

## ARTICLE 62 (3)

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#### *Annex I*

List of draft conventions and protocols submitted to the General Assembly

#### *Annex II*

List of draft conventions and protocols submitted to international conferences of States

## ARTICLE 62 (3)

### 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, paragraph 3, in the *Repertory* and its *Supplements Nos. 1, 2, 3 and 4*. 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 Economic and Social Council are dealt with under Articles 59 and 68 respectively.

### I. GENERAL SURVEY

2. During the period under review, the Economic and Social Council prepared, through its subsidiary organs, and submitted to the General Assembly three draft international instruments with respect to matters falling within its competence.<sup>1</sup> The draft international instruments dealt with the protection of journalists, the crime of apartheid and discrimination against women. In addition, the Council also considered recommendations by its subsidiary organs concerning the desirability of the elimination of draft international instruments.

3. The Preliminary draft international convention on the protection of journalists engaged in dangerous missions was prepared at the invitation of the General Assembly<sup>2</sup> by the Commission on Human Rights. At its fiftieth session, the Economic and Social Council, having taken into account the recommendations of the Commission on Human Rights,<sup>3</sup> decided to transmit to the General Assembly the preliminary draft international convention on the protection of journalists engaged in dangerous missions, as well as the relevant records of the Commission on Human Rights and of the Council, as a valid basis for the discussions of the General Assembly at its twenty-sixth session.<sup>4</sup> At its twenty-sixth session, the General Assembly invited the Council to request the Commission on Human Rights to reconsider the preliminary draft convention, taking into account the draft conventions submitted by Member States and the various observations received, with a view to adopting a convention on the protection of journalists engaged in dangerous missions in areas of conflict.<sup>5</sup> At its fifty-second session, the Council transmitted<sup>6</sup> to the General Assembly the revised draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Missions in Areas of Armed Conflict, as ap-

proved by the Commission on Human Rights,<sup>7</sup> together with proposed amendments and the records of the discussion of the Commission, as well as relevant observations.

4. Pursuant to General Assembly resolution 2786 (XXVI) of 6 December 1971, the Commission on Human Rights prepared the draft Convention on the Suppression and Punishment of the Crime of Apartheid. At its fifty-second session, the Council considered it essential to complete at the earliest possible date the preparation of such draft international instrument.<sup>8</sup> At its twenty-seventh session, the General Assembly requested the Secretary-General to transmit to the Special Committee on Apartheid and to Member States the revised draft Convention and the amendments thereto for their comments and views, and invited the Council to request the Commission on Human Rights to consider as a priority item the revised draft Convention and the amendments thereto.<sup>9</sup> At its fifty-fourth session, the Council approved the draft Convention on the Suppression and Punishment of the Crime of Apartheid and recommended that the General Assembly should consider and approve the draft Convention at its twenty-eighth session.<sup>10</sup>

5. The draft Convention on the Elimination of Discrimination against Women<sup>11</sup> was prepared by the Commission on the Status of Women pursuant to General Assembly resolution 31/136 of 16 December 1976 on the United Nations Decade for Women, which called for the adoption of such a convention by the Assembly and its entry into force in the first half of the Decade, (1976-1980).<sup>12</sup> At its sixty-second session, the Economic and Social Council submitted the draft Convention to the General Assembly and invited all States Members of the United Nations and

<sup>1</sup>See annex I.

<sup>2</sup>G A resolution 2673 (XXV).

<sup>3</sup>See E S C (50), Suppl. No. 4, chap. XIX.

<sup>4</sup>E S C resolution 1597 (L).

<sup>5</sup>G A resolution 2854 (XXVI).

<sup>6</sup>E S C resolution 1690 (LII).

<sup>7</sup>E S C (52), Suppl. No. 7, chap. XIII, resolution 6.

<sup>8</sup>E S C resolution 1696 (LII).

<sup>9</sup>G A resolution 2922 (XXVII).

<sup>10</sup>E S C resolution 1784 (LIV).

<sup>11</sup>E S C (62), Suppl. No. 3, chap. I, draft resolution I, annex.

<sup>12</sup>G A resolution 31/136; see also resolution 3521 (XXX).

the specialized agencies to present their comments on the draft Convention as soon as possible.<sup>13</sup>

6. With regard to a draft protocol for the control of psychotropic substances not yet under international control, in 1969, the General Assembly had requested the Economic and Social Council<sup>14</sup> to invite the Commission on Narcotic Drugs at its special session in 1970 to proceed without delay to complete the draft protocol. In accordance with the recommendations made of the Commission at its special session, the Council decided to convene in 1971 a Conference of Plenipotentiaries for the Adoption of the Protocol on Psychotropic Substances.<sup>15</sup>

7. With regard to an international code police ethics, at its fifty-fourth session the Economic and Social Council invited the Committee on Crime Prevention and Control to consider the possibility of including in its work programme the question of preparing such an international code, and to transmit to the Commission on Human Rights its recommendations on the desirability, scope and possible content of such an instrument. The Council also requested the Commission on Human Rights to consider the preparation of such an international code on the basis of the Committee's recommendations.<sup>16</sup>

8. Regarding the conclusion of a convention on the rights of the child, at its first regular session in 1978, the Economic and Social Council took note with satisfaction of the initiative taken by the Commission on Human Rights with a view to the conclusion of such a convention, and to its adoption by the General Assembly, if possible during the International Year of the Child in 1979. The Council further recommended to the General Assembly that it should consider including in its agenda, as a priority matter, the question of the adoption of a convention on the rights of the child.<sup>17</sup>

9. At the same session, the Economic and Social Council approved the recommendation of the Commission on Human Rights that the Council should authorize a working group open to all members of the Commission charged with the task of preparing concrete drafting proposals for a draft convention on torture and other cruel, inhuman or degrading treatment or punishment.<sup>18</sup>

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. The preparation of draft conventions

**\*\*1. THE PREPARATION OF DRAFT CONVENTIONS BY THE ECONOMIC AND SOCIAL COUNCIL AND THE APPLICABILITY OF ARTICLE 2 (7)**

**2. DECISIONS OF THE GENERAL ASSEMBLY AFFECTING THE PREPARATION OF DRAFT CONVENTIONS BY THE ECONOMIC AND SOCIAL COUNCIL**

10. As in similar instances in the past, the General Assembly gave directions or made requests with respect to

the preparation of international instruments to be submitted by the Economic and Social Council for its consideration. By resolution 2673 (XXV) of 9 December 1970, in the case of the draft international agreement ensuring the protection of journalists engaged in dangerous missions, the General Assembly invited the Economic and Social Council to request the Commission on Human Rights to consider providing, inter alia, for the creation of a universally recognized and guaranteed identification document for journalists falling under the scope of the instrument.<sup>19</sup> The General Assembly also invited the Commission on Human Rights to consider the question as a matter of priority.<sup>20</sup> By its resolution 2854 (XXVI) of 20 December 1971, the General Assembly, noting, inter alia, the preliminary draft convention prepared by the Commission and transmitted to the General Assembly by the Council,<sup>21</sup> invited the Council to request the Commission to reconsider the preliminary draft convention, taking into account, inter alia, the draft conventions submitted by Member States and the observations of Governments, with a view to the adoption of the draft convention.<sup>22</sup>

### 3. CONSULTATION WITH MEMBER STATES AND SPECIALIZED AGENCIES BY THE ECONOMIC AND SOCIAL COUNCIL IN THE PREPARATION OF DRAFT CONVENTIONS

11. In a number of instances during the period under review, the Economic and Social Council, its subsidiary bodies as well as the General Assembly requested the consideration and views of the Member States, the specialized agencies and a number of other bodies regarding draft conventions and relevant working documents. By its resolution 15 (XXVII),<sup>23</sup> the Commission on Human Rights requested the Secretary-General to communicate the preliminary draft international convention on the protection of journalists engaged in dangerous missions, together with the relevant records of the discussions held in the Commission and in the Council, to the Governments of the States mentioned in the resolution and to the Intergovernmental Conference of Experts of the International Committee of the Red Cross so that their observations might be considered by the General Assembly at its twenty-sixth session.<sup>24</sup> The Commission also requested the Secretary-General to establish a group of experts for the purpose of preparing a draft protocol, annexed to the draft convention.<sup>25</sup> By its resolution 2854 (XXVI) of 20 December 1971, the General Assembly requested the Commission to transmit its report on the question to the Conference of Government Experts, invited Governments to transmit their observations on the report and requested the Secretary-General to submit an analytic report on the replies received.<sup>26</sup>

12. Pursuant to General Assembly resolution 2786 (XXVI) of 6 December 1971,<sup>27</sup> the Commission on Human Rights requested all Governments to communicate to the

<sup>13</sup>E S C resolution 2058 (LXII).

<sup>14</sup>G A resolution 2584 (XXIV).

<sup>15</sup>E S C resolution 1474 (XLVIII). See paras. 13 and 17 below, and *Repertory, Supplement No. 4*, under Article 62(3), para. 11. See also *Repertory, Supplement No. 5*, under Article 62 (4).

<sup>16</sup>E S C resolution 1794 (LIV).

<sup>17</sup>E S C resolution 1978/18.

<sup>18</sup>E S C decision 1978/24.

<sup>19</sup>G A resolution 2673 (XXV), para. 4.

<sup>20</sup>Ibid., para. 5.

<sup>21</sup>E S C resolution 1597 (L).

<sup>22</sup>G A resolution 2854 (XXVI), para. 2.

<sup>23</sup>See E S C (50), Suppl. No. 4, chap. XIX.

<sup>24</sup>E S C resolution 1597 (L).

<sup>25</sup>Ibid.

<sup>26</sup>G A resolution 2854 (XXVI), paras. 3-5.

<sup>27</sup>See para. 4 above.

Secretary-General their comments and views concerning the draft convention and the draft protocol on the suppression and punishment of the crime of apartheid.<sup>28</sup> By its resolution 2922 (XXVII) of 15 November 1972, the General Assembly requested the Secretary-General to transmit to Member States the revised draft Convention on the Suppression and Punishment of the Crime of Apartheid and the amendments thereto for their comments and views.<sup>29</sup>

13. By its resolution 1474 (XLVIII) of 24 March 1970, convening the Conference of Plenipotentiaries for the Adoption of the Protocol on Psychotropic Substances,<sup>30</sup> the Economic and Social Council requested the Secretary-General to transmit for their consideration the revised draft Protocol adopted by the Commission on Narcotic Drugs, the report and the summary records of its session and such background documentation as he considered pertinent, to all States Members of the United Nations and members of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, as well as to the International Narcotics Control Board and to the International Criminal Police Organization.<sup>31</sup>

14. By its resolution 1568 (L) convening the United Nations/Intergovernmental Maritime Consultative Organization (IMCO) Conference on International Container Traffic,<sup>32</sup> the Economic and Social Council, upon the recommendation of the United Nations Conference on Trade and Development,<sup>33</sup> requested that the Secretary-General ascertain the views of Governments of Member States on those aspects and questions which in their view required clarification, with a view to preparing a study on the economic implications of the proposed Convention on the International Combined Transport of Goods, drafted in part by the Economic Commission for Europe.<sup>34</sup>

4. Requests of the Economic and Social Council for preparation of draft conventions by other bodies

15. In one case, the Economic and Social Council requested another organ of the United Nations to take steps for the preparation of a draft convention. At its fifty-fourth session, the Council endorsed the recommendations of the United Nations/IMCO Conference on International Container Traffic held in 1972<sup>35</sup> and requested the Trade and Development Board of UNCTAD to establish an intergovernmental preparatory group for the elaboration, in consultation as appropriate with other bodies of the United Nations system, of a preliminary draft convention on international intermodal transport.<sup>36</sup> The Council further requested the Trade and Development Board to authorize the intergovernmental preparatory group to make available to it early in 1975 its conclusions on the matter, with a view to the convening of a plenipotentiary conference on the subject.<sup>37</sup>

<sup>28</sup>E S C (52), Supp. No. 7, chap. XIII, resolution 4. See also E S C resolution 1696 (LII).

<sup>29</sup>G A resolution 2922 (XXVII).

<sup>30</sup>See para. 6 above.

<sup>31</sup>See *Repertory, Supplement No. 4*, under Article 62 (3), para. 15.

<sup>32</sup>See *Repertory, Supplement No. 5*, under Article 62 (4).

<sup>33</sup>See E/L.1380.

<sup>34</sup>*Ibid.*, para. 6-7.

<sup>35</sup>See E/L.1380.

<sup>36</sup>E S C resolution 1734 (LIV), para. 2.

<sup>37</sup>*Ibid.*, para. 3.

**\*\*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 under Article 62 (4)**

16. During the period under review, the Economic and Social Council convened one international conference for the purpose of adopting a draft international instrument.<sup>38</sup> The Council convened another international conference for the purpose of adopting amendments to an international instrument.

17. By resolution 1474 (XLVIII) of 24 March 1970, the Council convened the Conference of Plenipotentiaries for the Adoption of the Protocol on Psychotropic Substances prepared by the Commission on Narcotic Drugs.<sup>39</sup>

18. By its resolution 1577 (L) of 20 May 1971, the Council convened the United Nations Conference to Consider Amendments to the 1961 Single Convention on Narcotic Drugs, including proposals prepared by the Commission on Narcotic Drugs.<sup>40</sup>

19. By its resolution 1569 (L) of 12 May 1971, the Council convened the United Nations/Intergovernmental Maritime Consultative Organization Conference on International Container Traffic for the purpose, inter alia, of adopting the draft Convention on the International Combined Transport of Goods (draft TCM convention), prepared jointly by IMCO and the Economic Commission for Europe and developed on the basis of a study carried out by subsidiary organs of the Council.<sup>41</sup> At its fifty-third session, however, the Council decided not to include the draft TCM convention in the provisional agenda of the Conference,<sup>42</sup> but recommended to the Conference a series of criteria to be met in the consideration of a possible convention on the international combined transport of goods.<sup>43</sup>

**ANNEX I**

**List of draft conventions and protocols submitted to the General Assembly**

1. Preliminary Draft International Convention on the Protection of Journalists Engaged in Dangerous Missions  
E S C resolution 1597 (L), annex.
2. Draft Convention on the Suppression and Punishment of the Crime of Apartheid  
E S C resolution 1784 (LIV); *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6* (E/5265), chap. XX, resolution 16 (XXIX), annex.
3. Draft Convention on the Elimination of Discrimination Against Women

<sup>38</sup>See Annex II and *Repertory, Supplement No. 5*, under Article 62 (4).

<sup>39</sup>E S C (48), Suppl. No. 8, p.12. See E S C resolutions 1576 (L) and 1658 (LII). See also para. 2 above and *Repertory, Supplement No. 4*, vol. I, under Article 62 (3), para. 11.

<sup>40</sup>E S C resolutions 1577 (L) and 1665 (LII).

<sup>41</sup>E S C resolution 1568 (L).

<sup>42</sup>E S C resolution 1725 (LIII), para. 1.

<sup>43</sup>*Ibid.*, para. 6.

E S C resolution 2058 (LXII); *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 3* (E/5909), chap. I, draft resolution I, annex.

## ANNEX II

### **List of draft conventions and protocols submitted to international conferences of States**

#### **Draft Protocol on Psychotropic Substances**

*Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 8* (E/4785), p.12; E S C resolutions 1576 (L) and 1658 (LII).