ARTICLE 61

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ARTICLE 61

TEXT OF ARTICLE 61

(From 1 January 1970 to 23 September 1973)
(As amended pursuant to General Assembly resolution 1991 B (XVIII))

1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, nine 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 after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three 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.

(As of 24 September 1973)
(As amended pursuant to General Assembly resolution 2847 (XXVI))

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen 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 after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine 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 previous studies of Article 61 in the Repertory and its Supplements Nos. 1, 2, 3 and 4. The former headings have been essentially maintained.

I. GENERAL SURVEY

A. Article 61 (1-3)

2. At its twenty-sixth session, the General Assembly amended Article 61 of the Charter, increasing the membership of the Economic and Social Council from 27 to 54 and establishing a revised procedure for the first election after the increase in the membership of the Council. The Assembly submitted the amended Article for ratification by States Members of the United Nations.

3. At the same session, the General Assembly also decided that as of the date of entry into force of the Charter amendment, rule 147 of the rules of procedure of the General Assembly should be amended to read:

Rule 147

"The General Assembly shall each year, in the course of its regular session, elect eighteen members of the Economic and Social Council for a term of three years."

4. The procedure followed by the General Assembly at its twenty-fifth, twenty-sixth and twenty-seventh sessions for electing one third of the members of the Economic and Social Council did not vary from that described in the Repertory, since during the period from 1970 to 1972 no changes had been made in rules 85, 94, 96, 146 or 147 of the rules of procedure of the Assembly. With the entry into force on 24 September 1973 of the amended Article 61, the General Assembly, on 23 November 1973, elected the members of the enlarged Council, whose term of office was to commence on 1 January 1974. The Assembly did not vary its procedure for electing one third of the members of the Council during the remainder of the period under review. No changes were made to rules 85, 94, 96, 146 or 147 of the rules of procedure of the General Assembly following the entry into force of the amendment.

2Ibid., para. 7.
3See Repertory, vol. III, under Article 61, paras. 7 and 8.
5. The following Member States were elected members of the Economic and Social Council during the period under review:


1971: Bolivia, Burundi, Chile, China, Finland, Japan, Poland, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland.

1972: Algeria, Brazil, France, Mali, Mongolia, Netherlands, Spain, Trinidad and Tobago and Uganda.

1973: Argentina, Australia, Belgium, Canada, Colombia, Congo, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, Fiji, German Democratic Republic, Germany (Federal Republic of), Guatemala, Guinea, India, Indonesia, Iran, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Liberia, Mexico, Pakistan, Romania, Senegal, Sweden, Thailand, Turkey, United States of America, Venezuela, Yugoslavia, Zaire and Zambia.

1974: Argentina, Bulgaria, Canada, China, Czechoslovakia, Denmark, Ecuador, Ethiopia, Gabon, Japan, Kenya, Norway, Pakistan, Peru, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yemen and Zaire.

1975: Afghanistan, Algeria, Austria, Bangladesh, Bolivia, Brazil, Cuba, France, Germany (Federal Republic of), Greece, Malaysia, Nigeria, Portugal, Togo, Tunisia, Uganda, Venezuela and Yugoslavia.

1976: Colombia, Iran, Iraq, Italy, Jamaica, Mauritania, Mexico, Netherlands, New Zealand, Philippines, Poland, Rwanda, Somalia, Sudan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, United States of America and Upper Volta.

1977: Argentina, Central African Empire, China, Dominican Republic, Finland, Hungary, India, Japan, Lesotho, Malta, Romania, Sweden, Trinidad and Tobago, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon and United Republic of Tanzania.

1978: Algeria, Barbados, Brazil, Cyprus, Ecuador, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Indonesia, Ireland, Morocco, Pakistan, Senegal, Spain, Turkey, Venezuela and Zambia.

6. The following lists show, for the period under review, the frequency of application of the provision in Article 61, para. 2, of the Charter of the United Nations whereby "[a] retiring member shall be eligible for immediate re-election."

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

- Algeria 1977-1978
- Argentina 1976-1978
- Belgium 1949-1951, 1952-1954
- Canada 1975-1977
- Chile 1940-1948, 1949-1951
- Colombia 1977-1978 (elected for three years)
- Ethiopia 1975-1977
- Germany (Federal Republic of) 1976-1978
- India 1966-1967(elected for two years), 1968-1970
- Iran 1977-1978 (elected for three years)
- Italy 1977-1978 (elected for three years)
- Jamaica 1977-1978 (elected for three years)
- Kenya 1975-1977
- Lebanon 1946 (elected for one year), 1947-1949
- Mexico 1977-1978 (elected for three years)
- Peru 1946-1948, 1949-1951
- Sierra Leone 1966 (elected for one year), 1967-1969
- Uganda 1976-1978
- United Republic of Tanzania 1966 (elected for one year), 1967-1969
- Venezuela 1976-1978
- Zaire 1974 (elected for one year), 1975-1977

7. Of the 95 Member States which have served on the Economic and Social Council, apart from four which have served continuously: 1 has served nine terms of office; 2 have served eight terms; 4 have served seven terms; 10 have served six terms; 9 have served five terms; 11 have served four terms; 34 have served three terms; 14 have served two terms; and 10 have served one term.

Member States regularly re-elected to the Council since its inception:

France, Union of Soviet Socialist Republics, United Kingdom and United States.
8. With regard to Member States which had not previously served on the Economic and Social Council, at the twenty-fifth session of the General Assembly, six such Member States\(^{15}\) were elected to membership. At the twenty-sixth session, two such Member States\(^{16}\) were elected to membership. At the twenty-seventh session, four such Member States\(^{17}\) were elected to membership. At the twenty-eighth session, 11 such Member States\(^{18}\) were elected to membership. At the twentieth session, one such Member State\(^{19}\) was elected to membership. At the thirtieth session, four Member States\(^{20}\) were elected to membership. At the thirty-first session, five Member States\(^{21}\) were elected to membership. At the thirty-second session, four Member States\(^{22}\) were elected to membership. At the thirty-third session, two such Member States were elected to membership.\(^{23}\)

\(^{1}\) China, Jamaica, Kenya and Yugoslavia.
\(^{2}\) Algeria, Argentina, Bolivia, Greece, Malaysia, Pakistan, Peru, Tunisia, Uganda and Zaire.
\(^{3}\) Colombia, Germany (Federal Republic of), Iran, Mexico, Netherlands, New Zealand, Norway, Poland and Venezuela.
\(^{4}\) Bulgaria, Canada, Congo (Democratic Republic of), Czechoslovakia, Ethiopia, Finland, Hungary, Indonesia, Romania, Sudan and Trinidad and Tobago.
\(^{5}\) Afghanistan, Australia, Austria, Bangladesh, Belgium, Burundi, Ceylon, Chile, Cuba, Democratic Yemen, Denmark, Ecuador, Egypt, Gabon, German Democratic Republic, Ghana, Haiti, India, Ivory Coast, Jordan, Lebanon, Liberia, Madagascar, Mali, Mongolia, Niger, Nigeria, Portugal, Spain, Thailand, Togo, Upper Volta, Yemen and Zamb..
\(^{6}\) Fiji, Guatemala, Guinea, Iraq, Mauritania, Philippines, Rwanda, Senegal, Somalia, Sweden, Syrian Arab Republic, Turkey, Ukrainian Soviet Socialist Republic and Uruguay.
\(^{7}\) Central African Empire, Chad, Dominican Republic, Ireland, Lesotho, Malta, People’s Republic of Congo, United Republic of Cameroon, United Republic of Tanzania and United Arab Emirates.
\(^{8}\) Congo (Democratic Republic of), Haiti, Hungary, Madagascar, Malaysia and Niger.

II. ANALYTICAL SUMMARY OF PRACTICE

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

10. Under Article 61 of the Charter, as amended in accordance with paragraph 2 of General Assembly resolution 2847 (XXVI) of 20 December 1971, the number of members of the Economic and Social Council to be elected for a term of three years was increased from 9 to 18. Paragraph 3 of Article 61, as amended, established the procedure for the first election as follows:

“At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.”

11. At its 2177th plenary meeting, on 22 November 1973, the General Assembly elected 27 members\(^{24}\) to the Economic and Social Council to fill the additional seats created as a result of the amendment to Article 61 of the Charter of the United Nations under Assembly resolution 2847 (XXVI) of 20 December 1971. The Assembly then decided, by drawing lots, which nine members\(^{26}\) should serve for one year, which nine other members\(^{27}\) should serve for two years, and which nine remaining members\(^{28}\) should serve for three years.\(^{29}\)

B. Question of associating with the activities of the Council the largest number of members compatible with its efficacy

12. At its fiftieth and fifty-first sessions, the Economic and Social Council considered, within the context of measures to improve the organization of the work of the Council, the question of enlarging the membership of the Council.\(^{30}\) During the discussion, many representatives considered\(^{31}\) it essential to make the membership of the Council more representative of the total membership of the United Nations. Some representatives stressed\(^{32}\) that the enlargement in its membership would enable the Council

\(^{24}\) Argentina, Canada, Czechoslovakia, Ethiopia, India, Kenya, Pakistan, Sweden and Zaire.
\(^{25}\) Fiji, Germany (Federal Republic of), Guatemala, Guinea, Indonesia, Senegal, Turkey, Venezuela and Yugoslavia.
\(^{26}\) Belgium, Colombia, Egypt, German Democratic Republic, Iran, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Pakistan, Senegal, Sweden, Turkey, Venezuela, Yugoslavia and Zaire.
\(^{27}\) Ibid., para. 11.
\(^{28}\) Ibid., para. 23.
\(^{29}\) Ibid., para. 30.
to discharge its functions more effectively. Other representatives, while supporting measures to increase participation in the work of the Council, doubted the necessity or desirability of enlarging its membership. Some representatives stated that enlargement of the Council was unnecessary and would be contrary to the Charter.

13. At its fifty-first session, the Economic and Social Council recommended that the General Assembly, at its twenty-sixth session, amend the Charter to ensure the enlargement of the Council to 54 members, and to allocate the additional 27 seats in accordance with the existing geographical distribution in the Council.

14. The question of amending the Charter of the United Nations to enlarge the membership of the Economic and Social Council was considered by the General Assembly at its twenty-sixth session. The Assembly adopted, in accordance with Article 108 of the Charter, the following amendment to the Charter, submitted for ratification by States Members of the United Nations:

"Article 61

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen 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 after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine 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.

15. At the same session, the General Assembly urged all Member States to ratify the above amendment in accordance with their respective constitutional processes as soon as possible, and to deposit their instruments of ratification with the Secretary-General.

16. The General Assembly further decided that the members of the Economic and Social Council should be elected according to the following pattern: (a) 14 members from African States; (b) 11 members from Asian States; (c) 10 members from Latin American States; (d) 13 members from Western European and other States; and (e) 6 members from the socialist States of Eastern Europe.

17. The amendment to Article 61 of the Charter came into force on 24 September 1973, having obtained the required number of ratifications in accordance with Article 108 of the Charter.

C. Question of the representation of a Member State

18. During the period under review, no statements on the question whether a member of the Economic and Social Council was represented by a duly accredited representative in accordance with Article 61, paragraph 4, and rule 16 of the rules of procedure of the Council were made in connection with the representation of any particular country.

D. Question of whether the Council can meet with a vacancy in its membership

19. During the period under review, the General Assembly continued to elect annually an equal number of members to the Economic and Social Council to fill the vacancies resulting from the expiration of the terms of office of retiring members. This enabled the Council to hold its meetings without having to discuss the question of whether it could meet with a vacancy in its membership.