

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,¹ 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 decided² 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*,³ 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 1974.⁴ 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.

⁴G A (28), Suppl. No. 30, A/9030, p. xiv.

¹G A resolution 2847 (XXVI).

5. The following Member States were elected members of the Economic and Social Council during the period under review:

1970:

Congo (Democratic Republic of), Haiti, Hungary, Lebanon, Madagascar, Malaysia, New Zealand, Niger and United States of America.

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 regularly re-elected to the Council since its inception:

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

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

Algeria	1976-1978
Argentina	1952-1954, 1955-1957, 1975-1977, 1978 (elected for three years)
Belgium	1949-1951, 1952-1954
Brazil	1973-1975, 1976-1978
Canada	1975-1977
Chile	1946-1948, 1949-1951
China	1946-1948, 1949-1951, 1952-1954, 1955-1957, 1958-1960, 1975-1977, 1978 (elected for three years)
Colombia	1977-1978 (elected for three years)
Czechoslovakia	1960-1962, 1963-1965, 1966-1968, 1975-1977
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)
Japan	1960-1962, 1963-1965, 1975-1977, 1978 (elected for three years)
Kenya	1975-1977
Lebanon	1946 (elected for one year), 1947-1949
Mexico	1977-1978 (elected for three years)
Netherlands	1955-1957, 1958-1960
Pakistan	1954-1956, 1957-1959, 1975-1977
Peru	1946-1948, 1949-1951
Poland	1948-1950, 1951-1953, 1957-1959, 1960-1962
Sierra Leone	1966 (elected for one year), 1967-1969
Uganda	1976-1978
United Arab Republic	1952-1954, 1955-1957
United Republic of Tanzania	1966 (elected for one year), 1967-1969
Venezuela	1976-1978
Yugoslavia	1953-1955, 1956-1958, 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:⁵ 1 has served nine terms of office;⁶ 2 have served eight terms;⁷ 4 have served seven terms;⁸ 10 have served six terms;⁹ 9 have served five terms;¹⁰ 11 have served four terms;¹¹ 34 have served three terms;¹² 14 have served two terms;¹³ and 10 have served one term.¹⁴

⁵France, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

⁶Brazil.

⁷Italy and Japan.

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 States¹⁵ were elected to membership. At the twenty-sixth session, two such Member States¹⁶ were elected to membership. At the twenty-seventh session, four such Member States¹⁷ were elected to membership. At

⁸China, Jamaica, Kenya and Yugoslavia.

⁹Algeria, Argentina, Bolivia, Greece, Malaysia, Pakistan, Peru, Tunisia, Uganda and Zaire.

¹⁰Colombia, Germany (Federal Republic of), Iran, Mexico, Netherlands, New Zealand, Norway, Poland and Venezuela.

¹¹Bulgaria, Canada, Congo (Democratic Republic of), Czechoslovakia, Ethiopia, Finland, Hungary, Indonesia, Romania, Sudan and Trinidad and Tobago.

¹²Afghanistan, 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 Zambia.

¹³Fiji, Guatemala, Guinea, Iraq, Mauritania, Philippines, Rwanda, Senegal, Somalia, Sweden, Syrian Arab Republic, Turkey, Ukrainian Soviet Socialist Republic and Uruguay.

¹⁴Central 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.

¹⁵Congo (Democratic Republic of), Haiti, Hungary, Madagascar, Malaysia and Niger.

the twenty-eighth session, 11 such Member States¹⁸ were elected to membership. At the twenty-ninth session, one such Member State¹⁹ was elected to membership. At the thirtieth session, four Member States²⁰ were elected to membership. At the thirty-first session, five Member States²¹ were elected to membership. At the thirty-second session, four Member States²² were elected to membership. At the thirty-third session, two such Member States were elected to membership.²³

B. Article 61, paragraph 4

9. During the period under review, no changes were made to rules 16 and 17 of the rules of procedure of the Economic and Social Council, on representation and credentials respectively, and the practice of the Council also remained unchanged.²⁴

¹⁶Bolivia and Burundi.

¹⁷Mali, Mongolia, Trinidad and Tobago and Uganda.

¹⁸Czechoslovakia, Democratic Yemen, Fiji, German Democratic Republic, Germany (Federal Republic of), Guinea, Ivory Coast, Liberia, Thailand, Zaire and Zambia.

¹⁹Yemen.

²⁰Bangladesh, Nigeria, Portugal and Togo.

²¹Mauritania, Rwanda, Somalia, Syrian Arab Republic and Upper Volta.

²²Central African Empire, Lesotho, Malta and United Arab Emirates.

²³Barbados and Cyprus.

²⁴See Rules of Procedure of the Economic and Social Council, E/5715, E/5715/Rev. 1, and E/5715/Rev. 2.

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 members²⁵ to the Economic and Social Council to fill the additional seats created as a result of the amendment to Article 61 of the

²⁵Argentina, Belgium, Canada, Colombia, Czechoslovakia, Egypt, Ethiopia, Fiji, German Democratic Republic, Germany (Federal Republic of), Guatemala, Guinea, India, Indonesia, Iran, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Pakistan, Senegal, Sweden, Turkey, Venezuela, Yugoslavia and Zaire.

Charter of the United Nations under Assembly resolution 2847 (XXVI) of 20 December 1971. The Assembly then decided, by drawing lots, which nine members²⁶ should serve for one year, which nine other members²⁷ should serve for two years, and which nine remaining members²⁸ 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 considered³¹ it essential to make the membership of the Council more representative of the total membership of the United Nations. Some representatives stressed³² that the enlargement in its membership would enable the Council

²⁶Argentina, Canada, Czechoslovakia, Ethiopia, India, Kenya, Pakistan, Sweden and Zaire.

²⁷Fiji, Germany (Federal Republic of), Guatemala, Guinea, Indonesia, Senegal, Turkey, Venezuela and Yugoslavia.

²⁸Belgium, Colombia, Egypt, German Democratic Republic, Iran, Italy, Ivory Coast, Jamaica and Jordan.

²⁹See *Repertory, Supplement 4*, vol. II, *Supplement No. 3* for Article 61, para. 11.

³⁰G A (26), Suppl. No. 3, A/8403.

³¹*Ibid.*, para. 23.

³²*Ibid.*, para. 30.

to discharge its functions more effectively. Other representatives, while supporting³³ measures to increase participation in the work of the Council, doubted the necessity or desirability of enlarging its membership. Some representatives stated³⁴ that enlargement of the Council was unnecessary and would be contrary to the Charter.

13. At its fifty-first session, the Economic and Social Council³⁵ 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.³⁶ The Assembly adopted,³⁷ 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.

³³Ibid., para. 41.

³⁴Ibid., para. 45.

³⁵E S C resolution 1621 (LI).

³⁶G A resolution 2847 (XXVI).

³⁷G A resolution 2847 (XXVI).