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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Draft first international covenant on human rights and measures of implementation (A/1384, A/C.3/534, A/C.3/535, E/1681) (continued)

[Item 63]*

1. Mr. CASSIN (France) said that in the view of his delegation those articles in the Universal Declaration of Human Rights which dealt with economic, social and cultural rights were the most important new contributions made by that document. The adoption of a covenant which did not cover these rights, or was not accompanied by another instrument specifically devoted to them and by appropriate provisions for their implementation, would be an unpardonable anachronism. The French Declaration of the Rights of Man and of the Citizen had found its national social complement in the recent French Constitution; a similar combination was necessary on the international plane.

2. Nevertheless, it was obvious that all the rights covered in the Declaration could not be included in the first covenant, nor could the rights included be guaranteed to their fullest extent. The right path could only be found by progressive efforts, as was evidenced by the fact that, after asking the Secretary-General to prepare a memorandum on the work already done by the specialized agencies in the field of economic, social and cultural rights, it had been found necessary to request the specialized agencies to devote specific attention to the problem and to make positive suggestions with respect to the articles to be included in the covenant. The Commission on Human Rights and the General Assembly would do better work on the covenant in 1951 if they did not attempt to do too much at once.

3. While he did not agree that it would be sufficient to guarantee personal rights and civil liberties and the rest would come automatically, the fact was that the economic and social rights to be included in the covenant, which would be legally binding, should be carefully delimited. They were much more difficult to define than the rights included in the first eighteen articles.

France, for example, would like the covenant to contain formal undertakings with regard to the elimination of illiteracy, but no State, no matter how advanced, could guarantee immediately and completely to eradicate illiteracy among its people. The USSR, for example, had not yet attained that goal after thirty years of unremitting and praiseworthy effort. States would be able to give such an undertaking, which would, moreover, be much less far-reaching than article 24 of the Declaration, only if they were permitted some time in which to fulfil it.

4. There were also questions of method. One of them was that of ratification. Although the method preferred by the United Kingdom delegation—that of first bringing national legislation into line with the covenant, and then ratifying the covenant—was perfectly reasonable, and had been followed with regard to International Labour Organisation conventions, it would entail far too long a delay. In his view, States should first ratify the covenant and then alter their domestic legislation accordingly within a given period.

5. The second question of method arose in connexion with the fact that economic and social problems had for some thirty years been dealt with by ILO, which had established almost a hundred international conventions. The General Assembly must be careful not to impair the admirable work done by ILO; rather, it should take that work as a basis and should endeavour to go a step further. It should not be forgotten that the specialized agencies had primary competence in technical fields. If any economic rights included in the covenant were already the subject of an international convention, as in the case of the right to form trade unions, for example, the governing instrument in the application of that right would be the convention, and some agreement would have to be concluded between States which adhered to the convention and those which did not.

6. As economic and social rights were of a technical nature, some special machinery might have to be provided for their implementation. He would not go into that question in detail, as the whole subject of implementation would be debated later.

* Indicates the item number on the General Assembly agenda.

7. With respect to the question whether the economic, social and cultural rights should be included in the draft covenant or in a separate instrument to be adopted at the same time, the French delegation still had an open mind, although at first sight it would appear that two parallel documents might be preferable. One argument in support of that view was that in all probability the articles dealing with economic, social and cultural rights would have to be revised in the near future, an operation which would be simpler if they were in a separate document.

8. He fully realized that great difficulties lay ahead, but they were not insuperable. Nevertheless, since standards of living and codes of law differed greatly in various parts of the world, it would not be possible to include in the draft first covenant all the economic and social rights for which mankind was waiting. All that could be expected in 1951 was an initial statement of some of those rights.

9. Mr. NORIEGA (Mexico) remarked that the modern world was in the grip of fear, fatigue and frustration. The current generation had lived through two terrible world wars and wondered whether the fine promises made to it by its leaders had been no more than empty phrases.

10. At the close of the First World War social and labour problems had received recognition in the Covenant of the League of Nations, in the emergence of ILO, and in a series of international conventions which sought to make good the postulates of social justice laid down in the nineteenth century. From the Second World War had emerged the concept of the four freedoms proclaimed by President Roosevelt, which the United Nations had been endeavouring to implement since 1946 in its work on human rights.

11. It was generally recognized that the Universal Declaration of Human Rights had great moral force; in the opinion of the Mexican delegation it had more than that. The States which had voted for it had thereby committed themselves to making it a standard of their domestic policy.

12. He was strongly in favour of including economic and social rights in the draft first covenant. Those who wished to postpone such action until some unspecified future time took as narrow a view of human needs as the Europeans of the Victorian era who had failed to look beyond their tidy and orderly world and to see the misery and subjection of other peoples.

13. The industrial revolution had brought into the world a new social force—labour—and the leading thinkers of the nineteenth century had realized the need to guarantee economic and social rights to mankind. Mexico had been the first country to incorporate such rights in its Constitution; its example had been followed by others. Experience had shown that political and civil rights were of little use unless accompanied by economic and social rights. The right to vote or to hold any governmental office was ineffective unless accompanied by the right to join a trade union and the right to social protection.

14. The draft first covenant as it stood would be of no advantage to most nations, since the rights it contained

were to be found in nearly all the constitutions in the world. As it had stated at the eleventh session of the Economic and Social Council,¹ the Mexican delegation held that it would be better to have no covenant at all if the economic and social rights were not included in it. An incomplete covenant would destroy the value of the Universal Declaration of Human Rights by opening the way to the argument that, inasmuch as only the provisions contained in the covenant were binding, any part of the Declaration which was not included in the covenant was of no importance.

15. It was essential that the covenant should contain economic and social rights and should not contain a federal or colonial clause, in order that its benefits might be extended to the populations of colonial and Trust Territories, which represented more than one-tenth of mankind. The Mexican Government would support such a covenant as representing an international effort to rehabilitate the human person. The arguments in favour of delay were specious; there was no time to waste. The United Nations must produce a covenant on human rights which would help the peoples of the world to emerge from their state of fear, fatigue and frustration.

16. Mr. PLEIC (Yugoslavia) emphasized that the Universal Declaration of Human Rights did not merely list certain economic and social rights; it included those rights because it conceived of man as an integrated personality, which for its full expression and well-being required the enjoyment of economic and social as well as political and civil rights. Such a conception was not fortuitous; it was the logical outcome of a hundred and fifty years of historical development. In the modern world, man's right to social and economic security was generally accepted; it had been recognized in the constitutions of a number of States with varying political, economic and social structures. The Universal Declaration of Human Rights had recognized it on the international plane, and it was for the covenant on human rights to transform that conception into an international obligation.

17. The question, therefore, was not whether economic and social rights should be recognized in the first draft covenant or in some other instrument, to be adopted at once or later; the question was whether the balanced conception of the human being incorporated in the Declaration was to be preserved in the covenant. It would be absurd if, through the elimination of economic and social rights, those two documents should present diametrically opposed conceptions of the human being and his rights.

18. Furthermore, the implementation of a covenant which was silent on the subject of economic and social rights might have dangerous consequences, particularly for under-developed countries. Those countries were making great efforts to establish the necessary material conditions for the enjoyment of human rights; an incomplete covenant might actually hinder their efforts and provide opportunities for the more advanced countries to interfere in their domestic affairs.

19. The Yugoslav delegation realized that, in view of the great differences in the way of life in the various countries, it would be far from simple to incorporate

¹ See *Official Records of the Economic and Social Council, Eleventh Session, 379th meeting.*

in the covenant fair and acceptable provisions on economic and social rights. The problem of implementation would also present considerable difficulties. Nevertheless, the effort must be made. The United Nations must draw up a covenant which corresponded to the basic concepts of the Declaration and which guaranteed economic, social and cultural rights to mankind as well as political and civil rights.

20. Mr. MACCAS (Greece) stated that there had long been a controversy as to whether politics determined economic and social progress or whether economic and social events determined political phenomena. His delegation believed that political action exerted a direct and immediate influence on social and economic conditions and that economic and social rights were unavailing without political rights. For that reason it felt that priority should be accorded to political rights. As the representative of Turkey had previously stated, the United Nations ought to begin with rights acceptable to all.

21. That was why his delegation accepted the first eighteen articles of the draft covenant as drafted. It did so the more readily since the human rights committee mentioned in article 19 could easily be requested to provide an authoritative interpretation of the rights in question, should that prove necessary.

22. The Greek Constitution was one of the most liberal in the world, and sweeping social and economic rights had been guaranteed by law in Greece. From a constitutional point of view, therefore, the Greek delegation could have no objection to the inclusion of articles concerning economic, social and cultural rights in the draft covenant.

23. It was, however, aware that economic and social rights were extremely difficult to define, as had also been noted by the Netherlands representative in the Committee (297th meeting) and by Sir David Maxwell Fyfe at the Consultative Assembly of the Council of Europe in Strasbourg. Furthermore, at its 181st meeting, the Commission on Human Rights had concluded that articles on economic and social rights required a more thorough study than could possibly be carried out by the Commission at its sixth session.² The Commission had also considered that it might be useful to have prior consultation with such specialized agencies as ILO and UNESCO.

24. The Lebanese representative had correctly stated that, the right to life being fundamental, the individual must also be protected against want and must be granted the social right to a minimum of well-being. It was, however, clearly impossible to abolish want and illness by a stroke of the pen. The best way of accomplishing such economic and social objectives was through the work of agencies such as WHO, FAO, UNICEF and, last but not least, ILO.

25. There were other difficulties such as the right of parents to choose the kind of education they desired for their children. In face of the fact that Greek parents continued to be deprived of their children, in spite of repeated United Nations resolutions and in spite of the pressure of world public opinion, it was impossible to be anything but sceptical about the effectiveness of any articles on cultural rights at the current stage.

² See document E/CN.4/SR.181.

26. It was clear that the issue confronting the Committee was above all a political problem, or rather a problem of political organization and of the interpretation of principles of law and liberty. Without the most basic of all human rights—the right to free elections, involving a choice between at least two parties, the right to organize a political opposition, the right freely to exercise political control over any government, the right to distribute freely, across national boundaries, information about current events—without such basic democratic rights the building which the United Nations was attempting to erect in the field of human rights would lack a keystone, and there could be no certainty that people would be enabled to live under freedom, law and justice.

27. In the current state of the world's history, it would be idle to hope for the completion of such a building. It would be better not to attempt to go beyond the rights and freedoms on which there was agreement. Moreover, it should be borne in mind that the struggle for liberty and right was a continuing task and that, once the covenant on human rights had been signed and ratified, it could be complemented by the addition of new categories of rights, provided of course that the political and truly democratic rights in the draft first covenant were actually applied and respected.

28. Mr. PHELAN (International Labour Organisation) stated that the best way to demonstrate the interest of ILO in the question under discussion was to recall the origin and constitution of the organization: in establishing ILO, the treaties of 1919 had set forth the conviction that "conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled". It had been recognized that improvements in those conditions were urgently needed in respect of regulation of hours of work, of labour supply, prevention of unemployment, adequate wages, protection against sickness and accident, protection of children and women, old age provisions, equal pay for equal work, freedom of association, vocational and technical education—in other words, much the same *desiderata* as were occupying the Committee's attention. Further evidence of the keen interest of ILO was to be found in its own Constitution, where it was stated that the contracting parties were "moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world".

29. While the attainment of any human rights was fraught with juridical and other difficulties, those difficulties were nowhere greater and more complex than in the sphere of economic and social rights.

30. The Universal Declaration of Human Rights was vitally important in relation to economic and social matters. It mapped world thinking on that aspect of human rights and, at the same time, charted a course for the future. The same was true of the ILO Constitution of 1919 and of the subsequent Declaration of Philadelphia of 1944. All those instruments were duly effective for their purpose, but called for careful thought and painstaking effort to translate their principles into universally working realities.

31. International instruments dealing with economic and social rights must be spelled out in detail, as varying interpretations of broader statements would thwart the goal of benefiting people everywhere. In some instances the principles must be applied in progressive stages, in order to take into account the level of economic development in different areas. General terms must be interpreted and, as world conditions changed, earlier decisions must be revised from time to time. The interrelationship of economic arrangements, the interdependence of one industry and one occupation on others, must be borne in mind, for unless an effort were made to foresee the consequences of changes, those consequences might well defeat the desired general principles. Those were the lessons learned by ILO since its inception and they made it clear that general principles were not enough to secure the extension of economic and social rights.

32. The United States (297th meeting) and French (298th meeting) representatives had referred to the ninety-eight international conventions and eighty-eight international recommendations on labour and social matters adopted by ILO. He would note in that connexion that more than forty ILO recommendations and conventions related to article 23, paragraph 1, of the Universal Declaration of Human Rights, a fact which supported his view of the great complexity of the issues under discussion. Moreover, many of the conventions had the same objectives as articles 22 to 27 of the Declaration. The ILO instruments were not limited to States members of ILO, but could be applied by any country.

33. The report by the Secretary-General (E/CN.4/364), which analysed ILO activities in relation to articles 22 to 27 of the Universal Declaration of Human Rights, showed that substantial action had been taken on each phase of the question falling within the competence of ILO. It showed that international conventions or recommendations had been adopted in respect of employment service, vocational guidance, vocational training and apprenticeship, hours of work, minimum wages, industrial health and safety and welfare, vacations with pay, protection against unemployment, protection of women and children, and, in some of its aspects, equal pay for equal work, a subject which would be dealt with further at the next International Labour Conference. Much work had also been done on social security and that subject was on the agenda of that conference.

34. The International Labour Organisation had assisted member States in the development of proper administrative techniques. Many countries had found that they required such assistance in adopting new types of social legislation.

35. The constitutional provision for the tripartite structure of ILO—national delegations composed of representatives of workers, employers and governments—had proved to be invaluable in placing the work of the organization on a sure footing.

36. Article 1 of the Agreement between the United Nations and the International Labour Organisation declared that ILO was "responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth

therein". As foreseen in the Agreement, relations between ILO and the United Nations had been closely co-operative. Resolutions 121 (VI) and 239 (IX) of the Economic and Social Council were examples of that co-operation, and it had been on the basis of such co-operation that the Director-General of ILO had outlined the views of the Governing Body of his organization on the inclusion of economic and social rights in the draft covenant in a letter to the Secretary-General dated 30 March 1950 (E/CN.4/403). The letter had called attention to the feeling of the Governing Body that full consideration should be given to the place of ILO in order to avoid duplication or even conflict as to detail. The Governing Body of ILO was convinced that it was in a position to render assistance in attaining the objectives under discussion.

37. The International Labour Organisation hoped for a continuance of the procedure under which matters within the competence of ILO were referred by the Council or the Assembly to ILO for action and that the experience and facilities of ILO would be kept clearly in mind in any action proposed.

38. In answer to a request from Mrs. ROOSEVELT (United States of America), the CHAIRMAN stated that the text of the ILO representative's statement would be circulated to members of the Committee.

39. Mr. PEREZ PEROZO (Venezuela) considered that the Commission on Human Rights should be invited to prepare articles on economic, social and cultural rights which should be incorporated into successive, separate instruments. That was a most difficult and delicate assignment, and the number of States signing the respective instruments would depend to a large extent upon the manner in which the Commission carried out its task.

40. It could be taken for granted that the first eighteen articles would be readily accepted by most governments, provided that they were amended in the light of the debate in the Committee and of the comments of governments. It was, however, doubtful whether the ratification of the covenants on economic and social rights would prove to be as easy to secure.

41. It was doubtful because the world was divided into advanced and under-developed countries, a division clearly recognized by the United Nations in other contexts. The differences between the two types of countries could not be ignored. The real problem was that the advanced States must commit themselves to guarantee the application of certain rights in their own territory, although those rights could not be applied in all countries because of low standards of living and financial weakness. As an example, financial considerations would make it all but impossible for some under-developed countries to comply fully with the provisions of article 10 of the draft covenant. There were many similar examples arising from the difference between developed and under-developed countries.

42. The question of human rights was an old, incessant conflict between the individual and the State, the former fighting to obtain them, the latter resisting their attainment. Every success scored by the individual had led to a limitation of the power of the State. It would, however, be wrong to assume that all the rights which might be included in the draft covenant, includ-

ing economic and social rights, would merely impose limitations on the power of the State for the benefit of the individual, since several of the rights under discussion would commit the State to such activities as granting the individual the right to work, medical assistance and other social services. If it were only a question of limitations, it might not be so difficult to secure acceptance by the State, because in that case the State would merely have to refrain from certain activities. But positive action on the part of the State usually implied expenditure and might therefore make many States hesitate to sign such a covenant.

43. The social rights under discussion had an economic basis and entailed expenditures on the part of the State. For example, article 25 of the Universal Declaration of Human Rights, if included in a covenant, would have important economic and financial consequences.

44. The problems confronting under-developed countries were chronic and lasting, and could not be solved by a covenant dealing with certain economic and social rights, but rather by the promotion of better living conditions in under-developed areas through international co-operation. Any other approach would either result in a legal instrument which would be a dead letter or drive many States into a position in which they would find it impossible to accept the covenants.

45. The problem was not to ascertain which rights were indispensable for human life and dignity—the answer to that question was more or less well-known to almost everyone—but rather to ascertain with precision which of the rights could form a satisfactory basis for a draft covenant acceptable to the largest possible number of sovereign States. While the pursuit of perfection was a noble undertaking, the prestige of the United Nations and the greater interest of the people were not served by international instruments which, for lack of realism and objectivity, were incapable of helping to translate the aspirations of mankind into reality. It was far better to have more modest international instruments that were widely accepted and applied.

46. Mr. SOUDAN (Belgium) stated that the proof of liberty lay in its exercise: everyone had freedom of conscience, even in a concentration camp; what counted was freedom in action, by word, pen and deed. It was all but useless to proclaim a series of rights in a covenant unless provisions were made at the same time to implement those rights by law. It was not enough to proclaim the freedom of the worker: such a proclamation must be given substance by the granting of economic and social rights.

47. Belgium had long been in the forefront of countries promoting basic economic, social and cultural rights. It continued to attach the greatest importance to those aspects of human rights and hoped that they would be covered in the covenant. He had, however, been impressed by the arguments advanced by the United States, French and ILO representatives and by the warnings against possible overlapping and duplication.

48. In the circumstances, he would suggest that the entire issue should be referred back to the Human Rights Commission with the request that the Com-

mission should establish the closest possible consultation thereon with the specialized agencies concerned.

49. Mr. KHOCHRIN (Iran) advocated the inclusion of articles on economic, social and cultural rights. The covenant should be a complete statement of human rights consonant with the Declaration. He understood the inability of the Commission on Human Rights to recommend their inclusion without a more exhaustive study, but their exclusion would detract from the universality of the covenant.

50. AZMI Bey (Egypt) regretted the absence of articles on economic, social and cultural rights, as those rights had become an essential part of the structure of civilized society. Although his country had already made great strides in that field, it would have wished to see such rights included as a guide, an example and a stimulus to its own activities. He was confident that the Commission on Human Rights would be able to surmount the difficulties which it had understandably encountered and would be able to recommend the inclusion of such articles when it reviewed the draft covenant. The Commission should co-operate as closely as possible with ILO and UNESCO, as they had had wide experience in that field.

51. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that his delegation maintained the view, which it had stated previously, that the covenant would be meaningless and would never meet with the approval of the general public if it failed to include articles on economic, social and cultural rights. Such statements of rights as that of the right to life in article 3 had no meaning unless supplemented by a guarantee of the right to subsistence—the right to work and receive a wage. Similarly, the rights to leisure, health and social security were prerequisites for the decent livelihood of every working man or woman.

52. The arguments of the French and other representatives against the inclusion of all the economic, social and cultural rights were inconsistent and untenable. It was not true, in the first place, that there would not be sufficient time to discuss such articles for inclusion in the first international covenant; the Third Committee and the Economic and Social Council would have ample time.

53. Again, it had been argued that haste in drafting the covenant would only be waste, because the quality of the covenant would be impaired. That argument was inconsistent with the previous one and, moreover, the omission of articles on economic and social rights would irreparably damage the quality of the covenant.

54. The arguments that a number of covenants would be better than one, and that there was no need for such articles in the covenant because the rights were already guaranteed by ILO conventions, were equally inconsistent. The mere number of documents allegedly safeguarding human rights was no guarantee of their actual protection. If some of those rights were already guaranteed by ILO conventions, that was an additional argument for writing them into a single instrument, which would show men clearly and intelligibly the rights which were their due and of which they were being deprived.

55. It had been said that the rights laid down in the first eighteen articles were easier to define than eco-

conomic, social and cultural rights. He could see no difficulty of definition when many countries had experience of unemployment, lack of adequate education and the absence of holidays with pay. Such experience made clear enough what was meant by the right to work, to education and to leisure.

56. The argument that economic, social and cultural rights could not be included because such articles would be incompatible with existing legislation would apply equally to the first eighteen articles. Thus, torture was forbidden, but corporal punishment still existed in colonial countries. It had been implied that the articles on economic, social and cultural rights could be added in a second covenant after education had advanced sufficiently, unemployment had been liquidated and productivity had increased until there was general well-being. Some colonial Powers had been ruling their colonies for more than 150 years and 90 per cent of the inhabitants were still illiterate. He wondered, therefore, whether the second covenant would really be drafted within two or three years, as had been proposed, or in a hundred and fifty years. All such arguments were in reality aimed at the total exclusion of articles on economic, social and cultural rights.

57. The French representative had stated that it was impossible to guarantee complete education immediately when even the Soviet Union could not assert that it had eradicated illiteracy. In fact, the USSR had eradicated it in thirty-three years. The experience of socially advanced countries like the Soviet Union, and in particular the Ukrainian Soviet Socialist Republic, had shown that governments which really wished to do so could fully implement human rights. In his own country, the right to work was guaranteed by the Constitution. The working population was increasing by nearly half a million yearly, yet there had been no unemployment for many years. As a result of the constitutional provisions regarding health, leisure, social security and education, more than two-thirds of the Ukrainian budget in 1950 had been devoted to the fulfilment of social and cultural requirements. He cited figures to show the expansion and extent of educational and health institutions in the Ukrainian SSR.

58. Obviously, not all countries could achieve the wide and rapid social and cultural advancement which could be attained by a socialist State. The inclusion of a statement of economic, social and cultural rights inspired by the achievements of the countries that were more advanced socially would, however, immensely strengthen the covenant and stimulate the economic and social agencies in countries that were less advanced socially.

59. He reserved his right to make concrete proposals at a later stage in the debate.

60. Miss BERNARDINO (Dominican Republic) said that, although the Commission on Human Rights had produced an admirable draft covering a number of individual rights, the task of drafting additional articles on economic, social and cultural rights would tax its resources to such an extent that it could not hope to complete the draft covenant for a very long time. It would be wiser therefore to include those rights in another covenant or covenants. The co-operation of the specialized agencies, particularly of ILO and

UNESCO, should be sought and a special effort should be made to use the services of the Commission on the Status of Women, if only in an advisory capacity.

61. It might seem an anachronism at the current stage of civilization to demand special attention for the rights of women, particularly as they were specifically recognized in the Charter of the United Nations and in the Universal Declaration of Human Rights. The fact remained, however, that equal rights for men and women were still not implemented everywhere and that no woman would ever have attained a leading position if a determined group of women had not previously agitated for the rights of their sex. Women were a tremendous force throughout the world; the rights of women should therefore be explicitly written into every international instrument concerned with human rights. It was to be hoped that when the Commission on Human Rights reviewed the draft international covenant on human rights, it would insert a specific reference to the rights of women. Although the words "person" and "individual" grammatically covered both men and women, in the legal systems of many countries they were construed to mean men exclusively. The women in such countries and those in Non-Self-Governing and Trust Territories must be protected by a specific reference to women's rights.

62. Her delegation was prepared to support any constructive resolutions that might urge the Commission on Human Rights to prepare other covenants to include articles on economic, social and cultural rights and also on any other categories of rights omitted from the draft first international covenant on human rights.

63. Mrs. AFNAN (Iraq) believed that to distinguish economic and social rights from other fundamental human rights was merely academic. They should all find a place in the covenant, as they had in the Declaration. Any right acquired by any human being should be acquired by all human beings. No delegation, it was true, opposed the inclusion of articles on economic, social and cultural rights in principle; many, however, advanced technical and legal arguments against it. It was to be noted that it was precisely those countries which had boasted that they were second to none in the domestic implementation of human rights which had raised the greatest objections. They had stated that the protection of fundamental economic and social rights had been written into their constitutions fifty years previously, and appeared to be arguing that fifty years would be required before other countries could reach that level. The argument that the appropriate legislation must precede ratification and that any other procedure would be excessively idealistic was not valid; most constitutions were far more idealistic than the practical application of the law.

64. As the first eighteen articles stood, they were so broad as to be virtually negative. The right to life meant nothing concrete unless it was supplemented by the guarantee of health, work and education—the means towards living.

65. No great harm would be done if some countries used the inclusion of articles on economic, social and cultural rights as a pretext not to ratify the covenant. The very practical result of their inclusion would be that the peoples of those countries would find in them

a stimulus to bring pressure to bear upon their governments to pass legislation in line with the provisions of the covenant and thus finally to ratify it.

66. Mr. PAZHAWAK (Afghanistan) said that his delegation would favour the inclusion of articles on economic, social and cultural rights if the majority of the Committee deemed them desirable. Such articles should be included in any document guaranteeing the protection of human rights. Furthermore, the legal implications of the rights stated as moral obligations in the Universal Declaration of Human Rights should be set out in some convention; the covenant was the instrument most appropriate for that purpose.

67. Although it had been suggested that ILO should

be consulted in view of its wide experience in those matters, it had not been stipulated—as it should have been—that the consultation should be such as to enable ILO to take a major part in the drafting of such articles. The ILO representative had already stated that his organization's tripartite structure fitted it peculiarly well for dealing with work of that kind. The closest possible co-operation between ILO and the United Nations would, moreover, prevent duplication and enable those Members of the United Nations which were also members of ILO to make the best possible use of the experience they had already acquired.

The meeting rose at 6 p.m.