

ARTICLE 62 (1)

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TEXT OF ARTICLE 62 (1)

The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

INTRODUCTORY NOTE

1. The material included in this study supplements that which appeared in the previous Repertory studies of Article 62 (1). There was no new material requiring treatment in the Analytical Summary of Practice under the former headings of the Repertory study, and they have therefore been omitted. Two new subheadings have been introduced: II A "The question of the power of the Council to make recommendations to the General Assembly concerning its own composition and involving an amendment of the United Nations Charter" and II B "The question of the terminology used by the Council in making decisions".

I. GENERAL SURVEY

A. Studies and reports

1. *General*

2. During the period under review, the Economic and Social Council continued to initiate studies and reports in a manner similar to that described in the Repertory. Many of the subjects were the same, such as the economic development of under-developed countries, including industrialization, 1/ land reform and international economic assistance, 2/ social welfare, 3/ the world economic situation 4/ and the control of narcotic drugs. 5/ The Council included several additional economic and social areas as subjects for studies and reports: the unification of private international law, 6/ international commercial arbitration, 7/ the evaluation of energy resources, 8/ the development of petroleum resources, 9/ the evaluation of techniques of long-term economic projections, 10/ international exchanges in the fields of education, science and culture, 11/ several new aspects of advisory social welfare services, 12/ the role of co-operatives in community development and low-cost housing programmes, 13/ demographic pilot studies and the demographic problems of Africa, 14/ and the magnitude and characteristics of internal migration. 15/ The Council requested 16/ the Secretary-General to prepare a list of national parks and equivalent reserves and to make recommendations for maintaining it on a current basis. The Council also asked 17/ the Secretary-General to prepare an analysis of the progress of the experimental programme for providing operational, executive or administrative personnel to Governments requesting such assistance.

2. *Preparation and submission*

3. The Economic and Social Council continued to call upon the Secretary-General for studies and reports; it also called upon 18/ its subsidiary bodies, among them the Technical Assistance Board (TAB), and upon experts and specialized agencies. In some instances, the initiative was taken by the Secretary-General, as in the case of his memorandum on the question of an international administrative service, which led the Council to request 19/ another report.

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- 1/ For example, E S C resolutions 649 A (XXIII), 674 (XXV), 709 (XXVII).
2/ For example, E S C resolutions 649 B (XXIII), 662 A (XXIV).
3/ For example, E S C resolution 663 G (XXIV).
4/ For example, E S C resolution 690 C (XXVI).
5/ For example, E S C resolutions 688 (XXVI), 730 D (XXVIII).
6/ E S C resolution 678 (XXVI).
7/ E S C resolution 708 (XXVII).
8/ E S C resolution 710 B (XXVII).
9/ E S C resolutions 711 B (XXVII), 740 B (XXVIII).
10/ E S C resolution 741 (XXVIII).
11/ E S C resolution 695 (XXVI).
12/ E S C resolution 731 G (XXVIII).
13/ E S C resolution 649 C (XXIII).
14/ E S C resolutions 642 B (XXIII), 721 B (XXVII).
15/ E S C resolution 721 C (XXVII).
16/ E S C resolution 713 (XXVII).
17/ E S C resolution 739 (XXVIII).
18/ E S C resolutions 658 (XXIV), 659 (XXIV), 700 (XXVI), 715 (XXVII).
19/ E S C resolution 661 (XXIV).

4. Under a special arrangement 20/ provided by the General Assembly, the Council requested 21/ the General Assembly Advisory Committee on Administrative and Budgetary Questions to render advice to the Technical Assistance Committee (TAC) on certain specified matters.
5. The Council, in asking the Secretary-General to undertake studies and reports, on many occasions continued 22/ its practice of asking that he do so in co-operation with the specialized agencies. In addition to the specialized agencies, the Council on occasion referred to "the Governments concerned" and the "appropriate international agencies". 23/ In some instances, co-operation with a specified specialized agency or agencies was indicated; thus, the Secretary-General was requested 24/ to prepare a report on developments in the field of new sources of energy and related matters, in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO) and "other appropriate specialized agencies". On another occasion, the Secretary-General was invited 25/ to complete provisional recommendations on the fitness of drivers, in consultation with the World Health Organization (WHO). He was asked 26/ to establish a list of national parks and equivalent reserves in co-operation with UNESCO, FAO and other interested specialized agencies. He was also asked 27/ to report on legal problems relating to the carriage of narcotic drugs in first-aid kits on aircraft in international flight, and to prepare a set of requirements for the control of narcotic drugs in such cases, in consultation with the secretariat of the International Civil Aviation Organization (ICAO) and WHO. The Secretary-General was asked 28/ to prepare a progress report, in collaboration with the specialized agencies, on work relating to land reform undertaken by the Secretary-General and the specialized agencies, "recognizing the major responsibilities [of FAO] in this field".
6. In other cases, the Secretary-General and the specialized agencies were invited by the Council to prepare studies and reports jointly. Thus, the Secretary-General and the specialized agencies were asked 29/ to develop a programme of studies of interrelated problems of water resources, and the governing bodies of the participating organizations in the Expanded Programme of Technical Assistance were invited 30/ to consider formally the problem of the allocation of the administrative and operational service costs of technical assistance between the regular technical assistance budget and the budget of the Expanded Programme. The Secretary-General, the International Labour Organisation (the ILO) and other specialized agencies were invited 31/ to undertake specified studies relating to the maintenance of family levels of living.

20/ G A resolution 1037 (XI).

21/ E S C resolution 702 (XXVI), section II.

22/ See, for example, E S C resolutions 663 D (XXIV), 721 B and C (XXVII), 713 (XXVII), 741 (XXVIII).

23/ E S C resolutions 642 B (XXIII), 661 (XXIV), 689 F (XXVI).

24/ E S C resolution 653 (XXIV), section III.

25/ E S C resolution 645 E (XXIII).

26/ E S C resolution 713 (XXVII).

27/ E S C resolutions 689 F (XXVI), 730 G (XXVIII). The Secretary-General was also requested to consult the International Criminal Police Organization.

28/ E S C resolution 649 B (XXIII); see also E S C resolution 712 (XXVII).

29/ E S C resolution 675 (XXV).

30/ E S C resolution 702 (XXVI).

31/ E S C resolution 663 B (XXIV).

7. In one instance, specialized agencies were invited 32/ by the Council to co-operate in the work of a particular group of experts regarding items of special interest to them.

8. The earlier practice of addressing particular specialized agencies directly or through the Secretary-General was again followed by the Council. The ILO and FAO were asked 33/ to continue their studies relating to co-operatives; UNESCO was asked 34/ to survey, and make recommendations on, international relations and exchanges in the fields of education, science and culture; WHO was invited to study the medical aspects of khat for the Commission on Narcotic Drugs, 35/ to report on the medical use of cannabis drugs 36/ and to deal with the question of drugs and preventive medical preparations for low-income groups in its second report on the world health situation. 37/ On another occasion the Council expressed the hope 38/ that WHO would present a report on the prevention of drug addiction as soon as possible.

9. The Secretary-General was requested 39/ to inform the International Atomic Energy Agency (IAEA) "of the desire of the Council that the Agency be entrusted with the drafting of recommendations on the transport of radio-active substances".

10. Provisions for the use of experts ranged from granting authority to the Secretary-General to use them, to decisions that committees and groups of experts should be established. In requesting the Secretary-General to report on facilities and methods for international consultation on world economic conditions, the Council authorized 40/ him to use experts or groups of experts from different regions to assist him in the task. He was also authorized 41/ to convene an expert group of key national social welfare officials to analyse national experience and to identify underlying principles and effective methods in the organization and administration of social services. On another occasion, the Secretary-General was requested 42/ to grant necessary priority to preparations for a session of the Commission on International Commodity Trade (CICT), and to assemble or prepare documentation "if necessary with the aid of consultants and in consultation with the inter-governmental bodies concerned with particular commodities".

11. In one of the decisions on organizing groups of experts, the Secretary-General was invited 43/ to set up a committee of experts which would review the programme of work in the field of industrialization and productivity and would make recommendations to him; he was asked to report to the Council on the establishment of the committee. On another occasion, the Council requested 44/ the Secretary-General to establish a

32/ E S C resolution 663 G (XXIV).

33/ E S C resolution 649 C (XXIII).

34/ E S C resolution 695 (XXVI).

35/ E S C resolutions 667 D (XXIV), 730 E (XXVIII).

36/ E S C resolution 730 E (XXVIII).

37/ E S C resolution 731 I (XXVIII).

38/ E S C resolution 689 G (XXVI).

39/ E S C resolution 724 C (XXVIII).

40/ E S C resolution 654 E (XXIV).

41/ E S C resolution 731 D (XXVIII).

42/ E S C resolution 691 B (XXVI).

43/ E S C resolution 674 A (XXV).

44/ E S C resolution 645 B (XXIII). In E S C resolution 687 (XXVI), the Council decided that completion of arrangements regarding this group of experts should be transferred to the Inter-Governmental Maritime Consultative Organization (IMCO), which had begun to function.

group of experts to report on certain aspects of the unification of maritime tonnage measurement. He was also asked 45/ to set up a committee "consisting of no more than nine qualified experts from countries interested in the international transport of dangerous goods", to undertake specified tasks. The Council later requested 46/ the Secretary-General to continue the committee, to consider increasing its membership from eight to nine and to convene it in late summer in 1960 to consider further certain specified aspects of the problem. He was also requested to convene a group of three experts on explosives. In connexion with plans for a United Nations conference on solar energy, wind power and geothermic energy, the Council particularly requested 47/ the Secretary-General to convene preliminary meetings of experts not later than a specified date, for the purpose of exchanging relevant information. The Secretary-General was requested 48/ to set up a small group of consultants to consider technical problems in standardizing geographical names and to report to the Council. He was also asked 49/ to convene a group of experts "highly qualified in the field of social services and representative of countries at varying stages of economic development" to report to the Social Commission on various questions in the field of social services.

12. As in the past, the sources of materials were usually not specified, except for such general indications as comments from Governments and appropriate organizations. In some instances, Member States were invited 50/ to provide information at the request of the Secretary-General. With respect to reports on the world social situation, the Council requested 51/ the Secretary-General to circulate a questionnaire as one means of obtaining information. He was also asked to explore ways and means of improving the quality of data and, in this connexion, to establish contacts with research centres through Governments and, by technical assistance and other means, to assist Governments in strengthening research on problems of social policy. The Council also requested 52/ the Secretary-General to ask Member States to include their experience in social development in the information they supplied in connexion with the Secretary-General's surveys in this field. In another resolution, in connexion with its invitation to UNESCO to prepare a survey of international relations and exchanges in the fields of education, science and culture, the Council urged 53/ Member States and members of the specialized agencies to provide information to UNESCO for the survey and asked UNESCO to base its survey on the information received. The Secretary-General was requested 54/ by the Council to transmit the report of a working group of experts on family levels of living, with the comments thereon from various sources, to Governments and appropriate non-governmental organizations, in order to obtain comments for a further report to the Social Commission.

13. In one case, the Council invited 55/ non-governmental organizations - referring specifically to the International Union for the Conservation of Nature and Natural

45/ E S C resolution 645 G (XXIII).

46/ E S C resolution 724 C (XXVIII).

47/ E S C resolution 710 A (XXVII).

48/ E S C resolution 715 A (XXVII).

49/ E S C resolution 663 G (XXIV).

50/ E S C resolutions 710 B (XXVII), 712 (XXVII).

51/ E S C resolution 663 E (XXIV).

52/ E S C resolution 731 C (XXVIII).

53/ E S C resolution 695 (XXVI).

54/ E S C resolution 663 B (XXIV). A somewhat similar procedure was adopted by the Council in resolution 731 D (XXVIII), on social services.

55/ E S C resolution 713 (XXVII).

Resources - to assist the Secretary-General in the preparation of a list of national parks and equivalent reserves. In another instance, relating to the United Nations social defence programme, the Secretary-General was requested 56/ to continue his consultations with the International Penal and Penitentiary Foundation and other non-governmental organizations concerning their association with the functions of the United Nations in the prevention of crime and treatment of offenders.

***3. Action taken by the Council*

B. Recommendations

1. General

14. During the period covered by this Supplement, the Economic and Social Council did not refer to Article 62 (1) in its decisions.

15. There was no general pattern in the terminology used by the Council. The term "recommends" prevailed; among other terms were "expresses its gratification", "expresses concern", "considers of special importance", "attaches special importance". 57/ In one instance, the Council stated 58/ that it "concur[s]" with the recommendations of one of the specialized agencies.

16. As in the past, recommendations were addressed to the General Assembly, to Governments, to States Members of the United Nations and members of the specialized agencies, to the specialized agencies and to subsidiary organs of the Council. They were also addressed to inter-governmental and non-governmental organizations, generally, 59/ or in a specific field, 60/ for example, to arbitral associations 61/ or to "the national and international services and organizations, including voluntary organizations, concerned with medical care". 62/

2. To States

17. Recommendations to States covered many of the topics dealt with by the Council in the past. Among the additional topics were the peaceful application of atomic energy, 63/ the promotion and encouragement of personal contacts and the exchange of experience among experts in the social field, as a means of extending international co-operation in that field, 64/ the promotion of international commercial arbitration, 65/ the eradication of malaria, 66/ the suppression of traffic in persons and of exploitation of the prostitution of others 67/ and the "Freedom from Hunger" campaign of FAO. 68/

56/ E S C resolution 731 F (XXVIII).

57/ See, for example, E S C resolution 663 H (XXIV).

58/ E S C resolution 690 D (XXVI).

59/ E S C resolution 663 D (XXIV).

60/ E S C resolution 645 (XXIII).

61/ E S C resolution 708 (XXVII).

62/ E S C resolution 731 I (XXVIII) on the possibilities of supplying drugs and preventive medical preparations at a cost within the reach of low-income groups.

63/ E S C resolution 653 (XXIV), section II.

64/ E S C resolution 663 I (XXIV).

65/ E S C resolution 708 (XXVII).

66/ E S C resolution 716 (XXVII).

67/ E S C resolution 731 E (XXVIII).

68/ E S C resolution 743 C (XXVIII).

3. To the General Assembly

18. Among the recommendations of the Council to the General Assembly dealing with additional topics or new aspects of topics considered earlier were a recommendation to establish an international administrative service in the area of technical assistance, 69/ a recommendation to include the question of the industrialization of under-developed countries periodically in the agenda of the General Assembly 70/ and a decision urging the General Assembly to establish a Special United Nations Fund for Economic Development and to set up a preparatory commission for that purpose. 71/

4. To the Specialized Agencies

19. Eradication of malaria was the subject of a recommendation 72/ of the Economic and Social Council addressed to the World Health Organization and the United Nations Children's Fund.

II. ANALYTICAL SUMMARY OF PRACTICE

20. On several occasions Article 62 was referred to in discussions connected with the question of the extent of the functions of the Economic and Social Council. Thus, it was stated 73/ in the Council that it had the right, under Articles 60 and 62, to make recommendations to the General Assembly concerning international economic, social, cultural, health and related matters; in the General Assembly it was observed 74/ that consideration by the Council of a question of convening a world economic conference was a function of the Council under Article 62. In only one instance, described below, was the question of the power of the Council a subject of divergent views during the period covered by this Supplement.

A. The question of the power of the Council to make recommendations to the General Assembly concerning its own composition and involving an amendment of the United Nations Charter

21. In resolution 690 B (XXVI), the Council, noting that the question of amending the United Nations Charter to increase the membership of the Council had been on the agenda of the General Assembly at its eleventh and twelfth sessions and would be on its thirteenth session agenda, invited the General Assembly to give favourable consideration to such an increase for the reasons indicated in the resolution. During the discussion that took place in the Council, 75/ the point was made that consideration of the resolution did not come within the competence of the Council since the question of amending the Charter should be decided by the General Assembly. Other representatives stated that the proposal did not specify the extent of the increase in membership and therefore did not trespass upon the rights of the General Assembly; it was the prerogative of the Council to draw the attention of the General Assembly to the

69/ E S C resolution 681 (XXVI).

70/ E S C resolution 674 A (XXV).

71/ E S C resolution 662 B (XXIV).

72/ E S C resolution 716 (XXVII).

73/ E/AC.6/SR.250 (mimeographed), p. 13.

74/ G A (XI), 2nd Com., 442nd mtg., para. 20.

75/ E/AC.6/SR.249 and 250 (mimeographed).

desirability of an increase. It was also pointed out that the resolution 76/ unanimously adopted by the Economic Commission for Asia and the Far East on the admission of Iran as a member of ECAFE was a recommendation to a parent body by a subordinate organ on the scope of its membership, although the terms of reference of the regional commissions did not provide for such action. It was also argued that by virtue of Articles 60 and 62, the Council had the right to make recommendations to the General Assembly with respect to international economic, social, cultural, educational, health and related matters; the proposal had been made in connexion with the Council's discussion of the world economic situation and the Council therefore had the right to recommend an increase in its membership.

22. At its thirteenth session, the General Assembly postponed 77/ the question of an increase in the membership of the Economic and Social Council to its fourteenth session. It took note of Council resolution 690 B (XXVI), and expressed views similar to those contained in that resolution. During the discussion of the Council's annual report by the General Assembly 78/ at the thirteenth session, the opinion was expressed that "Nothing in Article 62 justified the view that it was permissible for the Economic and Social Council to consider any action which would entail an amendment of the Charter". The opposing views were to the effect that under Article 62, the Council might "make or initiate studies and reports ..." and might "make recommendations on any matter within its purview".

B. The question of the terminology used by the Council in making decisions

23. During consideration by the Economic and Social Council, at its twenty-fourth session, of draft resolutions submitted by the Economic Commission for Europe (ECE), the Economic Commission for Asia and the Far East (ECAFE) and the Economic Commission for Latin America (ECLA), a proposal was made to substitute "approves" for "considers that" in draft resolutions concerning the programmes of work and priorities contained in the annual reports of the regional commissions. It was stated that they were subordinate bodies, and the Council had the right and the duty to approve their programmes of work and priorities. The contrary views were to the effect that it was impossible for the Council to review and approve programmes and priorities in such a short time, and that the Governments of the regions settled such matters in a more competent fashion. A new proposal was then made and adopted, namely, that the expression "endorses" should be used instead of "considers that". A proposal that the word "approves" should be used in a paragraph of one of the draft resolutions concerning the committee structure of ECAFE was adopted, and a proposal to use the expression "endorses" instead was rejected. It was stated 79/ that in this particular instance the Council's terms of reference required it to approve the changes in the committee structure of the regional commissions.

76/ E S C (XXVI), Suppl. No. 2 (E/3102), part III, ECAFE resolution 26 (XIV).

77/ G A resolution 1300 (XIII).

78/ Although the draft resolutions relating to this question were considered by the Special Political Committee of the General Assembly, this particular discussion took place in its Second Committee (G A (XIII), 2nd Com., 551st mtg., paras. 17, 52 and 56).

79/ E/AC.6/SR.221 and 222 (mimeographed); E S C resolution 655 A, B and C (XXIV).