

ARTICLE 7

TEXT OF ARTICLE 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

INTRODUCTORY NOTE

A. Principal organs

1. During the period under review, no question arose bearing on Article 7(1).

B. Subsidiary organs

2. The practice regarding the establishment of subsidiary organs by the General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council is examined in this *Supplement* under Articles 22, 29, 68 and 90 respectively.

3. As regards the Secretariat, the Secretary-General continued to establish various bodies found to be necessary to assist him in the performance of his functions under the Charter, or in accordance with the decisions of other United Nations organs taken in conformity with the Charter. For example, in resolution 2691 (XXV) of 11 December 1970 the General Assembly authorized the Secretary-General to set up in due course a Panel of Experts on the establishment of an international university, for the purpose of assisting him in his further consultations and studies on this question. In resolution 2685 (XXV) of the same date the General Assembly requested the Secretary-General to formulate suggestions

and to propose measures regarding the economic and social consequences of disarmament, in consultation with such advisors as he might deem it necessary to designate. This group was subsequently referred to as the Group of Experts on the Economic and Social Consequences of Disarmament.

4. Regarding the establishment of joint bodies between the United Nations and certain specialized agencies, the General Assembly, in resolution 3404 (XXX) of 28 November 1975, decided to reconstitute the United Nations/FAO Intergovernmental Committee of the World Food Programme¹ as the Committee on Food Aid Policies and Programmes. The new body was to provide general guidance on the policy, administration and operation of the World Food Programme.

5. As regards the International Court of Justice, special mention must be made of some amendments of the rules adopted on 10 May 1972 by the Court,² the content of which had remained unchanged since 1946. Regarding the Chambers which may be formed to deal with particular categories of cases, under Article 26, paragraph 1 of the Statute, an amendment of substance was the substitution of the words "the number of its members" for the word "its composition" in paragraph 1 of Article 24 of the 1946 rules.³ The amendment was embodied in Article 25 of the 1972 rules and maintained in Article 16 of the 1978 rules.⁴

ANALYTICAL SUMMARY OF PRACTICE

A. Nature of subsidiary organs

6. The characteristics and common features of the subsidiary organs of the United Nations were described in the *Report*.⁵

7. During the period under review, principal organs of the United Nations continued to lay down certain principles or conditions applicable to membership of subsidiary organs. Thus the General Assembly, by resolution 2632 (XXV) of 9 November 1970, requested its President to establish a Special Committee on the Rationalization of the Procedures and Organization of the General Assembly, consisting of 31 Member States on the basis of equitable geographical distribution. By resolution 2743 (XXV) of 17 December 1970 the General Assembly established a Special Committee for the Review of the United Nations Salary System and decided that it should consist of government experts from eleven Member States to be nominated by the President of the General Assembly with due regard to geographical balance. The principle of geographical balance also found its expression in the composition of the Governing Council of the United Nations Environment Programme that was established by the General Assembly by resolution 2997 (XXVII) of 15 December 1972. The Governing Council of the United Nations Environment Programme was to be composed of fifty-eight members

elected by the General Assembly for three-year terms on the following basis:

- (a) Sixteen seats for African States;
- (b) Thirteen seats for Asian States;
- (c) Six seats for Eastern European States;
- (d) Ten seats for Latin American States;
- (e) Thirteen seats for Western European and other States.

B. Organs established by treaty

8. The organs treated under this heading are treaty bodies that share only some of the characteristics of subsidiary organs⁶ within the meaning of Article 7. Such organs are not subsidiary organs of the United Nations, although they retain close links with the United Nations in so far as, for example, the meeting to elect States members of the organ (frequently a committee) is convened by the Secretary-General; reports of States Members are submitted to the Committee through the Secretary-General; the Committee may report annually, through the Secretary-General, to the General Assembly; the Secretary-General provides the secretariat for the Committee; or the meetings of the Committee are usually held at United Nations Headquarters.⁷

9. In a legal opinion given on 17 August 1976,⁸ the Legal Counsel expressed the view that the Committee on the Elimination of Racial Discrimination was not a subsidiary organ of the General Assembly,⁹ but fell into the special category of "treaty organs of the United Nations", which are organs whose establishment is provided for in a treaty, for the purpose of carrying out its provisions, but are so closely linked with the United Nations that they are considered organs of the Organization. He further stated that:

" 'Treaty organs' must function in accordance with the provisions of the treaties which create them and give them tasks to perform. As they are organs of the United Nations, they are subject to the general budgetary and administrative authority of the Assembly in all matters which do not impede or prevent them from carrying out the provisions of the treaties; but General Assembly resolutions cannot amend treaties, and until the treaties are formally amended by one of the recognized procedures, resolutions which conflict with them have no legal effect in respect of the treaty organs concerned."¹⁰

10. During the period under review the General Assembly, in resolution 31/72 of 10 December 1976, referred the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques to all States for their consideration, signature and ratification. The Depositary of the Convention was to be the Secretary-General. Under Article 5 of the Convention, States parties agreed to consult one another and to co-operate in solving any problems which might arise in relation to the objectives of, or in

the application of the provision of, the Convention. In order to achieve this end, a Consultative Committee of Experts was to be convened within one month of the receipt of a request from any State party to the Convention by the Depositary, i.e., the Secretary-General. Any State party could appoint an expert to this Committee. The Committee was to transmit a summary of its findings of fact to the Secretary-General, who in turn was to distribute it to the States parties. Pursuant to the annex to the Convention, the Secretary-General or his representative was to serve as the Chairman of the Committee.

11. It may be said that the Consultative Committee of Experts possesses characteristics similar to those of "treaty organs" of the United Nations.

NOTES

¹ G A resolutions 1714 (XVI) of 19 Dec. 1961 and 2095 (XX) of 20 Dec. 1965; see also *Repertory, Supplement No. 3*, under Art. 7, para. 6.

² ICJ, *Yearbook 1971-1972*, No. 26, pp. 2-3.

³ *Ibid.*, p. 4.

⁴ ICJ, *Yearbook 1977-1978*, No. 32, p. 115.

⁵ See *Repertory*, vol. I, Art. 7, paras. 9-21.

⁶ *Ibid.*

⁷ See *Repertory, Supplement No. 3*, under Art. 7, para. 17 for the Committee on the Elimination of Racial Discrimination.

⁸ *United Nations Juridical Yearbook*, 1976, pp. 200-201.

⁹ See also *United Nations Juridical Yearbook*, 1969, p. 207.

¹⁰ *United Nations Juridical Yearbook*, 1976, p. 200.