

## ARTICLE 62 (3)

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## 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 the studies of Article 62 (3) in the *Repertory* and its *Supplements Nos. 1 and 2* and the material supplements that were included in the earlier studies. The preparation of international instruments under the auspices of the regional economic commissions of the Economic and Social Council is dealt with under Article 68.

### I. GENERAL SURVEY

2. During the period under review, the Economic and Social Council submitted to the General Assembly the draft convention on consent to marriage, minimum age of marriage and registration of marriages, prepared by the Commission on the Status of Women,<sup>1</sup> and the substantive articles of a draft international convention on the elimination of all forms of racial discrimination, prepared by the Commission on Human Rights.<sup>2</sup>

3. The Council, at its thirty-ninth and forty-first sessions, drew<sup>3</sup> the attention of the General Assembly to resolutions 1 (XXI) and 1 (XXII), respectively, of the Commission on Human Rights concerning the draft international convention on the elimination of all forms of religious intolerance.<sup>4</sup> The Commission at its twenty-first and twenty-second sessions examined the preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and adopted a preamble and nine articles of the draft convention.<sup>5</sup>

4. The Economic and Social Council, at its thirty-seventh session, requested<sup>6</sup> the Secretary-General to prepare the draft of a revised convention on standard rules for road traffic and also the draft of a new instrument on road signs and signals and on road markings. The drafts were to be revisions of the Convention and the Protocol respectively, done

at Geneva in 1949. In response to this request, the Secretary-General submitted to the Council at its thirty-ninth session a draft convention on road traffic and a draft convention on road signs and signals. At that session and again at its forty-first session, the Council decided<sup>7</sup> to convene an international conference of States to be held in 1968 to prepare a convention on road traffic and another convention or an optional protocol on road signs and signals and road marking replacing the 1949 instruments.

5. The Council at its forty-first session invited<sup>8</sup> the Commission on Human Rights to prepare a draft convention to the effect that no statutory limitation should apply to war crimes and crimes against humanity, irrespective of the date of their commission, and requested the Secretary-General to prepare a preliminary draft for such a convention for the Commission.

6. During the period under review the Single Convention on Narcotic Drugs 1961 was adopted by the international conference of States held for that purpose in 1961 under the terms of the E S C resolution 689 J (XXVI).

7. With regard to the draft international covenants on human rights,<sup>9</sup> the Council expressed<sup>10</sup> the hope that the Third Committee of the General Assembly would devote, at the eighteenth and subsequent sessions of the Assembly, the maximum possible time to the completion of its work on the draft covenants.

8. At its fortieth session, the Council recommended<sup>11</sup> that future United Nations conventions in the field of human rights should contain appropriate provisions for their implementation.

<sup>1</sup> E S C resolution 821 III A (XXXII).

<sup>2</sup> E S C resolution 1015 B (XXXVII). The provisions of those articles, with slight modifications, were incorporated by the General Assembly in the International Convention on the Elimination of All Forms of Racial Discrimination, which it adopted in General Assembly resolution 2106 A (XX).

<sup>3</sup> E S C resolutions 1074 B (XXXIX) and 1157 (XLI).

<sup>4</sup> E S C (XXXIX), Suppl. No. 8 (E/4024), and E S C (XLI), Suppl. No. 8 (E/4184).

<sup>5</sup> The request to prepare a draft convention on this subject was contained in General Assembly resolution 1781 (XVII), which the Council decided to transmit to the Commission on Human Rights (E S C (XXXIV), 1238th mtg., para. 3).

<sup>6</sup> E S C resolution 1034 (XXXVII). See also E S C resolution 967 (XXXVI).

<sup>7</sup> E S C resolutions 1082 B (XXXIX) and 1129 (XLI).

<sup>8</sup> E S C resolution 1158 (XLI).

<sup>9</sup> See *Repertory*, vol. III, under Article 62 (3), paras. 7, 14-15 and 22-27.

<sup>10</sup> E S C resolution 958 D II (XXXVI).

<sup>11</sup> E S C resolution 1101 (XL).

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. The preparation of draft conventions

9. In addition to the previous arrangements for comments on the draft single convention on narcotic drugs,<sup>12</sup> the Council at its thirtieth session requested the Secretary-General to invite<sup>13</sup> States Members of the United Nations or members of the specialized agencies and of the International Atomic Agency to transmit to the World Health Organization (WHO) any suggestions on the preparations of drugs listed in Schedule II of the third draft of the convention, and invited WHO to prepare relevant materials in the light of these suggestions for circulation to Governments and submission to the international conference of States to be called under Council resolution 689 J (XXVI).

10. As in similar instances in the past, the Council made arrangements for obtaining comments on draft conventions on road traffic and on road signs and signals prior to the international conference of States called to consider their adoption. In requesting<sup>14</sup> the Secretary-General to prepare the draft of a revised convention on standard rules for road traffic, the Council requested him to communicate it to Member Governments and to the regional economic commissions for consideration. In connexion with this draft and the draft of a new instrument on road signs and signals and on road marking also to be prepared by the Secretary-General, the Council invited the co-operation of the regional economic commissions and the international organizations, governmental and non-governmental, competent in the field. In the case of drafting the new instruments, the Secretary-General was also requested<sup>15</sup> to do so in consultation with such experts as he might consider appropriate. At its thirty-ninth session, having considered two draft conventions, prepared by the Secretary-General, on road traffic

<sup>12</sup> See *Repertory Supplement No. 2*, vol. III, under Article 62 (3), para. 4.

<sup>13</sup> E S C resolution 770 F (XXX).

<sup>14</sup> E S C resolution 1034 (XXXVII).

<sup>15</sup> *Ibid.*

and on road signs and signals, the Council invited<sup>16</sup> the regional economic commissions to study the technical provisions of the drafts. It also arranged<sup>17</sup> for submission of amendments from regional economic commissions and the States invited to the conference, as well as for suggestions for amending the technical provisions of the draft conventions from the specialized agencies and the interested non-governmental organizations in consultative status. At its forty-first session, the Council requested<sup>18</sup> the Secretary-General to circulate new drafts of the two conventions, based on the previous drafts, taking into account any amendments proposed by the regional economic commissions. The Council again requested the Secretary-General to request Governments invited to the conference to communicate to him any amendments to the new draft and the specialized agencies and intergovernmental and non-governmental organizations invited to the conference to communicate any suggestions for amending the technical provisions of the new drafts.

### **\*\*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)**

11. During the period under review, the Economic and Social Council decided to call a conference under Article 62 (4), for the purpose of submitting to it two draft conventions.<sup>19</sup> Another conference was convened during this period under the terms of E S C resolution 689 J (XXVI).<sup>20</sup>

<sup>16</sup> E S C resolution 1082 B (XXXIX).

<sup>17</sup> *Ibid.*

<sup>18</sup> E S C resolution 1129 (XLI).

<sup>19</sup> See para. 4, above.

<sup>20</sup> See para. 6 above and *Repertory Supplement No. 2*, vol. III, under Article 62 (3), paras. 2, 4 and 5.