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Held at Lake Success, New York,  
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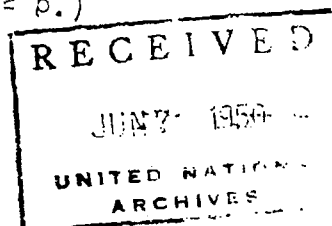
Chairman: Mrs. ROOSEVELT

United States of America

Rapporteur: Mr. MALIK

Lebanon

(22 p.)



<u>Members:</u>	Mr. WEITLAM	Australia
	Mr. NISOT	Belgium
	Mr. VALENZUELA	Chile
	Mr. CHANG	China
	Mr. SORENSEN	Denmark
	Mr. RAMADAN	Egypt
	Mr. CASSIN	France
	Mr. KYROU	Greece
	Mrs. MEHTA	India
	Mr. MENDEZ	Philippines
	Miss BOWIE	United Kingdom of Great Britain and Northern Ireland
	Mr. ORIBE	Uruguay
	Mr. JEVREMOVIC	Yugoslavia

Representatives of specialized agencies:

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

Representatives of non-governmental organizations:

Category B:

Mrs. HALPERIN	Co-ordinating Board of Jewish Organizations
Miss ROBB	International Federation of University Women
Mr. BEER	International League for the Rights of Men
Miss ZIZZAMIA	International Union of Catholic Women's Leagues

Secretariat:

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

/DRAFT INTERNATIONAL

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS: PROPOSALS FOR ADDITIONAL ARTICLES  
TO BE INSERTED IN PART II OF THE DRAFT COVENANT (Continued)

(E/1371, E/CN.4/365, E/CN.4/395, E/CN.4/396, E/CN.4/435, E/CN.4/436,  
E/CN.4/353/Add.10, E/CN.4/470, E/CN.4/351, E/CN.4/358, E/CN.4/364, E/CN.4/403,  
E/CN.4/478, E/CN.4/376, E/CN.4/377, E/CN.4/370, E/CN.4/379, E/CN.4/374,  
E/CN.4/380, E/CN.4/483, E/CN.4/484, E/CN.4/485)

1. The CHAIRMAN drew the attention of the Commission to three documents which were now before it for consideration. Those documents were a joint draft resolution submitted by the delegations of Lebanon, France and Egypt (E/CN.4/484), a joint draft resolution presented by Denmark, Egypt, France and Lebanon (E/CN.4/485) which complemented the first resolution, and a Chilean amendment to the original Danish resolution (E/CN.4/483).

2. Mr. JEVREMOVIC (Yugoslavia) regretted that his delegation would be unable to accept either of the draft resolutions since their purpose was to postpone consideration of the question of economic and social rights and complete the draft covenant on a restricted basis. He drew attention to the resolution adopted by the Commission at its fifth session, dealing with the question of economic and social rights (E/1371, page 8); he wondered why that resolution had never been implemented, and pointed out that a decision by the Commission at its current session to defer consideration of the question would in all probability be interpreted in an unfavourable light by world public opinion. The question was not by any means a new one; it had occupied public attention for over a century. The members of the Commission were in full agreement regarding the importance of the matter; its settlement could not be further postponed if the Commission was to discharge its obligations to the peoples of the world.

3. Mr. Jevremovic could not agree with the French representative that the Commission had taken action on the question; the only action being taken was the discussion of procedural resolutions directed toward postponement of action. In the face of the need of the peoples of the world to live and work, he deplored the fact that the classical political rights had received prompt attention from the Commission while the urgent problem of social and economic rights had been deferred from session to session.

/4. With regard

4. With regard to the Danish representative's expression of gratitude to the specialized agencies for their offers of assistance (E/CN.4/485) he conceded that much valuable aid had been received from the specialized agencies in the past, but insisted that under the terms of the Charter the framing of policy was a matter for action by the United Nations, not by its agencies. Referring to the International Labour Organisation, he remarked that it operated on the basis of undemocratic principles and that considerable discrimination was evident in its system of representation of workers and employers. In his opinion the organization had not yet begun to fulfil its potentialities. He welcomed its co-operative attitude, but wondered why it had thus far submitted no specific proposals concerning the matter under consideration, since it had undoubtedly been aware of the resolution passed by the Commission at its fifth session.

5. Mr. Jevremovic pointed out that a decision by the Commission to postpone consideration of the question of economic and social rights until its following session would preclude a possible fruitful discussion at the next session of the General Assembly. In the circumstances he reserved the right of his delegation to place the question on the agenda of the Assembly's next session. A covenant which included only the classical political rights of man would not be a consistent or viable document; it would be far better to defer the entire matter of the draft covenant until the Commission's next session, when a well-integrated document could be produced which would carry out the promise made to the peoples of the world by the Allied Governments during the Second World War.

6. Finally, Mr. Jevremovic objected to the Chairman's use of the word "committee" to designate the various delegations which had been asked to confer and agree upon the form of the draft resolution; he did not consider that any committee had been formally appointed.

7. The CHAIRMAN, replying to the last point raised by the representative of Yugoslavia, recalled that in order to save the time of the Commission several delegations had been asked to meet as a committee and agree upon joint texts.

/8. As regards

8. As regards the past work of the Commission, the Chairman could understand the concern expressed by Mr. Jevremovic, but pointed out that while the highest importance had always been attached by the Commission to economic and social rights, they were nevertheless a much more recent preoccupation for the Peoples of the world than the more widely recognized political<sup>and civil</sup> rights. It was for that reason that the Commission had devoted its first meetings to the consideration of the better-known political and civil rights, and had now attained a better formulation of those rights. The two resolutions before the Commission were designed to make it obligatory that the first meetings of the Commission's next session should be devoted to the discussion of economic and social rights, which, owing to the difficulty of framing them in correct legal terms, would in all probability require the attention of the Commission throughout an entire session. The Commission was already receiving reports from the Secretary-General, and knew that it could count upon the full assistance of the specialized agencies.

9. Speaking as the representative of the United States of America, the Chairman shared the desire of other members of the Commission to present to the Council a first draft covenant covering only political and civil rights, and also supported the view that the Commission's first task at its next session should be consideration of economic and social rights.

10. Mr. VALENZUELA (Chile) observed that since the original Danish resolution (E/CN.4/481) had been absorbed into the new joint text submitted by Denmark, Egypt, France and Lebanon (E/CN.4/485), he would submit his amendment (E/CN.4/483) as a suggested last paragraph of that joint text.

11. Mr. MALIK (Lebanon) suggested that the name of the delegation of Denmark should be added as a sponsor of the joint draft resolution given in document E/CN.4/484, since that delegation had collaborated in the framing of the text.

12. In reply to the Chilean representative, Mr. Malik pointed out that the idea which formed the subject of the Chilean amendment was specifically stated in paragraph 2 of document E/CN.4/484, and that that amendment therefore became superfluous. The main purpose of the working group which had drafted the two joint texts had been to separate the principles set forth in the original Danish draft resolution from those given in the other texts. Document E/CN.4/484 laid down a plan of work for the Commission's next session; document E/CN.4/485 was directed toward the implementation of that plan. He asked,  
/therefore,

therefore, whether the Chilean representative would be willing to withdraw his amendment.

13. Mr. VALENZUELA (Chile) asked for an assurance that the order in which the various categories of rights were listed, in paragraph 2 of document E/CN.4/484, constituted an order of priority and not merely an enumeration. If such were indeed the case, he would withdraw his amendment, but he wished it to be clear that economic and social rights would be the first subject for study by the Commission at its next session.

14. The CHAIRMAN felt that the question was one which should be decided by the Commission itself.

15. Miss BOWIE (United Kingdom) objected to the use of the words "to secure" in the first line of document E/CN.4/485, since no convention could guarantee to "secure" the enjoyment of such rights to the peoples of the world. A convention could do no more than the Governments which implemented it.

16. Mr. SORENSEN (Denmark) agreed with the United Kingdom representative, but pointed out that the whole purpose of the Commission's programme of work was to take steps toward securing those rights to the peoples of all nations.

17. Mr. JEVREMOVIC (Yugoslavia) asked for clarification concerning the relation between the two new joint draft resolutions and the Commission's resolution of the previous year (E/1371, page 8). The new texts were far more limited in scope than the older one, which had specifically provided for inclusion of provisions on economic and social rights in the draft covenant. The new texts merely provided for study of the question by the Commission and did not touch upon the matter of definition of those rights. The resolution of the preceding session was still in force and binding upon the Commission, but it had never been implemented. He asked, therefore, whether it was the Commission's intention that the new texts should supersede the resolution adopted during the fifth session. Abrogation of that resolution would constitute reconsideration of a decision of the Commission, and would require a formal vote by the Commission.

/18. The CHAIRMAN

18. The CHAIRMAN read the text of the resolution adopted at the fifth session. In her opinion that resolution had been fully complied with, and the only action required of the Commission with respect to it was to continue working in the same manner as in the past. She pointed out that at the time the resolution had been drafted, the Commission had been uncertain regarding the possibility of dealing with economic and social rights in the first covenant; it was for that reason that the resolution contained the words "the inclusion of these subjects either in the covenant on human rights or in later conventions...".

19. Mr. KYROU (Greece) expressed his warm support of the two joint draft resolutions. He suggested two minor changes in document E/CN.4/484; namely the deletion of the word "primary" in paragraph 1, and the transposition of the phrase in parentheses in paragraph 3, to follow the word "articles" in the first line of the paragraph.

20. The CHAIRMAN suggested the substitution of the word "civil" for "civic", in paragraph 1 of the same document.

21. Mr. ORIBE (Uruguay) thought that the Danish, Egyptian, French and Lebanese consolidated draft resolution (E/CN.4/484) unwisely attempted to predetermine the work of the Commission's next session. Moreover, it seemed to be an attempt to justify the Commission's failure to include economic and social rights in the covenant and he felt that it was completely unnecessary for the Commission to justify its actions.

22. With regard to paragraph 1, he could not accept the text as it stood. As he had said in an earlier intervention, he thought it would be better to leave open the question of the type of instrument which the Commission intended to draft on economic and social rights. Furthermore, it would be unwise to arbitrarily separate human rights into units when countries were not prepared to accept the varying conditions under which each unit was presented. Human rights should be included in an enforceable instrument as one organic whole which countries would be obliged to accept or reject in toto.

/It was

It was for that reason that he particularly objected to the phrase "series of Covenants and measures". Furthermore he thought the word "fundamental" in the second line, the phrase "and to certain essential civil freedoms" in the third line and the word "Standard" in the fourth line of paragraph 1 should be deleted.

23. The theory underlying paragraph 1 was that the Universal Declaration of Human Rights should be made effective by means of covenants. In principle, he supported that theory but he reminded the Commission that many countries had been opposed to all attempts to make the Declaration legally binding on States. He wondered, therefore, whether the paragraph could not be revised to satisfy that objection.

24. He also felt that the words "additional Covenants and measures" in paragraph 2 were vague. The text also introduced a new concept in the phrase "by categories". It was not advisable to state that categories of human rights existed unless some explanation of the term were given. That innovation was a serious step and should be considered carefully. He also wondered what was the meaning of the last phrase of paragraph 2 reading "rights of the individual in relation to the groups of which he forms part". The enumeration of rights contained in the paragraph in his opinion already covered that phrase.

25. He also suggested that the phrase "whose importance it fully recognizes" in paragraph 3 should be deleted because it implied a justification of a course on which the Commission had decided after mature consideration.

26. In conclusion, he felt that many objections could be raised to the consolidated draft resolution and that a simpler text might be preferable.

27. Turning to the second joint draft resolution concerning economic, social and cultural rights presented by Denmark, Egypt, France and Lebanon (E/CN.4/485), he agreed with the United Kingdom representative that the Commission should not create the illusion that it could secure to everyone the enjoyment of the rights set forth in articles 22 to 27 of the Declaration. In international private law, the word "enjoyment" had a specific meaning and the text as it stood might give rise to misunderstandings. The objective which the first paragraph proclaimed could not be achieved by means of legal instruments alone.



28. He wondered whether the fourth paragraph of the draft resolution should not be rephrased. It should be borne in mind that it was the duty of the specialized agencies to assist the Commission in its work.

29. He merely wished to give his objections to the two proposed draft resolutions in a general way. He would not advance more specific criticisms until later and could not therefore say as yet what position his delegation would take on them.

30. Mr. CHANG (China) supported the United States, Greek and Uruguayan representatives in their comments on the consolidated draft resolution (E/CN.4/484). He in turn had several specific amendments to propose to that text. In paragraph 1 he suggested that the word "draft" should be inserted in the first line before the words "Covenant on human rights". Then the following phrase "on the drafting of which it has been engaged for several years" and the phrase "as it does" should be deleted. The words "some of" should be inserted in the second line before the words "the fundamental rights". In the third line the phrase "and to certain essential civil freedoms" should also be deleted because of the difficulty of defining that category of freedoms. In the fourth line the word "Standard" and in the fifth line the words "and secure the application of its primary principles as early as possible" should also be deleted. He objected to the word "Standard" for the reasons which had already been given; the last phrase should be deleted because the articles of the Universal Declaration were not, properly speaking, principles. The word "primary" was inadequate and the phrase "secure the application" was vague.

31. He also suggested that paragraph 2 should be amended to read "consideration of additional Covenants and measures dealing with economic, social, cultural, political and other human rights, and to this end". He objected to the original formulation for the reasons given by the representative of Uruguay.

32. Mr. SORENSSEN (Denmark) explained that he could associate himself with the consolidated draft resolution (E/CN.4/484) because the phrase "series of Covenants and measures" had been included in paragraph 1. He had explained that his Government felt it would not be useful to elaborate a covenant

containing general statements of principles regarding economic and social rights and that those rights could be dealt with in many other ways. The word "measures" was sufficiently broad, however, to meet his objections. He interpreted it to mean that the Commission would work on the assumption that additional covenants should be drafted but that if other measures appeared adequate, such procedure could also be adopted. In that case, if existing covenants proved adequate to safeguard economic and social rights, it would be possible to ratify them and to forego the drafting of additional instruments. For those reasons he supported the consolidated draft resolution (E/CN.4/484).

33. Mr. CASSIN (France) said that most of the Chinese amendments were acceptable. He would prefer, however, to retain the phrase "to certain essential civil freedoms" for that phrase had a specific meaning in French law. He would not insist on maintaining the last phrase of paragraph 1 if the Commission supported the Chinese amendment for deletion. He thought the Chinese amendment to paragraph 2 was helpful. It should be made perfectly clear, however, that categories of rights existed in fact and that the conditions of implementation of various rights required that some order should be imposed. He therefore would prefer to retain the phrase "by categories" although he would accept another suitable wording if that could be found.

34. With regard to the substantive remarks of the Uruguayan representative, he said that the purpose of paragraph 1 was to state clearly that the covenant on which the Commission was then engaged was only the first of a series of covenants and measures. Moreover, the word "measures" had been included to satisfy the Uruguayan representative's objection that it might be necessary to draft instruments other than covenants to achieve the Commission's purpose. The phrase "to cover the whole of the Universal Declaration" had been drafted in an attempt to circumvent the objections to making the Declaration an enforceable instrument.

35. He did not wish to comment on paragraph 3 until the other authors of the consolidated draft resolution had given their opinions.

36. Turning to the second joint draft resolution, (E/CN.4/485) he thanked the representative of Denmark for having elaborated his original proposal in conjunction with the representatives of Egypt, France and Lebanon. It was vital that the Commission should adopt a resolution specifically relating to articles 22 to 27 of the Declaration. In the third line of the first paragraph, however, it might be better to say "in the implementation of its programme". With regard to the fourth paragraph, he thought it might be possible to separate the reference to UNESCO from the ILO if that would satisfy the representative of Uruguay.

37. The draft resolution concerning economic, social and cultural rights would permit the Commission to agree on a programme of work which could be brought to the attention of all the Organizations concerned and he felt that such a procedure would facilitate the Commission's work.

38. With regard to the remarks of the Yugoslav representative, the Commission had hoped to accomplish a great deal more in 1949 than had in fact proved practicable. The replies to questionnaires had not provided sufficient information and the comments from non-governmental organizations had been submitted to the Commission only a few days ago. In those circumstances, therefore, it was impossible to carry out the provisions of the resolution the Commission had adopted at its 132nd meeting of the fifth session. It would be better to devise a practical plan of work such as that outlined in the current draft resolutions and proceed along those lines.

39. Mr. JEVREMOVIC (Yugoslavia) pointed out that the second paragraph of the resolution adopted by the Commission at its 132nd meeting read: "it is necessary to include provisions on this subject in the covenant on human rights" referring to the economic and social rights set forth in articles 22 to 27 of the Declaration. The resolutions currently before the Commission did not make that fact clear. If there was really no contradiction between the first resolution and the two draft resolutions currently before the Commission, why could the Commission not incorporate the provisions of the first resolution into the joint draft resolutions? It might be helpful to have the advice of the Legal Department on the question.

40. The CHAIRMAN thought that nothing in the resolution adopted at the 132nd meeting would preclude the passing of the resolutions currently before the Commission and she referred specifically to the fourth paragraph of that resolution which read: "for the purpose of enabling the Commission to determine what action it should take in these fields, in particular for the inclusion of these subjects either in the covenant on human rights or in later conventions".

41. Mr. MENDEZ (Philippines) thought the consolidated draft resolution (E/CN.4/484) might be too rigid in that it implied the Commission had already decided to adopt several conventions. He wondered whether it would not be better to amend the first paragraph to read: "series of Covenants and measures which it considers necessary to give full application to the Universal Declaration". He also pointed out that the phrase "whose importance it fully recognizes" in paragraph 3 might be ambiguous.

42. Miss BOWIE (United Kingdom) thought the consolidated draft resolution represented an attempt to justify the Commission's actions, which seemed completely unnecessary. Moreover, paragraph 1 stated that the Commission had been engaged on the drafting of the covenant for several years whereas it had devoted the first two years of its work to the Declaration, a document which had been highly commended. She also questioned the word "convinced" in that paragraph. The Commission had not discussed whether it had a strong conviction that the present covenant was in fact the first of a series. She objected to the phrase "series of Covenants" which, the resolution implied, were to enforce the principles of the Declaration. Some of those principles, however, were already being enforced and undoubtedly many others would be put into effect by means other than the covenant. She suggested that the Committee should go back to the Chilean amendment (E/CN.4/483), which clearly stated the task to be undertaken, and convert it into a resolution reading: "The Commission on Human Rights decides to devote an essential part of its first 1951 session to the study of economic, social and cultural rights".

43. Mr. KYROU (Greece) suggested that paragraph 2 of the consolidated draft resolution (E/CN.4/484) should be amended to read "desiring with human rights by groups, which shall include economic, social, cultural, political and other categories of human rights".

44. Mr. WHITIAM (Australia) preferred a simple resolution. Explanations would better appear in the covenant than in a resolution where they would be a binding declaration of what the Commission thought the covenant was, what its effects should be and what should be its relation to the other covenants. The original Lebanese and the Chilean resolution contained all that really had to be said. If anything further was considered necessary the trend of the debate would be reproduced in the summary records.

45. Some members felt, however, that a programme of work should be laid down in a resolution. If the Commission decided therefore not to adopt the simpler texts, he would support the consolidated draft resolution (E/CN.4/484) as amended by China.

46. The CHAIRMAN pointed out that the only text before the Commission was the consolidated draft resolution.

47. Mr. MALIK (Lebanon) asked that the consolidated draft resolution should be voted on paragraph by paragraph. He agreed that the phrase "included in Annex - of the Commission's report on the sixth session" should be inserted after the words "the additional proposed articles" as the representative of Greece had suggested.

48. He asked that a roll-call vote should be taken on the word "Convinced" in paragraph 1. He also wished to retain the phrase "to certain essential civil freedoms" but he agreed that the word "standard" and the phrase "and secure the application of its primary principles as early as possible" should be deleted.

49. Mr. RAMADAN (Egypt) said with regard to the Chilean representative's remarks, that the Commission could formally decide to give priority to economic, social and cultural rights at its next session.

50. The CHAIRMAN thought it would be made clear in the record that the first item on the agenda of the Sixth Session would be the question of economic and social rights.

51. Mr. ORIBE (Uruguay) agreed with the United Kingdom representative concerning the word "Convinced", and he preferred to use the word "Considering". He also thought the resolution was unacceptable because it was self-justificatory in tone.

52. He was not completely satisfied with the text of paragraph 1 and suggested that it should be reworded to read: "as the first instrument prepared to carry out the task entrusted to the Commission by the Economic and Social Council". The word "instrument" would give the Commission greater freedom to decide the type of document it wished to draft.

53. Mr. MALIK (Lebanon), in reply to Mr. NISOT (Belgium), preferred to have a roll-call vote taken on the word "Convinced", and not merely on the draft resolution as a whole.

54. Mr. CASSIN (France) thought that the first part of the Uruguayan amendment could be accepted but that it was impossible to replace the reference to the Universal Declaration by a reference to the Economic and Social Council. The Uruguayan amendment would be acceptable to him if it were reworded to read: "the first of the instruments to be adopted in order to cover the whole of the Universal Declaration".

55. He objected to the word "Considering" because it was not really adequate. He personally was convinced of the statement set forth in paragraph 1.

56. Mr. JEVREMOVIC (Yugoslavia) had raised the question of the resolution adopted at the 132nd meeting because it was vital to the general work of the Commission. In that resolution the Commission had undertaken in the eyes of the United Nations and of the world to include in the draft covenant on human rights provisions concerning economic and social rights. He felt, therefore, that

/there was

there was a contradiction between that resolution and the joint draft resolutions currently before the Commission. He would not press a formal motion to obtain the views of the Legal Department on that procedure but he asked the Commission to bear his remarks in mind. He pointed out, however, that the Commission was responsible to the Economic and Social Council for fulfilling the terms of that resolution.

57. Mr. VALENZUELA (Chile) wished to move the proposal (E/CN.4/483) originally submitted by his delegation as an amendment to the Danish draft resolution (E/CN.4/481) as an independent draft resolution to be substituted for the consolidated draft resolution. He requested the Chairman to submit the Chilean draft resolution to the vote first, if the rules of procedure permitted such a course.

58. Mr. KYROU (Greece) stated that the Chilean draft resolution, as such, had been submitted after the consolidated draft resolution and should therefore not be submitted to the vote first.

59. The CHAIRMAN stated that while the Greek representative was entirely correct, the Commission could, according to rule 61 of its rules of procedure, decide to reverse the normal order of voting and vote on the Chilean draft resolution first.

60. Following a brief exchange of views, the Commission agreed to vote on whether the Chilean draft resolution should be voted on first.

The motion to vote on the Chilean draft resolution first was rejected by 8 votes to 5, with 2 abstentions.

61. Mr. SORENSEN (Denmark) stated that if the word "instrument" were substituted for the words "series of covenants and measures", as proposed by the Uruguayan representative, he would be obliged to dissociate himself from the sponsorship of the consolidated draft resolution for the reasons he had already indicated.

62. The CHAIRMAN stated that the substitution proposed by the Uruguayan representative would be decided by a vote.

/63. Mr. MENDEZ

63. Mr. MENDEZ (Philippines) thought that the phrase "...series of covenants and measures to be adopted..." was too rigid. He wondered whether the authors of the consolidated draft resolution would agree to the substitution of the words "which should be adopted" for the words "to be adopted".

64. Mr. CASSIN (France) and Mr. MALIK (Lebanon) considered that the proposed substitution would attenuate the meaning of the sentence and would therefore not be acceptable to them.

65. Mr. MENDEZ (Philippines) reluctantly withdrew his proposal.

66. The CHAIRMAN invited the Commission to vote on the Uruguayan amendment calling for the substitution of the word "considering" for the word "convinced" in paragraph 1 of the consolidated draft resolution.

At the request of Mr. MALIK (Lebanon), a vote was taken by roll-call.

The result of the vote was as follows:

In favour: Australia, Belgium, Chile, Denmark, Philippines,  
United Kingdom of Great Britain and Northern Ireland,  
Uruguay.

Against: Egypt, France, Greece, India, Lebanon, United States of  
America.

Abstaining: China, Yugoslavia.

The amendment was adopted by 7 votes to 6, with 2 abstentions.

67. The CHAIRMAN invited the Commission to vote on the Uruguayan amendment calling for the end of paragraph 1 of the consolidated draft resolution to read as follows: "...is the first of the instruments prepared to implement the task entrusted to the Commission by the Economic and Social Council."

68. Mr. MALIK (Lebanon), on a point of order, said that the Uruguayan amendment was factually incorrect inasmuch as the Universal Declaration of Human Rights, rather than the present draft covenant, was the first of the instruments in question.



69. Mr. ORIBE (Uruguay) stated that he was using the word "instruments" in its strict legal sense. As such it was -- at least in Spanish -- a generic term which included documents, protocols, etc., establishing legal obligations and creating legal rights. He did not consider that the Universal Declaration could be regarded as an instrument within that strict legal meaning of the term.

70. Mr. CHANG (China), on a point of order, stated that inasmuch as the Chairman had called for the actual vote on the amendment, further discussion thereon was out of order.

71. Mr. ORIBE (Uruguay), also on a point of order, stated that he considered it necessary to clarify his amendment since certain doubts had been expressed concerning its meaning.

72. The CHAIRMAN noted that the Uruguayan representative had already attempted to clarify his amendment and that the situation confronting the Commission was quite simple: those who agreed with the Uruguayan representative would vote for his amendment, while those who felt unable to do so would vote against it or abstain.

The Uruguayan amendment was rejected by 11 votes to 4.

73. The CHAIRMAN noted that the authors of the consolidated draft resolution had accepted all but one of the amendments submitted by the Chinese representative, the exception being his proposed deletion of the words "and to certain essential civil freedoms". She enquired whether the Chinese representative would press his amendment.

74. Mr. CHANG (China) stated that he would not press that part of his amendment, particularly in view of the fact that the phrase concerned contained the qualifying word "certain".

75. The CHAIRMAN invited the Commission to vote on paragraph 1 of the consolidated draft resolution as amended.

At the request of Mr. MALIK (Lebanon) a vote was taken by roll-call.

The result of the vote was as follows:

In favour: Australia, China, Denmark, Egypt, France, Greece,  
India, Lebanon, Philippines, United States of America.

Against: Belgium, United Kingdom of Great Britain and  
Northern Ireland, Uruguay, Yugoslavia.

Abstaining: Chile

Paragraph 1 was adopted by 10 votes to 4, with 1 abstention.

76. Miss BOWIE (United Kingdom) explained that she had voted against the paragraph because in the opinion of her delegation it contained the unwarranted implication that everything contained in the Universal Declaration of Human Rights must necessarily be covered in covenants or other measures.

77. Mr. NISOT (Belgium) explained that he had voted against the paragraph because he had favoured the rejected ~~Uruguayan~~ amendment, considering that it was a more correct statement of the position.

78. Mr. VALENZUELA (Chile) considered that paragraph 2 of the consolidated draft resolution was far too complex. He formally moved that it should be replaced by the amendment (E/CN.4/483) originally submitted by his delegation to the Danish draft resolution, which he was at present submitting as an amendment to the consolidated proposal.

79. Mr. MALIK (Lebanon) stated that he would be obliged to vote against the Chilean amendment for several reasons. The use of the word "study", far from establishing a solemn commitment for a programme of work, constituted a loophole through which even a whale could easily pass. Furthermore the Chilean amendment made no mention of any other rights and of additional covenants and measures concerning human rights. He was therefore in favour of the adoption of paragraph 2 of the consolidated draft resolution with the amendments already accepted by its authors.

80. Miss BOWIE (United Kingdom) noted that paragraph 2 of the consolidated draft resolution spoke of "economic, social, cultural, political and other categories of human rights". She wondered just what those other categories of rights might be.

81. The CHAIRMAN stated that rights relating to the family might form one such other category.

82. Miss BOWIE (United Kingdom) thought that family rights were either social or cultural or economic.

83. Mr. CASSIN (France) said he could instance at least twenty rights from the Universal Declaration which would not fall into any of the categories explicitly mentioned. There were rights dealing with property, asylum, family, etc., none of which would easily fit into the political, social, cultural or economic categories.

84. Mr. CHANG (China) agreed with the French representative. He would also invite attention to the words "additional covenants and measures" which formed the crux of the paragraph under consideration.

85. Mr. CRIBE (Uruguay) did not know just what was meant by the word "measures" which he regarded as altogether vague. He noted that the use of the same word in the first paragraph had been one of the main reasons why he had submitted the amendment to that paragraph which the Commission had rejected.

86. Mr. CASSIN (France) stated that one of the reasons for the introduction of the word "measures" had been a desire to meet the objections raised by the Uruguayan representative during the preceding meeting. The word was intended to cover such things as recommendations, protocols etc.

/87. Mr. WHITLAM

87. Mr. WHITLAM (Australia) stated that although his delegation had previously favoured the Chilean suggestion, it could not vote for it in the present circumstances because the Commission had committed itself to the consolidated draft resolution on which voting had already begun. The inclusion of the Chilean amendment would distort the frame of the consolidated draft resolution. Consequently, and while he had several misgivings about the consolidated draft resolution, he would vote against the Chilean amendment.

88. The CHAIRMAN invited the Commission to vote on the Chilean amendment (E/CN.4/483).

The Chilean amendment was rejected by 11 votes to 3, with 1 abstention.

Paragraph 2 of the consolidated draft resolution, with the amendments accepted by its authors, was adopted by 12 votes to none, with 2 abstentions.

89. Mr. MALIK (Lebanon) suggested that the comma following the words "sixth session" in paragraph 3 of the consolidated draft resolution should be deleted and that the word "and" should be inserted in its stead, to avoid any possible ambiguity.

90. Mr. MENDEZ (Philippines) suggested that the words "the importance of which" should be substituted for the words "whose importance", a suggestion which was accepted by the authors of the consolidated draft resolution.

91. The CHAIRMAN invited the Commission to vote on paragraph 3 of the consolidated draft resolution.

The paragraph, with the amendments accepted by the authors of the consolidated draft resolution, was adopted by 13 votes to none, with 2 abstentions.

92. The CHAIRMAN invited the Commission to vote on paragraph 4 of the consolidated draft resolution.

The paragraph was adopted by 14 votes to 1.

/93. Mr. CASSIN

93. Mr. CASSIN (France) suggested, for reasons of style, to omit the words "standard covenant" after the word "first" in paragraph 1.

The suggestion was adopted unanimously.

94. The CHAIRMAN invited the Commission to vote on the consolidated draft resolution as a whole, which, with the changes approved in the course of the voting on the separate paragraphs, read as follows:

"The Commission on Human Rights,

"Considering that the draft covenant on human rights relating to some of the fundamental rights of the individual and to certain essential civil freedoms is the first of the series of covenants and measures to be adopted in order to cover the whole of the Universal Declaration;

"Decides to proceed at its first session in 1951 with the consideration of additional covenants and measures dealing with economic, social, cultural, political and other categories of human rights; and to this end

"Decides further to consider then the additional proposed articles (included in Annex \_\_\_\_ of the Commission's report on the sixth session) which have not been examined at its sixth session and the importance of which it fully recognizes, together with any other articles which Governments might further propose;

"Requests the Economic and Social Council to confirm this decision."

At the request of Mr. Malik (Lebanon), a vote was taken by roll-call.

The result of the vote was as follows:

In favour: Australia, Belgium, Chile, China, Denmark, Egypt, France, Greece, India, Lebanon, Philippines, United States of America, Uruguay.

Against: United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

The consolidated draft resolution was adopted by 13 votes to 2.

95. Mr. JEVREMOVIC (Yugoslavia) reserved his right to explain his vote at the next meeting of the Commission.

96. Miss BOWIE (United Kingdom) explained that she had voted against the resolution although she agreed with many of its points. Her delegation would have favoured further studies along the lines of the defeated Chilean amendment. As it was, however, the resolution conveyed the impression -- totally unwarranted in the opinion of her delegation -- that the Universal Declaration of Human Rights could be implemented only by covenants.

97. The CHAIRMAN declared that, as requested by the Uruguayan representative, the records of the Commission would clearly state that economic rights would be the first rights to be considered by the Commission on Human Rights at its next session. She ascertained that there were no objections to the inclusion of such a statement in the Commission's records.

98. Concerning the Commission's agenda for its next meeting, she stated that after hearing the Yugoslav representative's explanation of his vote, the Commission would consider the second joint draft resolution (E/CN.4/485) and would then deal with the question of measures of implementation.

The meeting rose at 6.30 p.m.