

**Repertory of Practice of United Nations Organs
Supplement No. 9**

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Repertory of Practice of United Nations Organs)

VOLUME I

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.

NOTE

A. Principal organs

1. During the period under review, in 1995, the General Assembly, noting the proposal made by Malta on the review of the role of the Trusteeship Council,¹ other proposals made and different views expressed by Member States at the fiftieth session of the Assembly regarding the future of the Council² and the report of the Secretary-General on the work of the Organization,³ adopted its resolution 50/55 entitled “Review of the role of the Trusteeship Council”⁴. Pursuant to resolutions 50/52, 50/55 and subsequent resolutions of the Assembly⁵, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, considered relevant proposals concerning the status of the Council namely: to have it abolished, to retain it, or, as suggested, *inter alia*, by Malta, to assign to it the role of the guardian of the common heritage of mankind.⁶ However, no recommendation was made by the Special Committee on the topic due to the divergent views among Member States on the subject.⁷

¹ A/50/142. In para. 5 of the Explanatory memorandum annexed to this document, Malta, in particular, suggested “that the role of the Trusteeship Council can be enhanced to that of trustee of the common heritage of mankind”.

² See e.g., A/50/PV.68, pp.3-8; A/C.6/50/SR.34, paras.7 and 24; A/C.6/50/SR.44, paras. 15-17; and A/C.6/50/SR.45, para. 1.

³ Report of the Secretary-General on the work of the Organization (A/49/1), Part II A (4), paras. 43-46. In this report the Secretary-General recommended that the General Assembly proceed with steps to eliminate the Trusteeship Council, in accordance with Article 108 of the Charter of the United Nations, since in 1994 the Trusteeship Agreement for the last remaining Territory under the trusteeship system, Palau, came to an end. In this connection, see also Report of the Secretary-General on the work of the Organization (A/50/1), Part II A (4), paras. 67-69.

⁴ In the resolution adopted on the recommendation of the Sixth Committee (A/50/646, Section III), the Assembly requested Member States to submit their comments on the future of the Council and also requested the Secretary-General to submit to it a report concerning such comments. For the report of the Secretary-General on the subject see A/50/1011.

⁵ G A resolutions 51/209, 52/161, 53/106 and 54/106.

⁶ See G A (51), Suppl. No. 33, A/51/33, paras. 97-106; G A (52), Suppl. No. 33, A/52/33, paras. 117-122; G A (53), Suppl. No. 33, A/53/33, paras. 144-152; G A (54), Suppl. No. 33, A/54/33, paras. 123-128. See also *Repertory, Supplement No.9*, vol. II, under Article 13 (1) (a), para.72.

⁷ For a detailed consideration of this topic also in the context of the reform of the United Nations see *Repertory, Supplement No.9*, vol. VI, under Articles 108 and 109, paras.4 and 20-29. See also *Repertory, Supplement No.8*, vol. VI, under Articles 108 and 109, paras.2 and 16.

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. In the study of Article 7 of the Charter in the previous *Supplement* a reference was made to the establishment by the Secretary-General of various bodies.⁸ During the period under review, the Secretary-General continued the practice of establishing such bodies found to be necessary to assist him in the performance of his functions under the Charter⁹. For instance, in his annual report on the work of the Organization prepared for the fifty-second session of the General Assembly, as well as in his report for the same session entitled “Questions relating to information”, the Secretary-General pointed out that he convened the Task Force on the Reorientation of United Nations Public Information Activities, composed of prominent communications experts from both within and outside the United Nations system to examine all aspects of the mandates, arrangements and operations of the Department of Public Information.¹⁰ In this connection he also noted the following: “In its report, “Global vision, local voice”, the task force made far-reaching proposals and recommendations to fundamentally revamp the Organization’s communications strategy and practices. I have acted on those recommendations, and implementation measures are under way.”¹¹ During the period under review, the Secretary-General continued the practice of utilizing various previously established bodies found to be necessary to assist him in the performance of his functions, such as the High-level Advisory Board on Sustainable Development (to provide advice to him on sustainable development issues)¹² and the Panel of High-level Personalities on African Development (to advise and assist him in the implementation of the United Nations New Agenda for the Development of Africa)¹³.

⁸ See, for instance, *Repertory, Supplement No.8*, vol. I, under Article 7, para. 4.

⁹ In cases where the Secretary-General set up such bodies, no implication was intended as to whether these bodies did or did not fall under Article 7 (2) of the Charter. See also *Ibid.*

¹⁰ See A/52/1, Part II H, para. 160; and A/52/455, II, paras. 6-7.

¹¹ See A/52/1, Part II H, para. 160.

¹² For previous activities of the Board see *Repertory, Supplement No.8*, vol. I, under Article 7, para. 4. During the period under review, in 1994, the High-level Advisory Board held its fourth (30 May to 1 June 1995), fifth (29-31 January 1996) and sixth (4-6 September 1996) sessions - see E/CN.17/1996/2, E/CN.17/1996/31 and E/CN.17/1997/10. In 1997, however, the General Assembly, in para. 11 of its resolution 52/12 B, endorsed “the recommendation of the Secretary-General to discontinue the High-level Advisory Board on Sustainable Development”.

¹³ In connection with the establishment of the Panel see *Repertory, Supplement No.8*, vol. I, under Article 7, para. 4. In connection with the activities of the Panel during the period under review see, for instance, E/AC.51/1997/6, para. 3.