

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL
E/CN.4/SR.184
17 May 1950

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sixth Session

SUMMARY RECORD OF THE HUNDRED AND EIGHTY-FOURTH MEETING

Held at Lake Success, New York,
on Tuesday, 9 May 1950, at 2.30 p. m.

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<u>Chairman:</u>	Mr. CHANG	China
<u>Rapporteur:</u>	Mr. MAIIK	Lebanon
<u>Members:</u>	Mr. WHITAM	Australia
	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. SOREENSEN	Denmark
	Mr. RAMADAN	Egypt
	Mr. CASSIN	France
	Mr. KYROU	Greece
	Mrs. MEHTA	India

Members: (continued)

Mr. MENDEZ	Philippines
Miss BOWIE	United Kingdom of Great Britain and Northern Ireland
Mr. SIMSARIAN	United States of America
Mr. CRIBE	Uruguay
Mr. JEVREMOVIC	Yugoslavia

Representatives of specialized agencies:

Mr. J. IEMOINE	International Labour Organisation (ILO)
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
<u>Category B:</u>	Mrs. AIETA	Catholic International Union for Social Service
	Mrs. NOLDE	Commission of Churches on International Affairs
	Mr. HALPERIN	Co-ordinating Board of Jewish Organizations
	Mrs. BENDER	International Co-operative Women's Guild
	Mr. BEER	International League for the Rights of Man
	Mrs. SCHAEFER	International Union of Catholic Women's Leagues
	Mr. GROSSMAN	World Jewish Congress

Secretariat:

Mr. SCHWEIB	Assistant Director, Division of Human Rights
Mr. DAS	Secretary of the Commission

PROPOSALS FOR ADDITIONAL ARTICLES TO BE INSERTED IN PART II OF THE DRAFT COVENANT (E/1371, E/CN.4/351, E/CN.4/353/Add.10, E/CN.4/353/Add.11, E/CN.4/358, E/CN.4/364, E/CN.4/364/Corr.1, E/CN.4/364/Corr.2, E/CN.4/364/Corr.3, E/CN.4/365, E/CN.4/395, E/CN.4/396, E/CN.4/403, E/CN.4/435, E/CN.4/436, E/CN.4/470).

1. The CHAIRMAN opened the discussion on proposals for additional articles to be inserted in part II of the draft covenant.

2. Mr. WHITIAM (Australia) invited the Commission's attention to documents E/CN.4/353/Add.10 and E/CN.4/470. He stated that his delegation had resubmitted proposals for the inclusion in the draft covenant of articles providing for certain economic and social rights. The proposals resembled those submitted by Australia at the fifth session of the Commission but had, to some extent, been reduced in content in order to represent what could be regarded as a bare minimum of basic rights in the economic and social field. That had been done for two reasons: first, that general acceptance might be feasible and secondly, because in a field showing such variety of industrial and social context, elaboration on a universal level beyond basic terms might not be feasible, or even desirable, for a considerable period of time. With reference to the present and, indeed, any covenant on human rights as such, it might be wise not to go beyond basic prescriptions in that field but to allow the work of filling out and of detailing to be done as sequels, possibly by conventions and possibly by collaboration, in pertinent respects, with other United Nations bodies, such as the ILO.

3. The proposals were not submitted as definitive texts but were intended as formulations of some, but certainly not all, essentials, and were to be discussed and examined in the light of alternative proposals.

4. He called attention to the statement of correlative duty in the first article (E/CN.4/470), stating that it was appropriate and necessary that duty should be associated with right in the proposed article, and that his delegation placed emphasis on that mutuality of obligation. He also invited

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attention to the provision in the third article (E/CN.4/353/Add.10, page 11) concerning a contributory system. The provision was designed to guard against any inference that the provision of social benefits should necessarily be independent of any individual contribution.

5. It had become apparent that it would not be possible, as believed at an earlier stage of the current session, to devote time to a detailed discussion of the Australian and similar proposals before the end of the session. He gathered that opinion was against pressing those proposals during the current session, and he was willing to defer to that opinion. He believed, however, that the Commission would be in favour of considering the proposals concerned at its next session, and he would be content with that decision. No doubt all the members of the Commission were conscious of the urgency of giving attention to the legal protection of economic and social rights. The inequalities arising in human society from laissez-faire policies in relation to modern industrialization must be mastered speedily if the deepening tensions within society were to be stayed and allayed, or even if the coherence of present-day society were to be preserved. It was even more important to be conscious of the necessity of preventing avoidable inequalities from arising or increasing in those areas of the world to which industrial organization was extending or in which it was becoming intensified.

6. While those however were negative considerations, weighty as they might be, their recital did lead to the positive consideration that if freedom, justice and peace were not possible in the world without remedying such inequalities, then economic and social rights must be regarded as inseparable from the rights already under consideration by the Commission -- mainly civil rights -- and as having no less a claim to protection by law.

7. In view of all those considerations the articles on economic and social rights had been re-introduced by his Delegation. He urged that the Commission should recommend to the Economic and Social Council that the Australian proposals, as well as similar proposals, should be considered by the Human Rights Commission as early as practicable.

8. The Commission had reached the stage in which it must limit its attention to the articles currently within the draft covenant and to measures of implementation if both of those were to be established speedily. That consideration explained the position of his delegation.

9. Miss BOWIE (United Kingdom) welcomed the Australian representative's statement. Her delegation had been opposed to the Australian proposals last year in the belief that the part dealing with political and civic rights should be completed first. Her delegation had not been, and was not, opposed to a separate convention on economic and social rights. It feared, however, that if all categories of rights were to be covered in one instrument, the draft covenant on human rights, so anxiously awaited by all the peoples, would never be finished.

10. She had welcomed particularly the Australian representative's reference to collaboration with the specialized agencies whose specialized expert knowledge would be of great service.

11. She supported the Australian representative's procedural proposal.

12. Mr. JEVREMOVIC (Yugoslavia) stated that a draft covenant on human rights which did not include economic and social rights was inadmissible. His delegation had declared during the discussion of the preamble that the draft covenant should include all human rights. Past as well as contemporary human history amply supported that view. The traditional political rights were of course very significant and had been achieved only after great struggles and at the cost of blood. They represented useful and valuable achievements of mankind. They could not, however, prevail for long without social and economic buttressing. It was an elementary fact that before anyone could enjoy the right to freedom of information, to association, indeed the very right to life itself, he must be able to exist physically, and that existence depended also on such material factors as food and shelter. The conclusion was inescapable that the accepted political rights and the economic and social rights formed an inseparable whole. History had made that abundantly clear and had demonstrated that such important questions as those of the relationship between employee and employer, the right to work, the number of working hours, social insurance and social security, must all be solved.

13. Some persons were glibly asserting that all the serious internal conflicts witnessed in the recent past were exclusively the result of subversive propaganda. Arguments of that kind concealed reality. The conflicts in question were the result of the international human desire for a free and economically secure life. Civilization which in the course of its development during the past hundred years had reached inspiring heights of productivity, could not but be shamed by the spectacle of unemployed persons reduced to begging for charity in order to live when those very charity-seekers wanted nothing more than honest employment.

14. While in many countries the "classical" rights continued to prevail, it had gradually become apparent that States must face a new obligation: to accord their citizens economic and social rights as well as the classical political rights, for without the former the latter must inevitably become attenuated. The truth of that statement was strikingly confirmed by the case of nazi Germany. Before the advent of Hitler, German workers had been afflicted with widespread unemployment. Nothing could be more demoralizing for responsible heads of families than prolonged unemployment. It led to hate and criminal tendencies, a fact on which Nazism had seized by seducing and confusing the minds of millions of unemployed persons. Had it not been for the facts he had mentioned, the phenomenon of a Hitler would have been impossible. Hitler had been a catastrophe not only for Germany but for the entire world, and millions of lives had been lost because of him.

15. Clearly, international society could not safely ignore factors of such tragic consequences. The United Nations had shown its awareness of those factors: the Charter mentioned political, economic, social and cultural rights as the basis of peace and security, and it called for their recognition and protection. The Charter thus imposed upon its Members an obligation directly affecting peace, freedom and the development of all countries. The creation of the Economic and Social Council reflected those factors.

16. The Commission on Human Rights, as a part of the United Nations, could not by-pass the facts which he had cited and could therefore not exclude economic and social rights from the draft covenant. To do so would make a mockery of the draft covenant by rendering it totally inadequate to meet the pressing problems of mankind. It would be like a carriage without wheels: no matter how well constructed such a carriage might be, it could never serve the purpose for which it was designed.

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17. In speaking as he had, he had not propounded any new ideas. The facts he had mentioned had been elementary scientific truth ever since the time of Marx and Engels. He would also recall that President Roosevelt had expressed himself in the sense that without economic rights there could be no free society. President Roosevelt's statement had been included in the exhibition of human rights arranged by the Department of Public Information. He had intended to copy the statement verbatim but by the time he had been ready to do so, the statement had disappeared from the exhibit, a fact from which he did not wish to draw any inference, but which accounted for his inability to quote President Roosevelt textually.

18. The report of the fifth session of the Commission on Human Rights showed that Yugoslavia had proposed the inclusion of economic rights in the draft covenant, and his delegation had announced that it would submit new proposals to extend those rights. The Yugoslav amendment (E/CN.436) currently before the Commission did not, however, embody any such extensions, but limited itself to what his delegation regarded as the minimum formulation of the rights concerned.

19. Mr. SORENSEN (Denmark), on behalf of his Government, wished to make a statement of principle concerning the inclusion of economic rights in the draft covenant. The Danish Government considered such an inclusion inadvisable. That, however, did not mean that it disagreed with the view that economic rights were as essential as any other human rights and must form a part of any satisfactory statement of human rights as a whole. Those who argued for the inclusion of economic rights overlooked the fact that the Universal Declaration of Human Rights contained a very sweeping statement on that subject. Future historians would, no doubt, appreciate the great importance of that fact as an historical innovation.

20. His Government further agreed that political and other rights were of no value without economic rights. Its opposition to the inclusion of economic rights in the draft covenant was based on technical considerations. The question was not one of proclaiming a desirable goal but of specifying the means of attaining it. It was of no help to any individual to find stated once again the principle that he had certain economic rights: only detailed regulations could really benefit him. He agreed with the statement (E/CN.4/403, page 2) of the Governing Body of the ILO that "all of these questions /are of

are of such a character that legal obligations relating thereto cannot in the nature of things be expressed in the form of simple principles. Any such obligations would have to take the form of detailed provisions which would necessarily overlap with those of the existing International Labour Conventions or of further International Labour Conventions which are likely to be adopted in the future". The inclusion of brief articles on economic rights in the draft covenant could not but create dangerous illusions without in any way improving people's housing, food or any other elements in their economic situations. Such improvement could be achieved only by special conventions, either at that time or in the future; indeed, it was to be noted that some progress along those lines had already been made.

21. He associated himself with the United Kingdom representative in welcoming the Australian representative's reference to collaboration with the specialized agencies. With their technical knowledge, which the Commission lacked, they could appropriately consider the points made by the representative of Yugoslavia. The Commission's task was to review the work of the specialized agencies and to forward pertinent recommendations to them through the good offices of the Economic and Social Council. The Commission's work would be on a sound basis if it was based on the survey (E/CN.4/364) prepared by the Secretariat. Analyzing that survey, the Commission could point out where satisfactory work had been done and where not, and thus do more for the promotion of economic rights than by a short statement in the draft covenant.

22. The Members of the United Nations were already pledged by the Charter to promote higher standards of living, and no useful purpose would be served by reiterating the general objectives already proclaimed.

23. Mr. MALIK (Lebanon) stated that the Universal Declaration of Human Rights was a comprehensive programme of human rights in which the family of nations had proclaimed the fundamental human rights as it saw them. The Declaration was indeed comprehensive for it had tried to take into account all aspects of human nature. If, therefore, anyone wished to obtain a clear opinion as to what, in the view of the organized family of nations, belonged to/as a man

in the middle of the 20th century, all he had to do was to study the Declaration. But the family of nations had gone a step further and had decided on the preparation of a covenant on human rights. The problem had then been to see how many of the rights contained in the Declaration could be cast into legal language which would be binding upon governments. That task was most difficult: while jurists differed on legal language, governments differed on their views as to what was practicable.

24. The Commission had realized last year that it would not be possible to cover the full scope of the Declaration in a covenant; that realization had had nothing to do with the attachment of its members to the ideals proclaimed in the Declaration.

25. The representatives of Australia and Yugoslavia were right in thinking that the world would misconstrue the omission of economic rights from the draft covenant. Economic rights were of extreme contemporary importance and could not be safely disregarded. If the current session had unlimited time at its disposal, he would gladly go through the whole of the Declaration and attempt to cover every one of its principles in the draft covenant. Such an undertaking would take at least six more months, particularly if the specialized agencies were -- as they should be -- consulted. Although he would have no personal objections to such a course, he would require new instructions from his Government which had only authorized him to attend an eight-week session.

26. The Commission thus had two alternatives before it: to continue the current session for another six months or to carry out its task piece by piece, and to complete it in future years. The latter alternative seemed preferable, particularly if the Commission agreed to decide in advance on its next step.

27. While retaining an open mind on the question, he believed that it would be preferable to try to complete the Commission's work by 20 May, embodying in the first draft covenant whatever was ready by then including some implementation machinery. At the same time the Commission should take a solemn pledge to consider at the forthcoming session all additional proposed articles, which would be listed in an annex to its report to the Economic and Social Council.

28. There was a third possibility, namely, to postpone completion of the draft covenant until September 1951 in order to make it all-inclusive. While that was feasible, he preferred the second alternative which would enable the Commission to keep its pledge to the Economic and Social Council and to the General Assembly.

29. He hoped that both bodies would improve upon the Commission's draft and he also hoped that United Nations membership would be universal by that time, for both events would make the draft covenant more potent and effective.

30. He urged the Commission to submit to the Economic and Social Council for transmission to the General Assembly whatever the Commission might have finished by 20 May and to decide at the same time to pledge itself to the consideration of additional covenants on human rights in 1951. He submitted a draft resolution (E/CN.4/476) to that effect.

31. He noted that the final portion of his draft resolution would request the Economic and Social Council to confirm the Commission's decision concerning additional proposed articles. Such a provision would seem to be indicated because a precedent had been established when the Economic and Social Council had confirmed the Commission's programme of work for the current year.

32. His proposal would not affect some additional proposed articles, such as the one submitted by Belgium (E/CN.4/475), which were of a regulating, procedural nature rather than of a substantive one and could be included in the draft covenant.

33. On the question of social, economic and cultural rights, Mr. Malik had already prepared six separate proposals dealing with such matters as property, education and the family. If the Commission should decide to prolong its current session he would submit those proposals forthwith, but if, as he preferred, his draft resolution were adopted, the proposals could be included in the Commission's work programme for 1951. He was aware that his procedural suggestion might appear to be a counsel of despair. Of all the alternatives before the Commission it did, however, seem to be the best, and if it were honestly followed, no doubts could be cast upon the sincerity of the Commission's attachment to any rights not included in the draft covenant. The world would surely understand.

34. There remained the question of the relation between the Universal Declaration of Human Rights and the covenants, particularly the first draft covenant under discussion. He intended to comment on that relation at the forthcoming session of the General Assembly.

35. Mr. ARRIAGO (United Nations Educational, Scientific and Cultural Organization) was grateful for the opportunity to state UNESCO's position on the question of the inclusion of economic and social rights in the draft covenant.

36. He was authorized to state that the Executive Board of UNESCO, at its nineteenth session in February 1950, had considered the attitude it would adopt regarding the inclusion in the draft covenant of provisions covering the right to education, the right of participation in the cultural life of the community, and the protection of the moral and material interests deriving from any scientific, literary or artistic production; and it had decided to place the entire question on the agenda of the fifth session of the General Conference of UNESCO, to be held in Florence on 22 May. For that reason, UNESCO had no proposals to make at the current session of the Commission on Human Rights; but it reserved the right to submit its views on proposals to the Economic and Social Council or the General Assembly or to a later session of the Commission.

37. Further, UNESCO wished to reaffirm its paramount interest in the rights set forth in articles 26 and 27 of the Universal Declaration of Human Rights, and in any provisions of the draft covenant derived therefrom. It must be clear, however, that the formulation of certain principles in the draft covenant relating to education, culture or the protection of intellectual production should not prejudice the drawing up of special or separate conventions for the purpose of regulating the application of those rights.

38. Finally, UNESCO assured the Commission that in due course it would submit a detailed report on the question, giving the relevant decisions of the General Conference at its fifth session, as well as the activities undertaken by UNESCO in the field in question.

39. Miss SEVDER (International Confederation of Free Trade Unions) appealed to the Commission not to omit economic and social rights from the draft covenant. The importance of those rights had long been recognized. When the Universal Declaration of Human Rights was adopted it had been stressed that the Declaration was a document unparalleled in the history of the world not only because it was international in character but also because it contained a new category of rights; namely, the economic and social rights which were so essential to the millions of working men and women of the world.

40. The industrial revolution had created new social groups whose life depended on the conditions which they encountered as wage earners. For them the right to life had very little meaning if they did not at the same time have the right to earn a living. Economic insecurity often created a state of mind in which the fundamental civil rights, such as freedom of thought and freedom of information, appeared to be less important than freedom from want. If society was to be safeguarded from the menace of totalitarianism of any kind, such fears must be overcome.

41. The close connexion between an improved standard of living and the maintenance of democracy had been so well understood that it had become a vital part of foreign policy. It was expressed in the organization of UNRRA, in the Marshall Plan and in the "Point Four" programme. The Commission therefore could not ignore that fact when drafting the international covenant of human rights. It was essential therefore that the first and most important covenant on human rights should include economic and social rights.

42. Certain objections had been raised against including those rights in the draft covenant. She thought, however, that to postpone the decision on so vital a matter until a later, undefined date would make a very unfavourable impression on the workers of the world. In comparison with the Universal Declaration, the covenant would appear to be a step backward; it would imply that social and economic rights were not among the most fundamental rights which must be included in the first legal and enforceable instrument to be adopted by the United Nations. Such a decision would be a source of great disappointment to many persons who were vitally interested in the work of the United Nations.

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43. She did not find convincing the argument that economic and social rights fell properly within the scope of the ILO. There were other articles in the draft covenant which would have to be dealt with in separate conventions and therefore that argument should be applied universally or not at all.

44. Some members had argued that economic and social rights were difficult to define because of the different level of development in the various countries. That objection, however, could be brought forward with regard to many articles.

45. She was aware that the first covenant could not include the whole range of social and economic rights but she felt that the most fundamental rights should not be omitted. She suggested, therefore, that the following text should be incorporated in the draft covenant:

"Everyone has the right to form and to join trade unions for the protection of the workers' interests.

"Trade unions have the right to affiliate with national and international organizations.

"It will be ensured by law that there will be reasonable limitations on working hours.

"In order to enjoy fair and reasonable wages and working conditions in occupations where wages and conditions are not determined by collective bargaining or other arrangements are not available against exceptionally low wages, the State shall establish and maintain machinery for fixing minimum wages and conditions.

"Everyone has the right to equal pay for equal work.

"Everyone has the right to a free choice of employment.

"Everyone has the right to social security and to safeguards against absence of livelihood caused by unemployment, illness or disability, old age or other factors beyond his control."

46. In her opinion, that formulation included only the most fundamental and non-controversial rights. The fact that they had been discussed so late in the current session did not justify their omission from the draft covenant and, if necessary, the session should be prolonged in order to give the Commission an opportunity to consider them fully. It should be borne in mind that certain countries might seize upon the absence of economic and social rights from the draft covenant as a welcome pretext for refusing to ratify the document.

47. Mr. BEER (International League for the Rights of Man) recalled that on 27 March his organization had submitted to the Commission a memorandum (E/CN.4/NGO.4) stating that in his opinion the Declaration of Human Rights represented an important historical advance over previous documents of a similar nature, and for that reason, it was inconceivable that the draft covenant under consideration should contain no provisions relating to economic, social and cultural rights.

48. The rights in question were those covered by articles 22 to 28 inclusive of the Declaration of Human Rights, which dealt with such rights as social security, free choice of work, equal pay for equal work, rest and leisure periods, education, and participation in the cultural life of the community.

49. Certain governments, in advocating the exclusion of those rights from the draft covenant, appear to draw a distinction ^{between} individual and public rights, with the implication that the latter were more essential. The International League for the Rights of Man believed firmly that such a distinction was contrary to the terms of the United Nations Charter. The relevant provisions of the Charter had drawn their inspiration from the third of the four freedoms proclaimed by President Roosevelt on 6 January 1941; "freedom from want" clearly covered the economic and social rights under consideration.

50. Mr. Beer quoted from a later speech by President Roosevelt, on 12 January 1944, in which the importance of such rights and the necessity of guaranteeing them to the peoples of the world had been stressed. Individual and public rights could count for little unless economic and social rights were also guaranteed; there could be no true freedom for the individual without economic security and independence.

51. The fact that the third freedom proclaimed by President Roosevelt -- i.e., economic and social rights as a whole -- had been included among the fundamental human rights mentioned by the United Nations Charter had been pointed out by Mr. Stettinius of the United States delegation at the San Francisco Conference, in a radio address on 28 May 1945, in the course of which he had announced the prospective creation of the Commission on Human Rights.

52. Moreover, the Charter dealt directly with those same rights in its preamble, in Article I, and in many other sections of its text. It was expressed that the Member States should work towards promoting higher standards of living, full employment and conditions of economic and social progress and development, and solving international economic, social, and health problems and promoting international cultural and educational co-operation.

53. Mr. Evatt, head of the Australian delegation at the San Francisco Conference, had written, in January 1946, that the United Nations Charter was a proof of the fact that the world had finally understood the importance of economic security to political security and observance of human rights. The Charter recognized that the basic right of freedom from fear could not exist without freedom from want.

54. Mr. Beer then quoted from the preamble of the Constitution of the French Republic of 27 October 1946, which reaffirmed the basic human rights laid down in the Declaration of the Rights of Man of 1789, and enumerated and defined the economic, social and cultural rights which must be guaranteed by the nation to its citizens: the right to work; the right to membership in trade unions; the right of strike; the right to medical care and leisure periods, particularly for children, mothers and labourers; the right to education, professional training and culture. That second bill of rights had been a forerunner of articles 22 to 28 of the Universal Declaration of Human Rights.

55. Mr. Beer recalled that the United States Government, in its comments on the question at issue, had stated that articles of that nature should be drafted only after the most exhaustive study, particularly in view of the varying levels of economic and social development in the various Member States. The United Kingdom Government had held the view that such rights could not be defined with sufficient precision to permit their inclusion in an international convention. Mr. Beer could not recognize the validity of such arguments, in the face of the action already taken on the question by the United Nations in drafting its Charter and its Declaration of Human Rights.

56. More serious, however, was the fact that democracy would provide the totalitarian regimes with an effective argument if it excluded economic, social and cultural rights from its first international covenant on human rights, and thus gave evidence of considering such rights of secondary importance. Moreover, such exclusion would provide the totalitarian regimes with a final and unanswerable excuse for refusing to support the covenant.

57. Mr. Beer pointed out, finally, that the Declaration of Human Rights would lose much of its power and significance if, in the covenant which followed it, economic, social and cultural rights were ignored. It could then be said that the Member States of the United Nations were denying the rights and freedoms which they had previously proclaimed, because they had found it impossible to define and limit them precisely.

58. Without wishing to over-emphasize the importance of the non-governmental organizations in the matter in question, Mr. Beer recalled the comments made by Mr. Stettinius, in January 1946, concerning the difference between the Charter of the United Nations and its predecessor, the proposals of Dumbarton Oaks. The latter had contained only a vague and insufficient allusion to human rights; and Mr. Stettinius had stressed the influence of public opinion and the role played by the non-governmental organizations in the eventual inclusion of the human rights provisions in the United Nations Charter.

59. In conclusion, Mr. Beer observed that a similar difference existed between the draft covenant under consideration and the covenant which his organization would have wished to see drafted. He could only hope that the Commission would follow the example of the San Francisco Conference and include in its text provisions for the economic, social and cultural rights which he considered so essential.

60. Mr. SIMSARIAN (United States of America) pointed out that the Commission had only eight days in which to deal with eight more articles, and in addition twenty-five articles in the section on implementation. It would obviously be impossible to hold a full discussion of the question of economic and social rights. He therefore supported the proposal of the representative of Lebanon and the resolution which he had submitted (E/CN.4/478).

61. Mr. VALENZUELA (Chile) said that in the view of his delegation, the economic, social and cultural rights in question were the most fundamental of all human rights, and that other human rights could not be guaranteed unless they were based on economic and social security. Without an affirmation of those rights, the draft covenant would be virtually without value. In particular, as regards the right to work, an international covenant which did not mention that right would be ignoring the social and economic progress of a century. He recognized that the Commission had little time left in which to finish its work, but he did not feel that basic human rights should be sacrificed to that consideration; it would be preferable to have no covenant at all, rather than to draft a useless document. Particularly in existing world circumstances, when nations were showing a tendency to intensify national programmes at the expense of the standard of living, it was essential to reaffirm the rights of the workers. He agreed with Mr. Beer that it was inconceivable that the Commission should be incapable of defining the rights in question in a satisfactory way. In view of the absence of the USSR representative, he thought it imperative that provisions covering those rights should be inserted in the draft covenant.

62. Mr. MALIK (Lebanon) congratulated the representative of the International League for the Rights of Man on his informative statement. His lucid historical analysis and the telling analogy drawn between the status of the matter at the San Francisco Conference and at the current session of the Commission were particularly valuable to the Commission's work. He fully endorsed his remarks and hoped that the statement would be circulated in full.

63. He also agreed with the Chilean representative on many points. There were two preliminary questions, however, on which the Commission should take a decision before proceeding further. He did not wish to give the impression that economic, social and cultural rights were less important than political or civil rights but he wondered whether the Commission was prepared to sit for several weeks until it had disposed of the question. On the other hand, the Commission

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might be prepared to forward to the Economic and Social Council, for transmission to the General Assembly, a draft covenant which did not mention those fundamental rights.

64. He did not believe it would be possible fully to consider the whole question of economic and social rights at the current session, but in view of the magnitude of the task, surely the world would not misunderstand the reasons which had impelled the Commission to defer the matter until its next session. A satisfactory compromise might be achieved if an article were inserted in the draft covenant stating that it was to be considered a first covenant on civil and political liberties and that the next covenant to be drafted by the Commission on Human Rights would concern economic and social rights. Such an article would dispel all misunderstandings by making it clear that the original covenant was an initial instrument, to be followed immediately by other covenants necessary to ensure the full protection of all fundamental human rights.

65. He pointed out that the current session was one of the longest in the Commission's history and was approaching the length of a session of the General Assembly. He, however, was fully prepared to continue until the question of economic and social rights had been settled, provided his Government authorized him to do so. A more realistic solution, however, might be to adopt the draft resolution he had put forward (E/CN.4/478) together with an additional procedural article along the lines he had suggested. He invited the Chilean representative to act as co-sponsor of such a text which he hoped would meet with unanimous support in the Commission.

66. Mr. SORENSSEN (Denmark) regretted that he could not endorse all the points set forth by the representative of the International League for the Rights of Man. As regards the question of the distinction drawn between two groups of human rights, his delegation had stated clearly that its Government attached equal importance to both groups, but considered that they were of a different character. Economic and social rights could not be effectively guaranteed by general statements, as could civil and political rights. The matter was a complex one, and his Government considered it inappropriate to include in the draft covenant provisions concerning social and economic rights which could be little more than renewed statements of principle. The world stood in need, not of words,

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but of effective action. The people of his country had confidence in the work of the International Labour Organization and of UNESCO, and would favour its continuance; they would not, however, understand the duplication of work which would exist if the Commission on Human Rights invaded the field of competence of those organizations, which were already doing practical work on the problems involved.

67. As regards the last point raised by the Chilean representative, Mr. Sorensen did not feel that the absence of two members of the Commission justified drafting the articles in question. He recalled that the USSR representative, the preceding year, had hoped to abolish unemployment by means of an article on the right to work; but such a result could not be achieved, except by practical measures.

68. Mr. JEVREMOVIC (Yugoslavia) thought there was sufficient time to discuss economic and social rights, as that issue was not new. Moreover, the Commission had been assured earlier in the session that it would have time to discuss the material before it, with the possible exception of certain additional articles. The Commission had not challenged that view and had therefore tacitly agreed that there was ample time to consider the question of economic and social rights.

69. In the opinion of the Yugoslav delegation, those rights were vital to any true covenant on human rights. An instrument which was limited merely to provisions concerning political and civil rights would sorely disappoint the hopes and expectations which the workers of the world had placed in the United Nations. For that reason, he objected to the Lebanese proposal to adjourn the discussion of the question until the Commission's next session. Nor would the proposal to amend the title of the covenant solve the problem. He repeated that if a proper covenant was to be drafted, it was essential to include provisions covering fundamental economic and social rights.

70. He had not been convinced by the Danish representative's arguments concerning the specialized agencies. He did not wish to minimize the importance of their contribution to the work of the United Nations but it should be borne in mind that they were merely auxiliary bodies and not an organic part of the world

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Organization. It was the Economic and Social Council, and through that body, the Commission on Human Rights, which was responsible for the implementation of the principles proclaimed in the Charter and it was those organs and not the specialized agencies which must see that the purposes of the Charter were carried out.

71. He did not feel that economic and social rights could be dealt with fully if they were left solely to the specialized agencies. Such a procedure would discriminate against those rights which deserved to be dealt with on the same level as civil and political rights. Moreover it was necessary to include in the draft covenant a definition of economic and social rights upon which to base the future work of the specialized agencies. There could be no question of delegating the work on such an important matter to the specialized agencies or any lesser body.

72. Mr. CASSIN (France) observed that a similar dilemma had confronted the Commission in 1948 when it was called upon to decide whether to separate the Universal Declaration of Human Rights from the covenant or to wait until both documents had been completed before forwarding either of them to the General Assembly. It had been decided to demonstrate to the world how the United Nations was implementing the promises contained in the Charter, and time had proved the wisdom of that course.

73. It had early become apparent that the drafting of the covenant would require more tenacity than the Declaration. Governments were usually willing to subscribe to statements of principle but the acceptance of legal obligations inevitably raised more obstacles. It was also evident that the preparation of a covenant would demand courage and vision on the part of its authors for the task would take many years. For that reason, the Commission should not fear that some of its actions might displease public opinion or disillusion the world momentarily.

74. For some time he had been considering what would be the best way to carry out the Commission's task and had concluded that it was impossible to include all human rights in one instrument. First, from the point of view of the time at the Commission's disposal, it would not be humanly possible to cover every fundamental human right in a first covenant, if the job was to be done well. Moreover, it would be very difficult to draft such complicated articles in terms which

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could be easily executed under the existing national legislation of many signatory States.

75. He had listened with interest to the representatives of the ILO and the International League for the Rights of Man. He felt, however, that their suggestions would have been more helpful had they been submitted earlier. At that stage it would be impossible to receive the comments of Governments on those suggestions in time to submit that information to the General Assembly. There would hardly be time to digest the UNESCO proposals to be drafted at its forthcoming session in time to transmit them to the General Assembly. With regard to education, France had submitted specific proposals and was prepared to undertake to organize compulsory primary education in all the territories under its administration as well as in the metropolitan country. Such a programme would entail great expense, however, and he was not sure that all nations were prepared to assume that responsibility without giving the matter further thought.

76. The Commission should therefore decide whether it wished to forward to the Economic and Social Council a draft that was technically sound or whether it felt that because of political, moral or psychological considerations, it could not submit a draft covenant to the General Assembly which omitted all reference to economic and social rights. He pointed out, however, that if those rights were included, the covenant would have to be made all-inclusive. Moreover, should the Commission decide that, for psychological or political reasons, the instrument it was drafting must include economic and social rights, it should be a separate covenant because its measures of implementation could not be the same as those devised for civil and political rights.

77. It would be wise to outline a programme of work and, on the basis of documentation collected by the Secretariat, non-governmental organizations and other sources, to determine which rights should be included in a parallel covenant. The Council could then determine whether the first covenant should be held in abeyance until a second instrument was completed. That decision should, however, rest with the Council. The Commission's only task was to complete its work as efficiently as possible. After considering the Commission's texts and the report of the debates of the current session, the Council could decide what further action should be taken.

78. Miss BOWIE (United Kingdom) proposed that the meeting should be continued until the Commission had disposed of the item in question.

79. Mr. JEVREMOVIC (Yugoslavia) did not feel that it would be possible to take a decision until the question of economic and social rights had been settled.

80. Miss BOWIE (United Kingdom) in reply to the representative of Yugoslavia said her motion was to the effect that the Commission should decide whether it wished to include economic and social rights in the draft covenant.

That motion was rejected by 8 votes to 6, with 1 abstention.

81. In reply to Mr. SIMSARIAN (United States of America), the CHAIRMAN said that when it had disposed of the question in hand, the Commission would resume its consideration of Part I.

82. He asked whether the Commission wished to approve the Japanese suggestion to have the statement of the representative of the International League for the Rights of Man circulated in extenso.

It was so decided.

The meeting rose at 5.40 p.m.

5/19 a.m.