Text of Article 62 (1)

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** II. Analytical summary of practice
TEXT OF ARTICLE 62 (1)

The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such manner to the General Assembly to members of the United Nations, and to specialized agencies concerned.

INTRODUCTORY NOTE

1. This study was organized in the same manner as the study of Article 62 (1) in the Repertory Practice of United Nations Organs and its Supplements Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

2. The study is predominantly concerned with studies and reports either initiated or prepared upon direct recommendation of the Economic and Social Council to the General Assembly, Member States, and specialized agencies. Additionally, this study provides detail on other means and methods used by the Economic and Social Council to collect data or information. Recommendations made by the Economic and Social Council to bodies other than the General Assembly, Member States and other organizations associated with the United Nations are also included.

3. Recommendations of the Council under other Articles of the Charter of the United Nations are included insofar as they have bearing on the exercise by the Economic and Social Council of its powers under Article 62 (1).
I. GENERAL SURVEY

A. STUDIES AND REPORTS

1. General

4. During the period under review, the Economic and Social Council continued to exercise its power of initiating studies and reports. As in the past, the Council initiated studies and reports mostly on its own initiative, but also on the recommendation of its subsidiary organs\(^1\) or upon the open invitation of the General Assembly.\(^2\)

5. The Council maintained its practice of initiating various types of studies and reports including analytic studies,\(^3\) comparative analysis,\(^4\) analysis,\(^5\) in-depth analysis,\(^6\) national case-studies,\(^7\) research,\(^8\) and surveys.\(^9\) The Council continued to request the collection of views,\(^10\) and information,\(^11\) response to questionnaires,\(^12\) and contributions to the provision of data.\(^13\)

6. The Council continued its practice of initiating the preparation of, \textit{inter alia},\(^14\) preliminary reports,\(^15\) comparative reports,\(^16\) final reports,\(^17\) updated reports,\(^18\)

\(^1\) See e.g., E S C resolution 1997/22.
\(^2\) See e.g., E S C resolution 1997/24
\(^3\) See e.g., E S C resolution 1995/22.
\(^4\) See e.g., E S C resolution 1997/24.
\(^5\) See e.g., E S C resolution 1995/55.
\(^6\) See e.g., E S C resolution 1997/2.
\(^7\) See e.g., E S C resolution 1997/27.
\(^8\) See e.g., E S C resolution 1998/12.
\(^9\) See e.g., E S C resolution 1996/11.
\(^10\) See e.g., E S C resolution 1995/27.
\(^11\) See e.g., E S C resolution 1997/2.
\(^12\) See e.g., E S C resolution 1996/16.
\(^13\) See e.g., E S C resolution 1996/51.
comprehensive reports,$^{18}$ analytic and comprehensive reports,$^{19}$ integrated synthesis reports,$^{20}$ periodic reports,$^{21}$ and annual reports.$^{22}$

7. The Council continued to initiate studies and reports in regards to subjects on international economic, social, cultural and related matters as covered in previous periods. Among subjects included are poverty eradication and capacity building,$^{23}$ strengthening regional support for persons with disabilities into the twenty-first century,$^{24}$ equalization of opportunities for persons with disabilities,$^{25}$ children with disabilities,$^{26}$ prevention and control of acquired immune deficiency syndrome (AIDS),$^{27}$ action against corruption,$^{28}$ the role of criminal law in protection of the environment,$^{29}$ international migration and development,$^{30}$ regional cooperation in the economic, social and related fields,$^{31}$ administration of juvenile justice,$^{32}$ protection of the heritage of indigenous people,$^{33}$ Middle East peace process,$^{34}$ situation of women and girls in Afghanistan,$^{35}$ Palestinian women,$^{36}$ science and technology for developments,$^{37}$ demand for and supply of opiates for medical and scientific needs,$^{38}$ and penal reform.$^{39}$

$^{14}$ See e.g., E S C resolution 1997/37.
$^{15}$ See e.g., E S C resolution 1995/11.
$^{16}$ See e.g., E S C resolution 1998/2.
$^{17}$ See e.g., E S C resolution 1997/37.
$^{18}$ See e.g., E S C resolution 1995/29.
$^{19}$ See e.g., E S C resolution 1995/56.
$^{20}$ See e.g., E S C resolution 1999/11.
$^{21}$ See e.g., E S C resolution 1997/23.
$^{22}$ See e.g., E S C resolution 1997/24.
$^{23}$ See e.g., E S C resolution 1999/5.
$^{24}$ See e.g., E S C resolution 1998/4.
$^{25}$ See e.g., E S C resolution 1997/19.
$^{26}$ See e.g., E S C resolution 1997/20.
$^{27}$ See e.g., E S C resolution 1995/2.
$^{28}$ See e.g., E S C resolution 1995/14.
$^{29}$ See e.g., E S C resolution 1996/10.
$^{30}$ See e.g., E S C resolution 1997/2.
$^{31}$ See e.g., E S C resolution 1996/7.
$^{32}$ See e.g., E S C resolution 1999/28.
$^{33}$ See e.g., E S C resolution 1996/24.
$^{34}$ See e.g., E S C resolution 1995/52.
$^{35}$ See e.g., E S C resolution 1999/14.
$^{36}$ See e.g., E S C resolution 1995/30.
$^{37}$ See e.g., E S C resolution 1995/4.
$^{38}$ See e.g., E S C resolution 1995/19.
$^{39}$ See e.g., E S C resolution 1999/27.
8. During the period under review, the Council initiated studies and reports with respect to several new subjects including a system-wide medium-term plan for the advancement of women, 2002-2005, effective crime prevention, reconstruction and revitalization of the United Nations in economic social and related fields, meditative and restorative justice measures in criminal justice, establishment of a clearing-house for international projects in the field of crime prevention and criminal justice, long-term program of support for Haiti, 2000 World Population and Housing Census Programme, expansion of the United Nations guidelines for consumer protection to include sustainable consumption, various issues concerning human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), further work for the advancement of women’s rights and the revitalization of the International Research and Training Institute for the Advancement of Women, further measures to prevent illegal trafficking in children and to establish penalties appropriate to such offenses and regulation of explosives for the purpose of crime prevention and public health and safety.

9. The Council focused on the follow-up to the Nairobi Forward-looking strategies for the Advancement of Women and on the fourth conference on women and full implementation of the Beijing Declaration. In this regard, the Council authorized several studies and reports regarding the status of women including on Palestinian women and the situation of women and girls in Afghanistan.

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See e.g., E S C resolution 1999/16.
See e.g., E S C resolution 1999/25.
See e.g., E S C resolution 1999/1.
See e.g., E S C resolution 1999/26.
See e.g., E S C resolution 1995/12.
See e.g., E S C resolution 1999/4.
See e.g., E S C resolution 1995/7.
See e.g., E S C resolution 1999/7.
See e.g., E S C resolution 1995/2.
See e.g., E S C resolution 1999/54.
See e.g., E S C resolution 1996/26.
See e.g., E S C resolution 1998/17.
10. The Council also requested and initiated many reports and studies regarding different aspects of the AIDS pandemic. During this period the Council broadened its horizons in the fight against the AIDS pandemic. The Council created UNAIDS solely to initiate studies, make reports and initiate partnerships in the fight against the AIDS pandemic.

2. Preparation and Submission

11. In accordance with its previous practice, the Council assigned the preparation of studies and reports to the Secretary-General and to the Secretary-General in consultation and collaboration with specialized agencies, organizations associated with the United Nations and other entities. The Council continued to allocate such tasks to its regional commissions and functional commissions.

12. In certain instances the Council requested that the Secretary-General to prepare reports and studies with specified specialized agencies. The Secretary-General was also requested to cooperate with other organizations and entities. The Secretary-General was further asked to prepare reports and studies with states regardless of whether the State was a Member State or a non Member State.

13. The Council also continued its practice of inviting Governments, States and Member States of the United Nations to undertake the preparation of studies and reports.

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52 See e.g., E S C resolution 1995/30.
53 See e.g., E S C resolution 1999/14.
54 See e.g., E S C resolution 1995/2.
55 See e.g., E S C resolution 1996/41.
56 See e.g., E S C resolution 1998/46.
57 See e.g., E S C resolution 1996/44.
58 See e.g., E S C resolution 1996/30.
59 See e.g., E S C resolution 1999/21.
60 See e.g., E S C resolution 1995/4.
61 See e.g., E S C resolution 1999/21.
62 See e.g., E S C resolution 1997/24.
14. In accordance with its previous practice, the Council occasionally entrusted the preparation of studies and reports to special rapporteurs\(^{63}\), departments\(^{64}\), programmes\(^{65}\) and other entities\(^{66}\). For example in its resolution 1999/10, the Council requested the Population Division of the Secretariat to continue its research on population growth, structure and distribution, including levels, trends, determinants, consequences and policies, while giving due attention to issues related to, inter alia, youth, ageing, migration and data collection, so that Governments may benefit by comparing experiences and by understanding the factors underlying changing demographic circumstances.

15. The Council continued its practice of specifying sources of material to be used in studies and reports similar to those described in the study on Article 62 (1), in previous Supplements of the *Repertory of Practice of United Nations Organs*.\(^{67}\) For example, to take into account provisions enumerated in General Assembly resolutions,\(^{68}\) the efforts made and the experience gained,\(^{69}\) the work already underway elsewhere in the United Nations system,\(^{70}\) report of intergovernmental group of experts,\(^{71}\) and information received by Governments.

16. As in the past, studies and reports have been submitted to the Council,\(^{73}\) to its functional commissions,\(^{74}\) committees,\(^{75}\) *ad hoc* committees and to the General Assembly.\(^{77}\)

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\(^{63}\) See e.g., E S C resolution 1996/24.

\(^{64}\) See e.g., E S C resolution 1999/10.

\(^{65}\) See e.g., E S C resolution 1995/51.

\(^{66}\) See e.g., E S C resolution 1996/30.

\(^{67}\) See Supplements Nos. 1, 2, 3, 4, 5, 6, 7 and 8 for Article 62 (1).

\(^{68}\) See e.g., E S C resolution 1995/50.

\(^{69}\) See e.g., E S C resolution 1997/41.

\(^{70}\) See e.g., E S C resolution 1999/9.

\(^{71}\) See e.g., E S C resolution 1998/14.

\(^{72}\) See e.g., E S C resolution 1998/41.
17. The Council continued to take action on studies and reports similar to those actions taken in the past. For instance, the Council considered studies and reports as well as requested the Secretary-General to circulate studies and reports for information.

B. RECOMMENDATIONS

1. General

18. During the period under review, the Council did not expressly refer to Article 62 (1) of the Charter of the United Nations as a basis for making recommendations. The terminology used by the Council did not appear to follow any general pattern. However, a particular terminology may have been considered more appropriate with regard to the substance of recommendations and the type of action recommended. The terms “urges” and “calls upon” were frequently used recommendations addressed to States, whereas the term “recommends” was mostly used when addressing the General Assembly. The term “invites” was repeatedly employed in recommendations to the specialized agencies.

2. To States

73 See e.g., E S C resolution 1997/48.
74 See e.g., E S C resolution 1998/23.
75 See e.g., E S C resolution 1997/22.
76 See e.g., E S C resolution 1998/14.
77 See e.g., E S C resolution 1998/42.
78 See e.g., E S C resolution 1998/27.
79 See e.g., E S C resolution 1997/41.
80 See e.g., E S C resolution 1995/8.
81 See e.g., E S C resolution 1995/7.
82 See e.g., E S C resolution 1995/7.
83 See e.g., E S C resolution 1995/59.
84 See e.g., E S C resolution 1995/4.
19. As in the past, the Council addressed Member States in general, \(^{85}\) categories or groups of Member States \(^{86}\) and particular Member States \(^{87}\) relating to the issue under consideration. In the same manner, the Council addressed Governments \(^{88}\) and States. The Council continued to address the international community on several occasions. \(^{90}\)

20. The Council furthered its practice of addressing States \(^{91}\) in conjunction with specialized agencies, organizations, organs and bodies of the United Nations system, governmental, non-governmental and intergovernmental organizations, bilateral and multilateral agencies, regional and sub-regional organizations, enterprises, services, programmes, national and international institutions, research institutes and transnational organizations. In one instance, \(^{92}\) the Council addressed “… Member States, as well as relevant organizations to strengthen their efforts to cooperate with the United Nations International Drug Control Programme in the development and implementation of sub-regional strategies […]”. In another instance, \(^{93}\) the Council addressed “… Member States, other entities of the United Nations system and relevant intergovernmental organizations to continue their efforts to implement effectively the guidelines for consumer protection […]”.

21. During the period under review, the Council continued to make recommendations to States covering the same subjects as discussed in its previous sessions. These include: the human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS) \(^{94}\) the demand and supply of opiates for medical and scientific purposes, \(^{95}\)

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85 See e.g., E S C resolution 1995/59.
86 See e.g., E S C resolution 1996/26.
87 See e.g., E S C resolution 1995/5.
88 See e.g., E S C resolution 1995/26.
89 See e.g., E S C resolution 1996/9.
90 See e.g., E S C resolution 1997/40.
91 See e.g., E S C resolution 1997/45.
92 See e.g., E S C resolution 1995/17.
youth, crime prevention and criminal justice, Europe-Africa permanent link through the Strait of Gibraltar, implementing of declaration on granting independence to colonial countries, the role of criminal law in the protection of the environment, Middle East peace process.

22. The Council also made several recommendations on subjects not previously addressed to States, such as effective crime prevention, meditative and restorative justice measures in criminal justice, establishment of a clearing-house for international projects in the field of crime prevention and criminal justice, long-term program of support for Haiti, 2000 World Population and Housing Census Programme, expansion of the United Nations guidelines for consumer protection to include sustainable consumption, various issues concerning human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), further work for the advancement of women’s rights and the revitalization of the International Research and Training Institute for the Advancement of Women, further measures to prevent illegal trafficking in children and to establish penalties appropriate to such offenses, regulation of explosives for the purpose of crime prevention and public health and

\[93\] See e.g., E S C resolution 1997/53.

\[95\] See e.g., E S C resolution 1999/33.

\[96\] See e.g., E S C resolution 1999/18.

\[97\] See e.g., E S C resolution 1997/24.

\[98\] See e.g., E S C resolution 1995/48.

\[99\] See e.g., E S C resolution 1998/38.

\[100\] See e.g., E S C resolution 1996/10.

\[101\] See e.g., E S C resolution 1995/52.

\[102\] See e.g., E S C resolution 1997/24.

\[103\] See e.g., E S C resolution 1999/26.

\[104\] See e.g., E S C resolution 1995/12.

\[105\] See e.g., E S C resolution 1999/4.

\[106\] See e.g., E S C resolution 1995/7.

\[107\] See e.g., E S C resolution 1999/7.

\[108\] See e.g., E S C resolution 1995/2.

\[109\] See e.g., E S C resolution 1999/54.

\[110\] See e.g., E S C resolution 1996/26.
safety, measures on the prevention and control of illicit trafficking in motor vehicles, international cooperation against corruption and bribery in international commercial transactions, measures to regulate firearms for the purpose of combating illicit trafficking in firearms, international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing, penal reform, administration of juvenile justice and recommendations on preparations for the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century.

23. The recommendations by the Council envisaged a variety of actions, such as the implementation of guidelines, recommendations, programmes and strategies, the establishment of national measures, the participation in meetings and negotiations, the undertaking of cooperation, the providing of information to certain entities, the taking or adoption of practical, institutional, educational, organizational and other measures, the taking or support of certain actions and activities, the consideration of, or priority to certain issues and the donation of contributions and assistance.

111 See e.g., E S C resolution 1998/17.
112 See e.g., E S C resolution 1997/29.
113 See e.g., E S C resolution 1997/25.
114 See e.g., E S C resolution 1998/18.
115 See e.g., E S C resolution 1998/23.
116 See e.g., E S C resolution 1999/27.
117 See e.g., E S C resolution 1999/28.
118 See e.g., E S C resolution 1999/50.
119 See e.g., E S C resolution 1999/7.
120 See e.g., E S C resolution 1999/24.
121 See e.g., E S C resolution 1998/26.
122 See e.g., E S C resolutions 1998/12 and 1997/18.
123 See e.g., E S C resolution 1999/17.
124 See e.g., E S C resolution 1999/22.
125 See e.g., E S C resolution 1998/46.
126 See e.g., E S C resolution 1997/20.
127 See e.g., E S C resolution 1999/23.
128 See e.g., E S C resolution 1999/17.
129 See e.g., E S C resolution 1999/52.
24. The Council also encouraged States to revise their legislation.\textsuperscript{135} By resolution 1997/22, the Council urged countries to review and evaluate their legislations and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system.

25. The Council also invited States to co-operate with entities of the United Nations system\textsuperscript{136} and other organizations.\textsuperscript{137}

26. In a few instances, the Council envisaged limitations for the implementation of its recommendations. By its resolution 1997/22, the Council urged States to continue to make every effort possible to implement fully the Naples Political Declaration and Global Action Plan by taking the most appropriate legislative, regulatory and administrative measures, including those aimed at prevention.

3. To the General Assembly

27. During the period under review, recommendations to the General Assembly relating to new subjects including long term strategy and programme of support for Haiti,\textsuperscript{138} the Convention against Transnational Organized Crime,\textsuperscript{139} Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,\textsuperscript{140} action

\textsuperscript{130} See e.g., E S C resolution 1997/28.
\textsuperscript{131} See e.g., E S C resolutions 1995/27 and 1999/14.
\textsuperscript{132} See e.g., E S C resolutions 1996/30 and 1998/7.
\textsuperscript{133} See e.g., E S C resolutions 1995/19, 1996/11 and 1997/38.
\textsuperscript{134} See e.g., E S C resolutions 1995/30, 1995/42 and 1996/5.
\textsuperscript{135} See e.g., E S C resolution 1996/10.
\textsuperscript{136} See e.g., E S C resolutions 1996/13 and 1999/27.
\textsuperscript{137} See e.g., E S C resolution 1997/18.
\textsuperscript{138} See e.g., E S C resolution 1999/11.
\textsuperscript{139} See e.g., E S C resolution 1999/20.
\textsuperscript{140} See e.g., E S C resolution 1999/21.
against corruption,\textsuperscript{141} drug demand reduction,\textsuperscript{142} gender equality,\textsuperscript{143} establishment of a clearing-house for international projects in the field of crime prevention and criminal justice\textsuperscript{144} and work for the advancement of women’s rights and the revitalization of the International Research and Training Institute for the Advancement of Women\textsuperscript{145}.

28. As in the past, the Council recommendations addressed to the General Assembly envisaged actions including the adoption of draft resolutions\textsuperscript{146} and guidelines,\textsuperscript{147} the proclamation of years\textsuperscript{148} and decades\textsuperscript{149} and the initiation of a comprehensive process for the preparation of an international cooperation strategy in criminal matters.\textsuperscript{150}

4. \textbf{To the specialized agencies}

29. The Council furthered its practice of addressing particular specialized agencies,\textsuperscript{151} specialized agencies in general,\textsuperscript{152} specialized agencies in conjunction with organizations and other entities whether or not part of the United Nations system and States.\textsuperscript{153} By resolution 1998/38, the Council addressed “….the specialized agencies and other organizations of the United Nations system and international and regional organizations to examine and review conditions in each Non-Self-governing Territories…”.

30. The council continued to make recommendations to the specialized agencies relating to issues such as Granting of Independence to Colonial Countries and Peoples,\textsuperscript{154} Palestinian women\textsuperscript{155} and science and technology development.\textsuperscript{156}

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\textsuperscript{141} See e.g., E S C resolution 1999/22.
\textsuperscript{142} See e.g., E S C resolution 1999/29.
\textsuperscript{143} See e.g., E S C resolution 1999/50.
\textsuperscript{144} See e.g., E S C resolution 1995/12.
\textsuperscript{145} See e.g., E S C resolution 1999/54.
\textsuperscript{146} See e.g., E S C resolution 1999/3.
\textsuperscript{147} See e.g., E S C resolution 1996/8.
\textsuperscript{148} See e.g., E S C resolutions 1998/28, 1997/18, 1997/44 and 1997/47.
\textsuperscript{149} See e.g., E S C resolutions 1998/31 and 1995/47.
\textsuperscript{150} See e.g., E S C resolution 1997/26.
\textsuperscript{151} See e.g., E S C resolutions 1999/30 and 1998/2.
\textsuperscript{152} See e.g., E S C resolution 1998/38.
\textsuperscript{153} See e.g., E S C resolutions 1997/31 and 1996/37.
31. The recommendations to the specialized agencies also dealt with several new issues including children with disabilities, administration of juvenile justice. 

32. The recommendations to the specialized agencies envisaged a variety of actions, including the development of policies and programmes, the implementation of plans of action and guidelines, the participation in meetings, the inclusion of items in their agenda, the giving of assistance and the exchange of experience and information.

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154 See e.g., E S C resolution 1997/66.
155 See e.g., E S C resolution 1996/5.
156 See e.g., E S C resolution 1995/4.
157 See e.g., E S C resolution 1997/20.
158 See e.g., E S C resolution 1997/30.
159 See e.g., E S C resolutions 1998/12 and 1996/18.
160 See e.g., E S C resolution 1995/27.
161 See e.g., E S C resolutions 1997/55 and 1997/66.
162 See e.g., E S C resolutions 1997/7 and 1995/10.
163 See e.g., E S C resolution 1995/63.
164 See e.g., E S C resolution 1996/26.
165 See e.g., E S C resolutions 1997/35 and 1997/40.
166 See e.g., E S C resolution 1999/18.