

REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS
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ARTICLE 62 (3)

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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 (3) in the *Repertory* and its *Supplements Nos. 1, 2, 3, 4, 5, and 6*. 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. As in the past, the Economic and Social Council continued to take decisions with regard to the preparation of draft conventions for submission to the General Assembly.

Such preparations have generally followed an initiative of the Council itself, a request from the General Assembly, or an initiative of one of its subsidiary bodies. During the period under review, the Assembly submitted no new request for the preparation of a draft convention, nor did the Council take up the preparation of a draft convention on its own initiative or on that of one of its subsidiary organs. However, the Council continued to prepare, pursuant to a request of the General Assembly during the previous period of review,¹ through its subsidiary organs, one draft international instrument with respect to a matter falling within its competence.² The draft international instrument dealt with the illicit traffic in narcotic drugs and psychotropic substances. It should be noted that in this instance, as discussed below, the draft was not submitted to the General Assembly but rather to a conference of plenipotentiaries for adoption.³

3. The Council also continued to prepare a convention on the rights of the child, which, it will be recalled, followed an initiative noted at the Council's 1978 session by its Commission on Human Rights.⁴ During the period under review, the Economic and Social Council continued to authorize at each session a one-week session of an open-ended working group of the Commission on Human Rights prior to the annual session of the Commission on Human Rights with a view to completing work on the draft convention.⁵ Similarly, the General Assembly, noting progress made on the draft convention, also took decisions each year affecting its preparation, requesting the Commission on Human Rights to continue to give the highest priority to the completion

¹ See *Supplement No. 6*, under this Article, para. 10.

² See Annex I.

³ See para. 5 *infra*; see also *Supplement No. 7*, under Article 62(4), para. 10.

⁴ See *vol. III, Suppl. No. 5*, under this Article, para. 8 and *Vol. IV, Suppl. No. 6*, under this Article, paras. 5 and 9.

⁵ E S C resolution 1985/42, 1986/40, 1987/58, 1988/40. The open-ended working group completed and adopted a first reading of the draft convention. See G A resolution 43/112 and E S C resolution 1988/40.

of the draft convention, and inviting Member States to offer their active contribution or support to its elaboration.⁶ At its forty-second session, the Assembly by its resolution 42/101, requested the Secretary-General to authorize convening, if necessary, the open-ended working group of the Commission for an additional week at its January 1988 session to complete a draft convention so as to facilitate its conclusion in 1989.

II. ANALYTICAL SUMMARY OF PRACTICE

A. The preparation of draft conventions

1. THE PREPARATION OF DRAFT CONVENTIONS BY THE ECONOMIC AND SOCIAL COUNCIL

4. During the period under review, the Economic and Social Council continued to take decisions with regard to the preparation of a draft convention against illicit traffic in narcotic drugs. At its first regular session of 1985 by decision 1985/104,⁷ the Economic and Social Council, pursuant to General Assembly resolution 39/141, decided to request the Commission on Narcotic Drugs, at its thirty-first session, to initiate, as a matter of priority, the preparation of a draft convention against illicit traffic in narcotic drugs which would consider the various aspects of the problem as a whole, in particular those not

⁶ G A resolution 40/113, 41/116, 42/101, 43/112. The decision of the Assembly promoted the preparation process of the convention, generally without containing recommendations bearing on the substance of the convention. However, on one occasion, the Assembly adopted such a recommendation, albeit without addressing it directly to the Council or the Commission, in a preambular paragraph of resolution 43/112 wherein it “[bore] in mind the necessity of taking due account of the cultural values and needs of developing countries in the second reading of the draft convention on the rights of the child, in order to achieve the universal recognition of those rights in the future convention.”

envisaged in existing international instruments. To that end, the Council further decided to transmit as a working paper the draft convention annexed to Assembly resolution 39/141 to the Commission. By the same decision, the Council also requested the Commission to report to the Council, if possible at its first regular session of 1985, on the results achieved in this respect. At its first regular session of 1986, the Council requested the Commission on Narcotic Drugs, at its ninth special session, after consideration of the report of the Secretary-General,⁸ to decide on the elements that could be included in the draft convention against the illicit traffic in narcotic drugs, and requested the Secretary-General to prepare a draft on the basis of those elements and to submit a progress report, including completed elements of the draft convention, to the Commission for consideration at its thirty-second session. The Council further requested the Commission to report to the Council at its regular session of 1986 on the results achieved in this respect during its ninth special session.⁹

5. By its decision 1987/104, the Economic and Social Council in pursuance of General Assembly resolution 41/126, decided to request the Commission on Narcotic Drugs to continue at its thirty-second session its work on the preparation of the draft convention against illicit traffic in narcotic drugs and psychotropic substances in the most expeditious manner, so that it might be effective and widely acceptable and enter into force at the earliest possible date, and to report thereon to the Council at its first regular session of 1987.¹⁰ At its forty-second session, the General Assembly requested the

⁷ E S C decision 1985/104

⁸ E/CN.7/1986/2 and Add. 1.

⁹ E S C decision 1986/113

¹⁰ E S C decision 1987/104

Commission on Narcotic Drugs, through the Economic and Social Council, to consider and, if possible, approve at its tenth special session the draft convention against illicit traffic in narcotic drugs and psychotropic substances, and to prepare recommendations on the next measures to be taken with a view to concluding the preparation of the convention, including the possibility of convening a plenipotentiary conference in 1988 for its adoption.¹¹ The Economic and Social Council, at its first regular session of 1988, decided that the conference of plenipotentiaries for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances should be held at Vienna from 25 November to 20 December 1988, and that the Secretary-General should send invitations to participate in the Conference to those who were invited to participate in the International Conference on Drug Abuse and Illicit Trafficking.¹²

6. During the period under review, the Economic and Social Council also took a number of decisions within the context of ongoing preparation, through its subsidiary organs, of a draft convention on the rights of the child.¹³

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

7. By its resolution 41/126, the General Assembly recognized that the preliminary draft convention prepared by the Secretary-General in compliance with Commission on

¹¹ G A resolution 42/111, para. 5

¹² E S C decision 1988/120

Narcotic Drugs resolution 1 (S-IX) of 14 February 1986¹⁴ constituted a positive step in the preparation of the convention and that the elements included in the draft correspond to many of the interests of the international community in its efforts to confront the problem of illicit drug trafficking. By the same resolution, the General Assembly, *inter alia*, requested the Commission on Narcotic Drugs, through the Economic and Social Council, to continue at its thirty-second regular session its work on the preparation of a draft convention against illicit traffic in narcotic drugs and psychotropic substances in the most expeditious manner, so that it may be effective, and widely acceptable, and enter into force at the earliest possible time. In addition, the Assembly requested the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution.¹⁵

8. By its resolution 42/111, the General Assembly requested the Commission on Narcotic Drugs, through the Economic and Social Council, to consider and, if possible, approve at its tenth special session the draft convention against illicit traffic in narcotic drugs and psychotropic substances, and to prepare recommendations on the next measures to be taken with a view to concluding the preparation of the convention, including the possibility of convening a plenipotentiary conference in 1988 for its adoption. The General Assembly also requested the Secretary-General to make the necessary administrative arrangements for the convening of any agreed plenipotentiary

¹³ See para. 3 above.

¹⁴ See *Official Records of the Economic and Social Council, 1986, Supplement No. 3 (E/1986/23)*.

¹⁵ G A resolution 41/126, para.3

conference in 1988 for the signing of the convention against illicit traffic in narcotic drugs and psychotropic substances.¹⁶

9. By its resolution 43/120, the General Assembly requested the Commission on Narcotic Drugs as the principal United Nations policy-making body on drug abuse control, to identify suitable measures to be taken prior to the entry into force of the convention, and urges all States to adopt a constructive approach with a view to resolving any outstanding differences over the text of the convention.¹⁷

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

10. In the case of preparation of an international convention against illicit traffic in narcotic drugs and psychotropic substances, the Council, by resolution 1987/27, invited all interested States to submit any comments on and/or textual changes to the working document to be circulated for consideration at the meetings of the expert group.¹⁸ By its resolution 1988/8, the Council requested the Secretary-General: (a) to arrange for the conference to be held in 1988, not sooner than four months after the meeting of the review group; (b) to invite to participate in the conference and the meeting of the review group: (i) All States; (ii) Specialized agencies and intergovernmental organizations

¹⁶ G A resolution 42/111, para. 5 and 6.

¹⁷ G A resolution 43/120, para. 3 and 4.

interested in the matter, with the same rights as they have at sessions of the Economic and Social Council; (iii) The International Narcotics Control Board, with the same rights as it has at sessions of the Economic and Social Council. The Council also requested the Secretary-General, to transmit, immediately after the meeting of the review group, the text of the draft convention and related documents to all States and other interested parties.¹⁹

**** 4. REQUESTS OF THE ECONOMIC AND SOCIAL COUNCIL FOR
PREPARATION OF DRAFT CONVENTIONS BY OTHER BODIES**

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

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

11. During the period under review, the Economic and Social Council at its first regular session of 1988, by resolution 1988/8, decided to convene, in accordance with Article 62, paragraph 4, of the Charter of the United Nations and within the provisions of

¹⁸ E S C resolution 1987/27

¹⁹ E S C resolution 1988/8, para. 10

General Assembly resolution 366 (IV), a conference of plenipotentiaries for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances.²⁰

²⁰ *Ibid.*

ANNEX I

List of draft conventions and protocols submitted to the General Assembly

1. Draft Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

E S C decision 1985/104 with annex, 1986/113, 1987/27, 1987/104, 1988/88