

ARTICLE 61

Table of Contents

	<u>Paragraphs</u>
Text of Article 61	
Introductory Note	1 - 2
I. General Survey	3 - 7
A. Article 61 (1-3)	3 - 6
B. Article 61 (4)	7
II. Analytical Summary of Practice	8 - 18
** A. Question of the date of expiry of the term of office of members of the Councils	
B. Question of associating with the Council's activities the largest number of Members compatible with its efficacy	8 - 12
C. Question of the representation of a Member State	13 - 18

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. This study supplements that under Article 61 of the Repertory and therefore the former headings have been maintained.

2. There is nothing new requiring treatment under the following heading of the Analytical Summary of Practice: "Question of the date of expiry of the term of office of members of the Councils".

I. GENERAL SURVEY

A. Article 61 (1-3)

3. The procedure followed by the General Assembly at its ninth and tenth sessions for the election 1/ of one third of the members of the Council was the same as that described 2/ in the Repertory since no changes have occurred in rules 85, 94, 96, 146 and 147 of the rules of procedure of the General Assembly.

4. The following Member States were elected members of the Council during the period under review: 3/

<u>1954</u>	<u>1955</u>
Argentina	Brazil
China	Canada
Dominican Republic	Greece
Egypt	Indonesia
France	United States of America
Netherlands	Yugoslavia

5. The following table indicates the frequency of application up to 1 September 1956 of the provision of Article 61 (2) whereby "a retiring member shall be eligible for immediate re-election":

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:

Argentina:	1952-1954, 1955-1957
Belgium:	1949-1951, 1952-1954
Chile:	1946-1948, 1949-1951
Egypt:	1952-1954, 1955-1957
Lebanon:	1946 (elected for one year only), 1947-1949
Peru:	1946-1948, 1949-1951
Poland:	1948-1950, 1951-1953
Yugoslavia:	1953-1955, 1956-1958

Of the 38 Member States which have served on the Council since its inception, five have served continuously, five 4/ have served three terms of office, fifteen 5/ two terms and thirteen 6/ one term.

1/ G A (IX), 492nd mtg., paras. 155 and 156; G A (X), 535th mtg., paras. 116-123; 536th mtg., paras. 1-4.

2/ See also in the Repertory under Article 61, paras. 7 and 8.

3/ A list of the Member States elected to the Council from its inception until 1 September 1954 appears in the annex to the study of Article 61 in the Repertory.

4/ Canada, Czechoslovakia, India, Yugoslavia and Belgium (the latter served only one year of its first term of office).

5/ Argentina, Australia, Brazil, Chile, Cuba, Egypt, Greece, Lebanon, Netherlands, Norway, Pakistan, Peru, Poland, Turkey and Venezuela.

6/ Byelorussian SSR, Colombia, Denmark, Dominican Republic, Ecuador, Indonesia, Iran, Mexico, New Zealand, Philippines, Sweden, Ukrainian SSR and Uruguay.

6. At both the ninth 7/ and the tenth 8/ sessions of the General Assembly one Member State which had not previously served on the Council was elected to membership in the Council.

B. Article 61 (4)

7. The relevant rules of procedure and the practice of the Council have remained as described in the Répertoire. 9/

II. ANALYTICAL SUMMARY OF PRACTICE

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

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

8. During the period under review, the question of increasing the membership of the Council was proposed for inclusion in the agenda of the eleventh session of the General Assembly. References had been made, at the tenth session of the General Assembly, to the desirability of amending the composition of the Economic and Social Council.

9. Thus, during the general debate at the tenth session of the General Assembly, a representative reiterated 10/ his Government's opinion, expressed 11/ during the celebration of the tenth anniversary of the signing of the United Nations Charter, that the existing Economic and Social Council should be set up as two councils or bodies: an Economic and Technical Assistance Council and a Social and Human Rights Council.

10. At the same session, during the discussion by the General Assembly of the item "Proposal to call a General Conference of the Members of the United Nations for the purpose of reviewing the Charter (Article 109 of the Charter)", a number of representatives referred 12/ to the possibility of, or the necessity for, changes in the composition of the Council, mainly in view of the increased membership of the United Nations. Most speakers considered that such changes would be generally acceptable.

7/ Dominican Republic.

8/ Indonesia.

9/ See paras. 13-18 below.

10/ G A (X), Plen., 522nd mtg., para. 11.

11/ Tenth Anniversary of the Signing of the United Nations Charter, United Nations Publication, Sales No.: 1955.I.26, pp. 21 and 22.

12/ For texts of relevant statements, see G A (X), Plen., 543rd mtg., paras. 6, 57, 86 and 121; 544th mtg., para. 15; 545th mtg., paras. 6 and 30.

11. By letter of 19 June 1956, the Permanent Representatives of eighteen Members of the United Nations 13/ proposed 14/ the inclusion of the following item in the provisional agenda of the eleventh session of the General Assembly: "Question of amending the United Nations Charter, in accordance with the procedure laid down in Article 108 of the Charter, to increase the membership of the Economic and Social Council." 15/

12. In the explanatory memorandum accompanying the proposal, it was stressed that there had been a substantial increase in the membership of the United Nations and that it was probable that more Members would be admitted in the near future. The memorandum added that the item was proposed in the light of that development and with a view to maintaining a satisfactory distribution in the membership of some of the principal organs of the United Nations and to facilitating the participation of new Members in the work of those organs. 16/

C. Question of the representation of a Member State

13. The question whether a member of the Council was represented by a duly accredited representative in accordance with Article 61 (4) and rule 18 of the rules of procedure of the Council arose at each session of the Council during the period under review in connexion with the representation of China. The question was raised in the Council either on a point of order or in connexion with the consideration of the reports of the President and the Vice-Presidents on credentials.

14. At the opening meeting of the nineteenth session of the Council, 17/ a member stated that he was drawing the Council's attention to the situation created by the absence of a representative of the People's Republic of China, and said that the seat of China in the Council was illegally occupied. Another member supported this statement while two members opposed it on the ground that the only legal representative of China was the representative of the Government of the Republic of China sitting at the Council table.

15. At the same session, 18/ when the President informed the Council that he and the Vice-Presidents had examined the credentials of all the representatives to the session and had found that proper credentials had been communicated by the representatives of all members of the Council, a member recalling the views of his delegation stated that only the representative of the Central People's Government of the People's Republic of China was qualified to represent China in the Council. This statement was supported

13/ Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Haiti, Honduras, Mexico, Panama, Paraguay, Peru, Spain and Venezuela.

14/ A/3139. At the twenty-first session of the Council, the representative of Ecuador had mentioned that an increase in the membership of the Council was imperative and that Latin American delegations felt that the question should be included as an item on the agenda of the eleventh session of the General Assembly (E S C (XXI), 900th mtg., para. 11).

15/ See also in this Supplement under Article 108.

16/ The provisional agenda of the eleventh session of the General Assembly includes an item on the question of increasing the number of non-permanent members of the Security Council, and an item on the question of increasing the number of judges of the International Court of Justice.

17/ E S C (XIX), 835th mtg., paras. 10-14. The question was also mentioned at the 850th mtg., para. 10.

18/ E S C (XIX), 847th mtg., paras. 19-22.

by another member of the Council. The President stated that the officers of the Council had discharged their responsibility under rule 19 of the Council's rules of procedure. The Council took note of the report on credentials.

16. At the opening meeting of the twentieth session, 19/ similar statements were made. The President remarked that, as the General Assembly had already taken action in the matter, there was, in his view, no question regarding the legality of Chinese representation on the Council, but that the statements would be included in the records.

17. When the same question was raised at the opening of the twenty-first session, 20/ the representative of China stated that attempts made to question his Government's right to representation were out of order and contrary to specific resolutions of the General Assembly. Three members of the Council expressed the view that China was not represented on the Council while another member opposed this view. The President stated that the statements would be included in the records.

18. A similar discussion arose at the opening meeting of the twenty-second session regarding the representation of China. 21/ Later in the session, after the President had reported 22/ that he and the Vice-Presidents had found that proper credentials had been communicated by the representatives of all members of the Council, two communications to the President were circulated to the Council. A communication (E/L.736) from the delegation of the USSR stated that it "considers it necessary to point out, as it did at the first plenary meeting of the Economic and Social Council, that only the representative of the Central People's Government of the People's Republic of China has the right to represent China in the Council". A communication from the representative of China (E/L.738) stated that "With reference to document E/L.736, dated 6 August 1956, the Chinese Delegation deems it necessary to state that the Government of the Republic of China, which I have the honour to represent, is the only legitimate Government of China and is recognized as such by the United Nations. For reasons which I had given to the first plenary meeting of the current session of the Economic and Social Council, the statement contained in the above-mentioned document [i.e. E/L.736] is out of order."

19/ E S C (XX), 864th mtg., paras. 5-8.

20/ E S C (XXI), 900th mtg., paras. 13-19. See also 918th mtg., para. 1.

21/ E S C (XXII), 926th mtg., paras. 14-21.

22/ E S C (XXII), 950th mtg., para. 55.

