General Assembly adopted this procedure by 36 votes to 4, with 9 abstentions and Turkey and the Netherlands were elected in two separate ballots.

12. The procedure followed during the succeeding years for the election of one-third of the members of the Council has conformed to the provisions of the present rules ⁹⁴,

^{2/} See paras. 21 and 22 below.

^{3/} G A (I/2), Plen., 48th mtg., p. 976; 49th mtg., p. 980; 50th mtg., pp. 998 and 1000; 59th mtg., p. 1230.

^{4/} For texts of relevant statements, see G A (I/2), Plen., 59th mtg., pp. 1223 and 1224.

96, 146 and 147 of the rules of procedure of the General Assembly. A table listing the Member States elected to the Council since its inception appears in the annex.

13. Under rule 94, the elections are held without nomination. On occasion, Members of the United Nations have indicated that they were not candidates for a seat on the Council, but the President has ruled in all such cases that such statements ^{5/} were out of order. In one case, a representative, after an inconclusive ballot between two candidates, indicated ^{6/} that his Government wished to withdraw in favour of the other candidate. The President then stated that it was still open to representatives to vote for the candidate which had withdrawn.

14. Under Article 61 (2), the term of office of the members of the Council is three years. This provision is further defined by rule 140, which specifies that the term of office ends on 31 December, and rule 141, which provides that:

"Should a member cease to belong to a Council before its term of office expires, a by-election shall be held separately at the next session of the General Assembly to elect a member for the unexpired term."

On one occasion only did a member of the Council, Belgium, not serve its full term of office. The procedure for the election of its successor has been described in paragraph 11 above.

15. Article 61 (2) specifies that "a retiring member shall be eligible for immediate re-election". The following table indicates the frequency of application of the provision up to 1 September 1954:

Member States which have been continually re-elected to the Council since its inception:

China, France, Union of Soviet Socialist Republics, United Kingdom, United States.

Member States which have been re-elected at the expiry of their terms of office:

Belgium:	1949 - 1951, 1952 - 1954
Chile:	1946 - 1948, 1949 - 1951
Lebanon:	1946 (elected for one year only), 1947 - 1949
Peru:	1946 - 1948, 1949 - 1951
Poland:	1948 - 1950, 1951 - 1953

Of the 36 Member States which have served on the Council since its inception, five have served continuously, three ^{7/} have served three terms of office, twelve ^{8/} two terms and sixteen ^{9/} one term.

^{5/} G A (II), Plen., vol. I, 94th mtg., p. 330, statement by India and G A (IV), Plen., 231st mtg., p. 104, statement by Ukrainian SSR.

^{6/} G A (VI), Plen., 350th mtg., para. 5, statement by Australia.

^{7/} Belgium, Czechoslovakia, India.

^{8/} Australia, Canada, Chile, Cuba, Lebanon, Norway, Pakistan, Peru, Poland, Turkey, Venezuela, Yugoslavia.

^{9/} Argentina, Brazil, Byelorussian SSR, Colombia, Denmark, Ecuador, Egypt, Greece, Iran, Mexico, Netherlands, New Zealand, Philippines, Sweden, Ukrainian SSR, Uruguay.

B. Article 61 (4)

16. In its rules of procedure on representation and credentials, the Council has defined the practical means of implementing Article 61 (4). Under rule 18,

"Each member of the Council shall be represented by an accredited representative, who may be accompanied by such alternate representatives and advisers as may be required",

and under rule 19,

"The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General not less than twenty-four hours before the first meeting which the representatives are to attend. The President and the Vice-Presidents shall examine the credentials and submit their report to the Council. This rule shall not, however, prevent a member from changing its representatives, alternate representatives or advisers subsequently, subject to proper submission and examination of credentials, where needed".

17. Since a member of the Council may have one representative only, under rule 25 of the rules of procedure of the Council, if a member is represented by the President, "an alternate representative shall, at the discretion of the President, be permitted to participate in the proceedings and vote...". The President then may not vote. 10/

18. At each session of the Council the credentials received by the Secretary-General are examined by the President and the Vice-Presidents, who submit a report 11/ on credentials to the Council.

19. It has been the practice 12/ of the Council, as was recalled 13/ by the President and Vice-Presidents at the ninth session of the Council, that the credentials 14/ of representatives should be transmitted in writing and should be issued either by the Head of the State, the Head of the Government, the Minister of Foreign Affairs or the Permanent Representative to the United Nations of the State concerned.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Question of the date of expiry of the term of office of members of the Councils

20. According to the provisions of Article 61 (3) and Article 23 (2), the respective terms of office for the original members of the Councils were one, two or three years for the Economic and Social Council and one or two years for the Security Council. The adoption of rules of procedure in implementation of these provisions gave rise to

10/ See in this Repertory under Article 67, General Survey.

11/ The reports on credentials to the twelfth, thirteenth, fourteenth, fifteenth, seventeenth and eighteenth sessions of the Council indicate by their wording that a Vice-President did not consider valid the credentials of the representative of China (E/1965, E/2126, E/2319, E/2413, E/2579, E/2647).

12/ The practice is similar to that of the General Assembly.

13/ E/1524.

14/ Cables are regarded as provisional credentials and written credentials must be produced before the end of the Council session.

discussion 15/ at the first session of the General Assembly. Rule 78 of the provisional rules 16/ of procedure then in force provided that the term of office of each member of a Council ended on the election of a member for the next term. The Sixth Committee of the General Assembly considered this rule to be incompatible with the Charter, since it would enable the Assembly to extend or shorten the terms of office of members of the Councils at its discretion by determining the date of election. The Committee proposed that, regardless of the date of election, the terms of office should be one, two or three years, according to the relevant Charter provisions. Such a proposal implied 17/ that a certain period of time might elapse between the date of election and the taking of office. The General Assembly rejected this proposal and referred the question to its General Committee, 18/ which submitted a draft resolution 19/ under which the members of the Councils elected for one year in January 1946 would remain in office until the election of their successors at the second session of the General Assembly in September 1947, that is to say, for twenty months. The General Assembly shortened this term to twelve months and requested the Secretary-General to report at the second part of its first session on the changes in the rules of procedure 20/ which such a decision involved. On the basis of recommendations 21/ by the Secretary-General, as amended 22/ by the Sixth Committee, the Assembly adopted unanimously a revised provisional rule of procedure 23/ under which members of the Councils elected for one, two and three years at the first part of the first session of the General Assembly "shall hold office until 31 December 1946, 1947 and 1948 respectively..."

21. At the same time, the General Assembly adopted the following rule:

"The term of office of members shall begin on 1 January following their election by the General Assembly and end on 31 December following the election of their successors."

22. The provisions of this rule have governed the term of office of the members of the Councils ever since and are now incorporated in rule 140 of the rules of procedure of the General Assembly.

B. Question of associating with the Council's activities the largest number of Members compatible with its efficacy

23. The General Assembly at its third session adopted resolution 208 (III), which took note of the interest shown by certain delegations in improving the work of the Council and in associating with the Council's activities the largest number of Members compatible with its efficacy. The Members of the United Nations were requested to consider this problem and to communicate their suggestions to the Secretary-General.

15/ The question also involves the term of office of the elected members of the Trusteeship Council, although Article 86 contains no provision for staggering the terms of office.

16/ Report of the Preparatory Commission of the United Nations, PC/20, 23 Dec. 1945, p. 16.

17/ G A (I/1), Plen., p. 594, annex 15 (A/38).

18/ G A (I/1), Plen., 28th mtg., pp. 395-400.

19/ G A (I/1), Plen., p. 597, annex 15 A (A/51).

20/ G A (I/1), Plen., 32nd mtg., pp. 467-469; also G A resolution 33 (I).

21/ G A (I/2), 6th Com., p. 185, annex 7 (A/143).

22/ G A (I/2), Plen., pp. 1481-1483, annex 32.

23/ G A (I/2), Plen., 47th mtg., p. 964.

24. The resolution was the outcome of the extensive discussion of proposals, submitted by Argentina at the first three sessions of the General Assembly, to increase the membership of the Council. These proposals contemplated a revision of Article 61 of the Charter, mainly on the grounds that an increase in the membership of the Council would improve its work by giving the Council a broader geographical representation. Other aspects of these proposals 24/ are dealt with in the studies on Articles 108 and 109.

25. At the second session of the General Assembly, an item 25/ proposed by Argentina, entitled "Proposal to increase the membership of the Economic and Social Council to twenty four", was included in the agenda 26/ and referred to the Joint Second and Third Committee for consideration. The representative of Argentina introduced 27/ a draft resolution 28/ which would have provided for the amendment of Article 61, and noted that the amendment would have had to be ratified in accordance with Article 108. The draft resolution recommended that pending such ratification, the Members of the United Nations, in electing members of the Council, "should take into particular account the contribution of Members of the United Nations to the maintenance of a stable and efficient international economy, as well as their ability to co-operate in the solution of world economic and social problems;". 29/

26. Supporters of the draft resolution gave as their principal reasons the increase in the number of Members of the United Nations, the growth of the scope and complexity of the work of the Council beyond that envisaged when the Charter was drafted and the desirability of affording greater representation through rotation to the smaller countries. 30/

24/ At the third session of the General Assembly, during the discussion in the Joint Second and Third Committee, a number of members expressed their views on the procedure proposed in the draft resolution submitted by Argentina, regarding the convening of a general conference under Article 109 of the Charter.

It was pointed out that such a conference could not be limited to a single item and also that it could not be bound in advance to acceptance or rejection of a specific proposal as envisaged in the draft resolution submitted by Argentina.

The view was also expressed that the simple procedure of Article 108, providing for amendment to the Charter by a vote of two-thirds of the Members of the General Assembly and ratification, in accordance with their constitutional procedures, by two-thirds of the Members of the United Nations, would be preferable in the case of specific amendments such as that suggested in the draft resolution submitted by Argentina.

25/ A/330.

26/ The first proposal by Argentina to increase the membership of the Council, submitted to the General Assembly at the second part of its first session, was briefly discussed in the General Committee, whereupon the sponsor decided to submit the proposal for inclusion in the agenda of the second session of the Assembly (G A (I/2), General Committee, 24th mtg., p. 82; *ibid.*, p. 106, annex 20 (A/BUR/48)).

27/ G A (II), Joint 2nd and 3rd Com., 19th mtg., pp. 38 and 39.

28/ G A (II), Joint 2nd and 3rd Com., p. 73, annex 6 (A/354).

29/ The same recommendation was addressed to the Council for the election of members of its commissions. The draft resolution also pointed out the desirability of granting representation on these commissions to the greatest possible number of countries (see also in this Repertory under Article 68, Analytical Summary of Practice).

30/ G A (II), Joint 2nd and 3rd Com., p. 75, annex 6 C (A/C.2 and 3/W.1), para. 3.

27. In the course of the discussion, the representative of India asserted 31/ that a more equitable geographical distribution was required, rather than an increase in the membership, and introduced a draft resolution 32/ which would allocate the eighteen seats in the Council among six regional groups. The Committee considered this draft resolution to be beyond the scope of the item under discussion.

28. A number of members of the Committee opposed 33/ the draft resolution submitted by Argentina on the grounds that it was premature and unwise to amend the Charter at that time and that the Council provided an adequate cross-section of geographical representation and of various types of economies and social structures.

29. The draft resolution submitted by Argentina was withdrawn upon a suggestion 34/ by the representative of Chile to postpone consideration of the question until the next session of the General Assembly. No decision on that draft resolution was therefore taken by the Assembly in plenary meeting. 35/

30. At the third session of the General Assembly, Argentina submitted to the Joint Second and Third Committee a draft resolution 36/ under which the Assembly would convene a general conference, according to the provisions of Article 109 of the Charter, for the purpose of revising Article 61. The arguments 37/ for and against that draft resolution were similar to those put forward during previous sessions. It was emphasized in particular that while the Charter contained no provision for permanent seats on the Council, it could be assumed that the five States which were permanent members of the Security Council would continue to be re-elected to the Economic and Social Council. The remaining thirteen seats were too few to allow sufficient representation of other Members of the United Nations, the number of which, furthermore, had increased since the signing of the Charter. Reference was also made to the fact that in 1939 the Bruce Committee of the League of Nations had recommended a central committee on economic and social questions composed of twenty-four members. Those who opposed the draft resolution maintained that, under Article 69 of the Charter, representatives not members of the Council could already participate in the meetings of the Council. They further noted 38/ that the Joint Committee had already adopted a resolution on the distribution of seats in subsidiary organs of the Council which provided an adequate solution to the

31/ G A (II), Joint 2nd and 3rd Com., 19th mtg., p. 39.

32/ G A (II), Joint 2nd and 3rd Com., p. 75, annex 6 b (A/C.2 & 3/58). Under the terms of the draft resolution submitted by India, the distribution of the seats in the Council would have been as follows:

	<u>Seats</u>
(a) Western Europe (Belgium, Denmark, France, Iceland, Luxembourg, Netherlands, Norway, Sweden, United Kingdom)	3
(b) Eastern Europe (Byelorussian SSR, Czechoslovakia, Greece, Poland, Ukrainian SSR, USSR, Yugoslavia)	2
(c) Americas (Canada, twenty Latin American countries, United States)	7
(d) Middle East and Africa (Egypt, Iraq, Lebanon, Liberia, Saudi Arabia, Syria, Turkey, Union of South Africa, Yemen)	3
(e) Asia (Afghanistan, China, India, Iran, Pakistan, Siam, <u>Thailand</u>)	2
(f) Australasia and the Far East (Australia, New Zealand, Philippines)	1
	<u>18</u>

33/ G A (II), Joint 2nd and 3rd Com., 19th mtg., pp. 42 and 43.

34/ Ibid., 20th mtg., pp. 44 and 45.

35/ G A (II), Plen., vol. II, 115th mtg., pp. 954-956.

36/ G A (III/1), Joint 2nd and 3rd Com., Annexes, p. 5, A/C.2 & 3/74.

37/ G A (III/1), Plen., Annexes, p. 334, a.i. 45, A/712.

38/ Ibid.

question raised by Argentina. The representative of Peru then submitted a draft resolution 39/ under which the General Assembly would recommend that its members consider the problem and communicate their suggestions to the Secretary-General. The Joint Committee adopted a revised text of the draft resolution submitted by Peru by 41 votes to 1, with 1 abstention, and the draft resolution submitted by Argentina was withdrawn. 40/

31. The text of the draft resolution presented by the Joint Committee was adopted by the General Assembly at its 161st plenary meeting and became resolution 208 (III).^{41/} At the same meeting the Assembly also adopted resolution 207 (III) regarding distribution of membership in subsidiary organs of the Council.

32. The Council did not take any action on resolution 208 (III), since it considered that it was for individual Members of the United Nations to implement it. 41/ The question of broader participation in the work of the Council and its subsidiary organs was revived at the fifth session of the General Assembly, in connexion with the discussion in the Joint Second and Third Committee on Council resolution 295 B (XI) which had set up an ad hoc committee to review the organization and operation of the Council and its commissions. The discussion covered the question of representation both in the Council and in its subsidiary organs.

33. The representative of Egypt stated 42/ in the Joint Committee that he would again raise the question of membership in the Council, since the permanent members of the Security Council had become ipso facto permanent members of the Economic and Social Council, although there was no provision to that effect in the Charter. At a subsequent meeting 43/, he introduced a draft resolution 44/ drawing attention to the necessity of implementing resolutions 207 (III) and 208 (III). At the same meeting, the representative of Argentina introduced 45/ a draft resolution 46/ which suggested to the ad hoc committee set up by the Council that it was desirable that the largest number of Member States compatible with efficacy should be enabled to participate in the organization and work of the Council. Both draft resolutions found wide support 47/ and were subsequently adopted by the General Assembly as resolutions 409 B and C (V).

34. Under resolution 409 B (V), the General Assembly, after recommending that the ad hoc Committee on Organization and Operation of the Council and its Commissions take into consideration resolution 207 (III), drew the attention of Members of the United Nations to the necessity of implementing as soon as possible resolution 208 (III) and invited the Secretary-General to give consideration to the suggestions which would be communicated to him by Member States and to report on this subject to the General Assembly.

39/ G A (III/1), Joint 2nd and 3rd Com., Annexes, p. 8 (A/C.2 & 3/76).

40/ G A (III/1), Joint 2nd and 3rd Com., 33rd mtg., pp. 74-82.

41/ E S C (VIII), 228th mtg.

42/ G A (V), Joint 2nd and 3rd Com., 46th mtg., paras. 39-42.

43/ Ibid., 55th mtg., paras. 33-43.

44/ G A (V), Annexes, vol. I, a.i. 12 and 29, p. 15, A/C.2 & 3/L.17.

45/ G A (V), Joint 2nd and 3rd Com., 55th mtg., paras. 44-50.

46/ G A (V), Annexes, vol. I, a.i. 12 and 29, p. 15, A/C.2 & 3/L.18/Rev.3.

47/ For texts of relevant statements, see G A (V), Joint 2nd and 3rd Com., 55th mtg., paras. 61, 72, 74 and 80.

35. In the operative part of resolution 409 C (V), the General Assembly suggested to that Committee of the Council that

"it is desirable that the largest number of Member States compatible with efficiency should be enabled to participate in the organization and work of the Economic and Social Council and its subordinate bodies."

36. No further action was taken regarding representation in the Council itself, but for its commissions the Council adopted 48/ a procedure whereby all Member States of the United Nations are informed of forthcoming vacancies in the functional commissions and may indicate their interest in serving on these subsidiary bodies. The membership of two commissions was also increased.

37. The question of associating with the Council's activities the largest number of Members compatible with its efficacy was mentioned again by the representative of Argentina at the eighteenth session of the Council. He stated 49/ that the Argentine Government had decided to propose an amendment to the Charter in order to increase the membership of the Council.

C. Question of the representation of a Member State

38. The question whether a member of the Council is represented by a duly accredited representative in accordance with Article 61 (4) and rule 18 of the rules of procedure of the Council arose mainly in two forms: (a) draft resolutions providing for the exclusion of the representative of China then seated on the Council and the seating of another representative of China (see paragraphs 38-44 below), and (b) oral or written statements contesting the validity of the credentials of members of the Council (see paragraphs 45-49 below).

39. At the tenth session of the Council, the representative of the USSR stated 50/ that the Central People's Government of the People's Republic of China had informed the United Nations that it did not recognize the right of the representative sitting at the Council table to represent China and had appointed another representative to the Economic and Social Council. The representative of the USSR introduced a draft resolution which would exclude from the Council the representative then sitting, and stated 51/ that his Government would not participate in the deliberations of the Council so long as that representative continued to serve on the Council. The representative of China stated 52/ that the Council was not qualified to consider the question of diplomatic recognition. While some members associated themselves with the statement of the representative of the USSR, others considered 53/ that the Council could examine credentials of representatives, but that only the General Assembly and the Security Council were competent to examine the legal status of a Government.

40. The Council, at its 344th meeting, rejected the draft resolution submitted by the USSR by 10 votes to 3, with 5 abstentions. The representatives of the USSR, Czechoslovakia and Poland left the Council chamber, after declaring that they would not recognize as valid any decision taken with the "participation of the Kuomintang Group". 54/

48/ E S C resolution 414 B.IV and B.V (XIII).

49/ E S C (XVIII), 796th mtg., para. 66.

50/ G A (V), Suppl. No. 3 (A/1345), chapter I, section VI, paras. 43-46.

51/ E S C (X), 344th mtg., paras. 3-8.

52/ Ibid., paras. 16-21.

53/ Ibid., paras. 9-15 and 22-31.

54/ Ibid., paras. 33 and 34. See also in this Repertory under Article 67.

41. At the resumed eleventh session on 12 October 1950, 55/ the USSR submitted a draft resolution 56/ under which the Council would decide "that the representatives of the Kuomintang group cannot take part in the work" of the Council, and "that the representatives of the People's Republic of China ... be invited to take part in the work" of the Council. Members of the Council supporting this draft resolution stated that they regarded the latter as the legal Government of China and considered, therefore, that it should be represented on the Council. Other members stated that the Council should await a decision of the General Assembly, since, under resolution 409 (V), a special committee had been established to deal with the question. The representative of China suggested that the President should rule the draft resolution submitted by the USSR out of order. The President ruled the discussion in order. 57/

42. The Council, at its 416th meeting, rejected the first paragraph of the draft resolution submitted by the USSR by 11 votes to 7, and the second paragraph by 11 votes to 6, with 1 abstention. The representative of the USSR, supported by two members of the Council, declared that he considered the decision taken to be incorrect and illegal.

43. At its twelfth session, the Council had before it a draft resolution similar to that submitted at the resumed eleventh session. The President stated that, although rule 18 of the rules of procedure of the Council provided for consideration by the Council of the credentials of representatives attending a session, the General Assembly, under resolution 396 (V), had recommended that, whenever more than one authority claimed to be the Government entitled to represent a Member State in the United Nations, the question should be considered by the General Assembly or its Interim Committee. The representative of the Philippines declared that the Council was not competent to discuss the draft resolution and moved the adjournment of the debate on this question. 58/

44. At the 437th meeting of the Council, that motion was adopted by 12 votes to 6.

45. At the thirteenth session of the Council a similar draft resolution was introduced by the representative of the USSR. A motion for adjournment of the debate on the question, submitted by the Philippines, was adopted. 59/ The debate on the question was also adjourned by the Council at its special session 60/ on 24 March 1952, and at its fourteenth 61/ and fifteenth 62/ sessions.

46. At the sixteenth session of the Council, when a member, speaking on a point of order, raised the question of the representation of China, the President stated that he was informed that the credentials in question had been presented in due form and he proposed that the incident be considered closed, on the understanding that the different views expressed in the debate on the subject would be placed on record. 63/

55/ Czechoslovakia, Poland and USSR resumed their participation at the 416th meeting of the Council.

56/ E/L.107.

57/ E S C (XI) resumed, 416th mtg., paras. 8-55.

58/ E S C (XII), 437th mtg., paras. 1-33.

59/ E S C (XIII), 482nd mtg., paras. 1-19.

60/ E S C, Special Session, 569th mtg., p. 2.

61/ E S C (XIV), 570th mtg., paras. 2-17.

62/ E S C (XV), 672nd mtg., paras. 3-14.

63/ E S C (XVI), 708th mtg., paras. 72-86.

47. During the same session, when the President and First Vice-President reported that they had found that proper credentials had been communicated by the representatives of all members of the Council, the representatives of Poland and the USSR addressed communications to the President of the Council, questioning the validity of the credentials submitted by the delegation of China.

48. At the seventeenth and eighteenth sessions, when the President and First Vice-President reported that they had found that proper credentials had been communicated by the representatives of all members of the Council, the Second Vice-President questioned the validity of the credentials submitted by the delegation of China. 64/

49. At the eighteenth session, the representative of the USSR requested that the following statement 65/ be circulated in connexion with the report on credentials: "... The USSR delegation deems it essential to point out that, as it has already stated at the opening meeting of the Council's session, the lawful representative of China on the Council can be none other than the representative appointed by the Central People's Government of the People's Republic of China."

50. The representative of China in the Economic and Social Council requested that the following statement 66/ be circulated: "In connexion with document E/2647 of 4 August 1954 [see paragraph 47 above], the Chinese delegation takes exception to the position held by the Second Vice-President. The credentials of the representative of China are issued by the Government of the Republic of China which is a Charter Member of the United Nations and the only Government having proper legal status in the Organization."

64/ E/2579 and E/2647.
65/ E/2652.
66/ E/2650.

ANNEX

Elections to the Economic and Social Council since 1946

1946 (First part of the first session
of the General Assembly)

Elected to serve one year

Colombia
Greece
Lebanon
Ukrainian SSR
United States
Yugoslavia

Elected to serve two years

Cuba
Czechoslovakia
India
Norway
USSR
United Kingdom

Elected to serve three years

Belgium
Canada
Chile
China
France
Peru

1946 (Second part of the first session
of the General Assembly)

Byelorussian SSR
Lebanon*
New Zealand
Turkey
United States
Venezuela
Netherlands**

1947

Australia
Brazil
Denmark
Poland
USSR*
United Kingdom*

1948

Belgium
Chile*
China*
France*
India
Peru*

1949

Canada
Czechoslovakia
Iran
Mexico
Pakistan
United States*

1950

Philippines
Poland*
Sweden
USSR*
United Kingdom*
Uruguay

1951

Argentina
Belgium*
China*
Cuba
Egypt
France*

1952

Australia
India
Turkey
United States*
Venezuela
Yugoslavia

1953

Czechoslovakia
Ecuador
Norway
Pakistan
USSR*
United Kingdom*

* Re-elected.

** Elected to serve the two-year unexpired term of Belgium.

