

ARTICLE 62 (3)

Table of Contents

	<u>Paragraphs</u>
Text of Article 62 (3)	
Introductory Note	1 - 2
I. General Survey	3 - 5
II. Analytical Summary of Practice	6 - 7
** A. The preparation of draft conventions	
** B. Authorization by the Economic and Social Council to the Secretary-General and others to submit draft conventions to the General Assembly	
C. Submission by the Economic and Social Council of draft conventions to international conferences of States called under Article 62 (4)	6 - 7

TEXT OF ARTICLE 62 (3)

It [the Economic and Social Council] may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

INTRODUCTORY NOTE

1. The structure of this study is similar to that of Article 62 (3) in the Repertory; only supplementary material has been included. The preparation of international instruments relating to the creation of specialized agencies and the preparation of international instruments under the auspices of the regional economic commissions of the Council are dealt with under Articles 59 and 68, respectively.
2. There is no new development to report under the following headings in the Analytical Summary of Practice: A. The preparation of draft conventions; B. Authorization by the Economic and Social Council to the Secretary-General and others to submit draft conventions to the General Assembly. Some further material is included under C. on the submission by the Economic and Social Council of draft conventions to international conferences of States.

I. GENERAL SURVEY

3. The Economic and Social Council has submitted one draft convention to the General Assembly 1/ and three draft conventions to international conferences of States. 2/ One draft convention 3/ and one draft protocol 4/ are still under consideration. In addition, the Economic and Social Council, after debating a request from the General Assembly to discuss the draft Convention on Freedom of Information and to make recommendations for the consideration of the General Assembly, recommended 5/ that consideration of the convention by the General Assembly should be postponed for the time being.

4. The preparation of certain draft conventions has been undertaken by functional commissions and by committees appointed by the Council. 6/ As before, all Member States, and in some cases also non-member States, 7/ and the specialized agencies and non-governmental organizations 8/ interested have been invited to express their views on the instruments.

5. The Council has not considered any of the draft conventions in detail but has held general discussions.

II. ANALYTICAL SUMMARY OF PRACTICE

** A. The preparation of draft conventions

** B. Authorization by the Economic and Social Council to the Secretary-General and others to submit draft conventions to the General Assembly

-
- 1/ Draft Convention on the Nationality of Married Women, E S C resolution 587 E (XX). See in this Supplement, under Article 13 (1) (b) for action by the General Assembly.
- 2/ Draft Convention on the Recovery Abroad of Claims for Maintenance, E S C resolution 572 (XIX); draft Convention on the Recognition and Enforcement of Foreign Arbitral Awards, E S C resolution 604 (XXI); and draft Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, E S C resolution 608 (XXI).
- 3/ Proposed Single Convention on Narcotic Drugs, E S C resolutions 159 II, D (VII), 246 D (IX), 315 (XI), 355 B (XII), 548 K (XVIII), and 626 F (XXII).
- 4/ Draft Protocol on a Uniform System of Road Signs and Signals, E S C resolutions 272 (X), 468 D (XV), 518 A (XVII), and 567 B (XIX).
- 5/ E S C resolution 574 C (XIX). In that resolution, the Council "concludes reluctantly that further action at this stage on the draft convention on freedom of information would be unprofitable", and "recommends to the General Assembly to consider the draft convention at its twelfth session in the hope that conditions will be more favourable at that time".
- 6/ For example, the draft Convention on the Nationality of Married Women was prepared by the Commission on the Status of Women; the draft Convention on the Recovery Abroad of Claims for Maintenance was prepared by a committee of experts; and the draft Convention on the Recognition and Enforcement of Foreign Arbitral Awards was prepared by a special committee consisting of representatives of Member States.
- 7/ For instance, by resolution 570 (XIX), the Council asked for the views of Governments of States Members and non-members of the United Nations on the text of the draft Convention on the Recognition and Enforcement of Foreign Arbitral Awards.
- 8/ The ILO and certain non-governmental organizations were, for instance, also consulted in connexion with the draft Supplementary Convention on Slavery, E S C resolutions 525 A (XVII) and 564 (XIX).

C. Submission by the Economic and Social Council of draft conventions to international conferences of States called under Article 62 (4)

6. The Council has called three conferences 9/ under Article 62 (4) to consider draft conventions.

7. The Council decided, in resolution 608 (XXI), to refer the draft Supplementary Convention on Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery to an international conference and rejected 10/ a proposal to submit it to the General Assembly. Those who favoured 11/ this proposal maintained that the General Assembly should have an opportunity of expressing its views. It was recalled that the final texts of several important conventions on human rights had been prepared and adopted by the General Assembly. A discussion of the draft by the General Assembly was more necessary than ever, since with the admission of sixteen new Members it was probable that more States would take part in the coming (i.e. the eleventh) session of the General Assembly than had ever participated in any conference called by the United Nations to consider a convention. The General Assembly would be free after studying the text to convene a conference if it desired. Any subsequent conference would then have the benefit of the views of the Member States. It was argued on the other side that the General Assembly was not an appropriate body for the adoption of international conventions dealing with involved technical questions. Moreover, to refer the draft convention to the General Assembly would entail a delay in its adoption. The Third Committee had a heavy agenda, and it was unlikely that it would be able to take action upon the draft convention at the eleventh session. The draft convention should be referred therefore directly to a conference of plenipotentiaries, which could devote itself exclusively to the question.

9/ United Nations Conference on Maintenance Obligations, held at Headquarters, 29 May - 20 June 1956; United Nations Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, held at Geneva, 13 August - 7 September 1956; the conference called to consider a Convention on the Recognition and Enforcement of Foreign Arbitral Awards has not yet been convened.

10/ E S C (XXI), annexes, a.i. 12, p. 24, E/L.711 and E S C (XXI), 917th mtg., paras. 1-20.

11/ For the discussion, see E S C (XXI), 916th and 917th mtgs.

