

ARTICLE 7

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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 the present *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 instance, the General Assembly, in its resolution 35/203 of 16 December 1980, welcomed the consultative mechanism envisaged by the Secretary-General in his report,¹ composed of high-level officials, with regard to policy issues pertaining to economic and social activities. In its resolution 35/223 of 17 December 1980, the Assembly endorsed arrangements envisaged by the Secretary-General in the above-mentioned report for a high-level advisory group of Secretariat officials to advise him on policy issues arising in connection with the elaboration of medium-term plans and programme budgets.

4. During the period under review, the International Court of Justice for the first time established a Chamber for the purpose of dealing with a particular case, as provided for in Article 26, paragraph 2, of the Statute of the Court. By an Order² of 20 January 1982, the Court, at the request of the Parties, formed a Chamber to deal with the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*.

¹A/35/527, pp. 9-15.

²Order of 20 January 1982, *I.C.J. Reports*, 1982, p. 3.

ANALYTICAL SUMMARY OF PRACTICE

A. Nature of subsidiary organs

5. The characteristics and common features of the subsidiary organs of the United Nations were described in the *Repertory*.³

6. 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.

³See *Repertory*, vol. I, under Article 7, paras. 9-21.

Thus, the General Assembly, by its resolution 34/151 of 17 December 1979, decided to establish an Advisory Committee for the International Youth Year, consisting of 23 Member States to be appointed by the Chairman of the Third Committee on the basis of equitable geographical distribution. The Economic and Social Council, by its resolution 1979/30 of 9 May 1979, decided to increase the membership of the Committee on Crime Prevention and Control to 27, with the following distribution of seats:

(a) Seven seats for African States;

- (b) Six seats for Asian States;
- (c) Three seats for Eastern European States;
- (d) Five seats for Latin American States;
- (e) Six seats for Western European and other States.

7. The Economic and Social Council also established, by its resolution 1979/44 of 11 May 1979, an Ad Hoc Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting, which, taking into account the different existing systems of accounting and reporting and without prejudice to the principle of equitable geographical distribution, was to be composed as follows:

- (a) Nine members from African States;
- (b) Seven members from Asian States;
- (c) Six members from Latin American States;
- (d) Nine members from Western European and other States;
- (e) Three members from Eastern European States.

8. By its resolution 35/48 of 4 December 1980, the General Assembly decided to establish an Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, composed of 35 Member States to be appointed by the President of the General Assembly on the basis of equitable geographical distribution and representing the principal legal systems of the world. The principle of equitable geographical distribution was also to be taken into account for the appointment by the Secretary-General of the members of the Committee of Governmental Experts to Evaluate the Present Structure of the Secretariat in the Administrative, Financial and Personnel Areas, established by the General Assembly in its resolution 35/211 of 17 December 1980, as well as in the designation by the Chairman of the Third Committee of the members of the Advisory Committee for the World Assembly on the Elderly, established by the Economic and Social Council in its resolution 1980/26 of 2 May 1980. By resolution 39/158 of 17 December 1984, the General Assembly requested its President to undertake consultations for the appointment of the 54 members of the Ad Hoc Committee on the Implementation of the Collective Security Provisions of the Charter of the United Nations, on the basis of equitable geographical representation, including the permanent members of the Security Council.

B. Organs established by treaty

9. The organs treated under this heading are treaty bodies that share only some of the characteristics of subsidiary organs⁴ 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 insofar as, for example, the meeting to elect States members of the organs (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.⁵

10. During the period under review, the General Assembly adopted resolution 34/180 of 18 December 1979, by which it adopted the text of the Convention on the Elimination of All Forms of Discrimination against Women. The depositary of the Convention is the Secretary-General. Article 17 of the Convention provides for the establishment of a Committee on the Elimination of Discrimination against Women for the purpose of considering the progress made in the implementation of the Convention. Pursuant to the Convention, the Committee consists of 23 experts, elected by States parties from among their nationals, to serve in their personal capacity, consideration being given to equitable geographical distribution and to representation of the different forms of civilization as well as the principal legal systems. The Convention provides that at least three months before the date of each election, the Secretary-General is required to invite States parties to submit their nominations. Elections of the members of the Committee are to be convened by the Secretary-General at United Nations Headquarters, where, in accordance with article 20 of the Convention, the meetings of the Committee are also to be normally held. In accordance with the Convention, the members of the Committee shall, with the approval of the General Assembly, receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities. Reports of States parties (for consideration by the Committee) are to be submitted to the Secretary-General, in accordance with article 18. After the entry into force of the Convention on 3 September 1981, the first meeting of the States parties was convened in April 1982. As a result of the first election, the Committee in 1982 consisted of 23 experts from the following countries:⁶

Bulgaria	Panama
Canada	Philippines
China	Poland
Cuba	Portugal
Ecuador	Rwanda
German Democratic Republic	Sri Lanka
Guyana ^a	Sweden
Guyana	Uruguay
Hungary	USSR
Mexico	Viet Nam
Mongolia	Yugoslavia
Norway	

^aDecrease of the expert during the mandate.

⁵See *Repertory, Supplement No. 3*, under Article 7, para. 17, for the Committee on the Elimination of Racial Discrimination.

⁶See G A (38), Suppl. No. 45 (A/38/45), para. 9 and annex II.

⁴Ibid.

11. The General Assembly, by its resolution 39/46 of 10 December 1984, adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The depositary of the Convention is the Secretary-General. Article 17 of the Convention provides that a Committee against Torture is to be established, to carry out certain functions laid down in the Convention. The Committee is to consist of 10 experts serving in their personal capacity, elected by the States parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having some legal experience. Elections of the members of the Committee are to be held at biennial meetings of States parties convened

by the Secretary-General, who is to invite States parties at least four months before the date of each election to submit their nominations. The States parties, according to article 19, are to submit to the Committee, through the Secretary-General, reports on the measures they have taken to implement the Convention. The Secretary-General is to provide the necessary staff and facilities for the effective performance of the functions of the Committee, as provided in article 18.

12. It may be said that the Committee on the Elimination of Discrimination against Women and the Committee against Torture possess characteristics similar to those of "treaty organs" of the United Nations.