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Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND THIRD MEETING

held at the Palais des Nations, Geneva,  
on Monday, 16 April 1951, at 3.00 p.m.

CONTENTS:

Draft International Covenant on Human Rights and  
Measures of Implementation (item 3 of the agenda)

- (b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights (E/1681, Annex III and E/CN.4/353/Add.3, pages 9 - 10, E/CN.4/364 and Corra. 1, 2 and 3 and Adda. 1, 2 and 3, E/CN.4/513, E/CN.4/515 and Adda. 1 - 17, E/CN.4/525, E/CN.4/527, E/CN.4/529, E/CN.4/530, E/CN.4/534)

Present:

Chairman: Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAN
Chile	Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SØRENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
India	Mrs. MEHTA
Pakistan	Mr. WAHEED
Sweden	Mrs. RÖSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE
United States of America	Mrs. ROOSEVELT
Yugoslavia	Mr. JEVREMOVIĆ

Representatives of specialised agencies:

International Labour Organisation	Mr. JENKS
World Health Organisation	Dr. DOROLLE
United Nations Educational Scientific and Cultural Organization	Mr. SABA

Representatives of non-governmental organizations:

Category A

International Confederation of Free Trade Unions	Miss SENDER
International Federation of Christian Trade Unions	Mr. EDGERMANN
Inter-Parliamentary Union	Mr. ROBINET DE CLERY
World Federation of United Nations Associations	Miss WILSON

Category B and Register

Agudas Israel World Organisation	Chief Rabbi SH. FRAN
Caritas Internationalis	Abbe MAIS
Catholic International Union for Social Service	Miss de ROMER
Consultative Council of Jewish Organizations	Mr. KARLIKOW
Co-ordinating Board of Jewish Organizations	Mr. BERNSTEIN
Friend's World Committee for Consultation	Mr. BELL
International Union of Catholic Women's Leagues	Miss de ROMER
International Council of Women	Mrs. PARSONS Miss van EEGHEN
International Federation of University Women	Miss DUBOIS
International League for the Rights of Man	Mr. de MADAY
International Union for Child Welfare	Mrs. SMALL
Pax Romana	Mr. HABICHT
Women's International League for Peace and Freedom	Miss BAER
World Jewish Congress	Mr. BIEMENFELD Mr. RIEGNER
World's Young Women's Christian Association	Miss ARNOLD
World Union for Progressive Judaism	Mr. HOYDA

Secretariat:

Mr. Humphrey  
Mr. Las

Representing the Secretary-General  
Secretary to the Commission

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION  
(item 3 of the agenda)

- (b) Inclusion in the Covenant of provisions concerning economic, social and cultural rights (E/1681, Annex III and E/CN.4/353/Add.3, pages 9 - 10, E/CN.4/364 and Corra. 1, 2 and 3 and Adda. 1, 2 and 3, E/CN.4/513, E/CN.4/515 and Adda. 1 - 17, E/CN.4/525, E/CN.4/527, E/CN.4/529, E/CN.4/530, E/CN.4/534)

The CHAIRMAN requested the Commission to proceed with consideration of item 3(b) of the agenda, and referred to the relevant documentation, particularly to General Assembly resolutions 421(V) and 422(V) and Economic and Social Council resolution 303(XI) (E/CN.4/525).

Mr. MOROSOV (Union of Soviet Socialist Republics) stated that his delegation had noted with great satisfaction that discussions prior to and during the fifth session of the General Assembly on the question of the inclusion of economic, social and cultural rights in the draft international Covenant on Human Rights and Measures of Implementation had culminated in the General Assembly's decision to include such rights in the Covenant.

He recalled that his own and other delegations had repeatedly expressed the importance of including such rights in the Covenant, and would remind the Commission of the particular rights, the inclusion of which the Soviet Union delegation had advocated, and of the principles underlying that advocacy. His delegation had pointed out that the provisions contained in Articles 22 to 27 of the Universal Declaration of Human Rights were of a general nature, and that those articles gave no direction with regard to implementation. He believed that the most important task before the Commission at the present session, so far as the draft Covenant was concerned, was to provide clear definitions of the various economic, social and cultural rights, such as, for instance, the right to work, the right to rest and leisure, the right to social security and social insurance, the right to education, and so on, in order that Member States might be fully aware of their obligations in those respects and of the measures that they would have to adopt to give effect to such provisions. If the Commission failed to define those rights in a firm and lucid manner, or to

lay down specific measures for ensuring their implementation, the earlier provisions of the Covenant would be robbed of their substance.

The Secretariat would be circulating a document containing draft articles on economic, social and cultural rights, which the Soviet Union delegation had submitted at the fifth session of the General Assembly for inclusion in the Covenant. At that stage he would merely like to mention them, and indicate the principles underlying them.

His delegation recommended that priority should be given to the question of the State's duty to guarantee to everyone the right to work and to choose his occupation so as to create conditions which would exclude the threat of death from hunger and inanition. Unless States adopted such measures, it could not be said that the right to life was ensured. Another article proposed by his delegation related to measures for securing humane conditions of existence; that was to say, the right to rest and leisure should be guaranteed by the State to everyone employed in enterprises and institutions, either by law or on the basis of collective agreements providing, in particular, for a reasonable limitation of working hours and for regular holidays with pay. In that connexion he would refer also to a further basic condition, namely, that social security and social insurance for workers and employees should be provided at the expense of the State or at the expense of the employers, in accordance with the laws of each country.

Again, his delegation's concern about the discrimination practised against women workers in a number of countries through unjust and illegal systems under which women were paid less than men for equal work, had led it to propose that women should enjoy in their work rights and privileges which should be not less than those enjoyed by men, and that they should receive equal pay with men for equal work.

His delegation also considered that the States should ensure the development of science and education in the interests of progress and democracy, and in the interests of ensuring international peace and co-operation. The importance of such a provision would be evident, since it aimed at the free development of the

human mind and the prevention of war. The achievements of centuries could be wiped out overnight if such an important field of human endeavour as that of science were given over to the engineering of mass destruction. The United Nations should, therefore, clearly make known its will in the matter by laying down that States should direct the development of education, and not allow science to be directed towards the destruction of civilisation and the very existence of mankind.

Another important provision, in his delegation's view, was that access to education should be open to all without distinction of race, sex, language, means or social origin, and that that right should be ensured by the State by the provision of free elementary and general education, a system of scholarships and the requisite system of schools. It was not sufficient to proclaim such a right, as was done in Article 26 of the Universal Declaration of Human Rights; it should be made binding upon States to ensure such facilities. The inclusion in the draft Covenant of such a provision was all the more important at the present time when, as a result of the arms race, expenditure on education, already inadequate, was in a number of countries being steadily reduced. In many States, moreover, much effort was still required in the sphere of educational development.

His delegation also considered it necessary to include in the Covenant a provision that the State should take all necessary measures, especially legislative measures, to ensure decent living accommodation to every person.

He also deemed it very desirable to lay due emphasis on the question of trade union rights. His delegation believed that the implementation of those rights, which were inviolable and essential for improving the life and economic well-being of workers, should be guaranteed to all hired workers without distinction of nationality, race, religion, sex, occupation, or political or philosophical views. At a time when, in a number of countries, draconian measures had been enacted depriving the workers of their elementary trade union rights for the protection of their working conditions, such a provision was all the more essential. The same considerations applied in the case of his

delegation's suggestion that all regulations, of whatever kind, directed against trade union organizations of hired workers and employees should be prohibited.

His delegation also advocated the inclusion of a provision to the effect that trade union organizations should have the right freely to elect all their representatives, to make their own administrative arrangements, and to discharge their functions and tasks in a democratic manner, in the interests of their members, and that they should be protected against any interference on the part of public authorities or officials, and lastly that public authorities or officials should be required to abstain from founding, financing or interfering in the direction of trade union organizations. It was also necessary, in his delegation's view, to provide that the traditional right to strike should be guaranteed; that legislative measures should be adopted to enable trade union organizations to take part in framing economic and social policy in undertakings and at local, regional and national level; that trade union organizations should have the right to amalgamate on a trade, inter-union, local, regional or national basis, and to join international trade union organizations; and that no-one should be allowed to prevent an international trade union organization from carrying out its functions and communicating with the organizations affiliated to it.

In putting forward these proposals his delegation fully realised that it could not expect the Covenant to reproduce the rights laid down in the Soviet Union Constitution or in the Constitutions of the People's Democracies, which, in fact, included many more than those he had enumerated, for it could not overlook the fact that it had been possible to include such extensive rights in those Constitutions, and to secure their uninterrupted translation into practice, only because a system of socialist social relations and the elimination of the exploitation of man by man had been established in the Soviet Union and the People's Democracies. While, therefore, the provisions proposed by his delegation were not exhaustive, it nevertheless regarded them as a minimum programme to serve as a basis for the implementation of the political rights

and freedoms enunciated in the Universal Declaration of Human Rights, which were more or less already embodied in the first 18 articles of the draft Covenant.

The CHAIRMAN suggested that, if members other than the Soviet Union and Yugoslav representatives, whose proposals would be circulated in the form of documents, had suggestions to make with regard to the articles on economic, social and cultural rights to be included in the draft Covenant, they should hand them in to the Secretariat.

Miss BOWIE (United Kingdom) had listened with great interest to the Soviet Union representative's statement on the inclusion in the Covenant of articles on economic and social rights. In her delegation's view, the task before the Commission was to draft a universal covenant of human rights. Consequently, she proposed that economic and social rights should be excluded. Despite the terms of General Assembly resolution 421(V), the Commission had the right to give consideration to such matters and to make up its own mind about them. Its terms of reference were to study and make recommendations on certain questions. She would therefore suggest that the Commission recommend that the provisions relating to economic and social rights should not be embodied in the Covenant. In that connexion it would be noted that the Third Committee of the General Assembly had voted the inclusion in the Covenant of articles on economic, social and cultural rights only by 23 votes to 17, with 10 abstentions. That meant that 27 members of the Committee had not been prepared to agree to the inclusion of such rights. There would probably be a similar division of opinion in the present Commission.

Her delegation had three grounds for opposing the introduction into the first international covenant on human rights of articles on economic and social rights. In the first place, now that the Universal Declaration of Human Rights was before the world, all peoples were eagerly awaiting the first covenant. It was, therefore, most important to avoid dividing the members of the United Nations into two groups, those who could and those who could not ensure certain economic and social rights. The inability of some countries to grant such rights was not due to lack of goodwill. Experience in the United Kingdom had proved that they



could not be provided in a day, or by the expression of pious hopes, but only after much sacrifice; she had in mind such issues as full employment, free medical services and the care of mothers, children and the aged. It was, therefore, necessary to avoid being unfair to countries whose economy was insufficiently developed to enable them to guarantee such rights.

In the second place, the Commission at its last session, which had not been attended by Soviet Union and Ukrainian delegations, had unanimously agreed that to be effective the Covenant must contain measures of implementation. That meant that governments would have to accept the control of a supra-national authority in the matter of implementation. At the Economic and Social Council's twelfth session, the Soviet Union representative had proposed the deletion from the draft Covenant of the implementation clauses, on the ground that they envisaged methods of supervising such implementation which would constitute an attempt at interference in the domestic affairs of States, and an encroachment on their sovereignty. The United Kingdom delegation, on the other hand, had been prepared to accept such supervision by a supra-national authority, and it would be recalled that her Government had been one of the first to ratify the Convention on Human Rights adopted by the Council of Europe and largely based on the first 18 articles of the draft International Covenant. She therefore felt that she had a good title to speak strongly on the subject. Again, members would recall that the International Labour Organisation had negotiated over one thousand conventions relating to economic and social rights, and that the United Kingdom Government had not been slow to accept and ratify them. When economic and social rights were included in a Covenant, they should be subject to the same sort of control as was exercised through the International Labour Organisation.

Lastly, the United Nations recognized the competence of the specialized agencies, in their particular fields, with regard to economic, social and cultural rights. Consequently, her delegation felt that the initiative in that connexion should remain with the interested specialized agencies and that those who were concerned about the question of economic and social rights could

find their opportunity of developing the matter by participating in the work of those agencies, which were fully equipped and experienced to deal with such matters. She could see no reason why the Commission should seek to duplicate the work of the specialized agencies, although, of course, it should give assistance when requested by them to do so.

The United Kingdom delegation therefore advocated the adoption of a Covenant that could be given effect to by all Member States, and consequently believed that it should include only those rights enumerated in the first 18 articles of the draft Covenant, although that naturally would not preclude the adoption at a later stage of other covenants embodying other human rights.

Mr. CASSIN (France) did not wish to formulate any proposals, but simply to deal with the question of method. World public opinion would undoubtedly be discontented if the results of the Commission's initial work bore too close a resemblance to former declarations of human rights; it wanted the Covenant to show tangible progress in the direction of the implementation of the Declaration. That, indeed, was one of the reasons why France had accepted the proposal that an attempt should be made to include in the first International Covenant provisions concerning economic, social and cultural rights.

It should not, however, be forgotten that, while these rights yielded nothing in dignity to the other human rights, they were very different in character, and that a whole legislative and technical structure was required to translate them into practice. Furthermore, as the United Kingdom representative had very aptly pointed out, whereas the rights so far studied by the Commission had not been safeguarded by the specialized agencies,

economic, social and cultural rights already had their defenders in the shape of such agencies as the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

In the new work being undertaken by the Commission there were certain pitfalls which would have to be avoided. In the first place, the Commission would run the risk of weakening the Universal Declaration if it merely reiterated its terms without adding any explicit obligations for its implementation. One could not hope by a single waft of the magic wand to achieve social advances which could only be made after years of effort, and the Commission should not be content to put up a sort of advertisement hoarding, making promises which governments would be unable to keep.

There was also the fact that the second part of the Covenant, dealing with economic, social and cultural rights, could not be made subject to the ordinary procedure of international law, according to which each signatory government brought its national legislation into line with an international instrument before ratifying it. A covenant on human rights, designed to transform a declaration into a legal instrument, could not wait until each signatory State had adapted its legislation to the principles of the Declaration before being ratified. The struggle against illiteracy, for instance, demanded the setting up of schools and the training of teachers, a task which, in certain countries, might require from 20 to 25 years. That the ratification of the Covenant should be held up for so long as that was quite inadmissible. It was for that reason that, in the case of the 18 articles already completed, the majority of the Commission had already accepted the idea that governments should ratify the Covenant and undertake to adapt their legislation to it within a reasonable

period of time.

Such a method was even more justified where broad social reforms of a long-term nature were concerned. The signatory governments would not be able to enter into special undertakings requiring immediate fulfilment in connexion with all the points involved. The Commission should accordingly contemplate general undertakings, legally binding, but the execution of which might be spread over a period of years, varying according to the nature of the rights affected and the resources of the States concerned.

It should also be borne in mind that, according to Article 22 of the Universal Declaration of Human Rights, the realization of economic, social and cultural rights was to be obtained "through national effort and international co-operation and in accordance with the organization and resources of each State".

It was not possible therefore for each State to assume sole responsibility for the implementation of the Covenant on its own territory while refusing to accept international supervision. A large number of States would, in any case, require international assistance in implementing such rights, and supervision by the international community followed as a natural corollary of such assistance.

With regard to the procedure to be followed by the Commission, he thought it would be of great advantage to set up working groups as recommended by the General Assembly and the Economic and Social Council, in order to organize proper collaboration with the specialized agencies.

The latter was a very delicate operation which would no doubt reveal that certain of the rights envisaged could not be included straightaway in the Covenant. If that were so, the Commission could resort to a method frequently adopted by the International Labour Organisation, which proceeded by means of recommendations when a problem was not ripe enough for solution by means of a Convention.

The Universal Declaration itself was already a recommendation, but there were certain points on which the recommendation could be carried a stage further. Such a procedure, midway between the Declaration and the Covenant, would make it possible to prove to world public opinion that the Commission did not intend to classify rights by order of precedence, but that it was endeavouring to secure the realisation of them all by the most appropriate means in the present state of world affairs.

AZMI Bey (Egypt) said that in general he supported the realistic approach of the French representative. However, he wished to express some reservations both with regard to the idea of not including all economic, social and cultural rights in the Covenant, since there might be disagreement as to which of them should be included, and with regard to what the French representative had called a reasonable interval of time to be allowed for their implementation, for it might be difficult to agree on the time-limit.

With due respect for the United Kingdom representative's attitude, he himself considered that the decision taken by the Third Committee and embodied in General Assembly resolution 421 (V) brooked no further discussion. In any event, he found it difficult to accept the argument that those who had abstained from voting on General Assembly resolution 421 (V) might be regarded as opposed to it.

Mrs. MENTA (India) felt it essential, before making a general statement on behalf of her delegation, to know whether, in view of the General Assembly's decision, the Commission could deal with the question of whether or not economic, social and cultural rights should be included in the draft Covenant. If it could not do so, the Commission should obviously go on to consider which economic,

social and cultural rights should be included, bearing in mind the extent to which Member States, in the light of their resources, could implement provisions of that nature.

The CHAIRMAN observed that the Commission was directly responsible not to the General Assembly, but to the Economic and Social Council, which had requested it to prepare and submit a revised draft Covenant on the lines indicated by the General Assembly. That request left room for wide interpretation. Consequently, he felt that he should not hamper the debate by giving a ruling at that stage on the very important question raised by the Indian representative.

Mrs. ROOSEVELT (United States of America) had listened with great interest to the statements that had been made. The United Kingdom and Soviet Union representatives held diametrically opposed points of view, while the French representative had been more concerned with the question of method. In the light of the General Assembly's decision and the Economic and Social Council's request, her delegation had felt that it should be prepared to discuss the question of the inclusion in the Covenant of some basic statements of economic, social and cultural rights. In her view, there were a number of points that had to be taken into consideration.

First, as the Covenant would take the form of a treaty, it would require to be worded accordingly. Secondly, in view of the nature of such rights and of their implications, financial and other, consideration would have to be given to the question of the resources available to countries and to the need for care in the form in which the articles were drafted, so as to win maximum adherence to the Covenant. Thirdly, the specialized agencies were already carrying out work in connexion with economic, social and cultural rights, as was demonstrated by the fact that they had been requested to send special delegations to the present session, and it would be necessary to seek to avoid overlapping. Lastly, careful consideration must be given to the question of the enforcement machinery to be included in the Covenant, to make sure that nothing was written into it which would not be ultimately capable of universal achievement.

Her delegation therefore proposed a middle course, namely, that a broad general provision should be incorporated in the Covenant setting forth a legal obligation on States to promote conditions of economic, social and cultural progress and development, for a higher standard of living for all, with due regard to the organization and resources of the State concerned, and calling for close co-operation between the specialized agencies and United Nations organs in that field of activity. She put forward that suggestion, in the light of the General Assembly's decision and the Economic and Social Council's request, as a basis for discussion. It would be obvious to all that such rights, for example, as those to medical care and access to education, depended very much on resources of finance, equipment and personnel, which were undoubtedly not available in sufficient measure in all countries.

The CHAIRMAN stated that the text of the United States proposal would be circulated later.

Mr. JENKS (International Labour Organisation), speaking at the invitation of the CHAIRMAN, and making a brief preliminary statement, drew attention to the fact that the differences of opinion manifested during the present discussion also prevailed within the Governing Body of the International Labour Organisation. Certain general and valid conclusions had, however, been reached at various sessions, and it was possible to state that by and large the Governing Body felt that the issue of the inclusion in the draft international Covenant of economic, social and cultural rights differed in three essential ways from the problem of fundamental human rights. By their very nature, such provisions were statements of policies and aims to be attained by dint of sustained endeavour both at national and at international level, rather than by juridical recognition of their validity. Consequently, the extent to which such aims could be achieved must necessarily be conditioned by national resources and traditions.

Again, there must be a fundamental difference in implementation between those countries where the government played a decisive rôle and those where the predominant part was taken by voluntary effort.

The third difference, to which reference had already been made by other speakers, was that the whole question of economic, social and cultural rights formed part and parcel of the programmes of work of the specialized agencies generally and of the International Labour Organisation in particular. At its last session, the Governing Body of the Organisation, after examining the records of the discussions in the General Assembly and the resolution adopted there, had agreed to suggest to the Commission that any relevant provisions that it might decide to include in the draft international Covenant should be of a general nature, the study of such measures of implementation as might be appropriate being left to the competent organs of the United Nations and to the specialized agencies.

The application of general policies was necessarily slow. Moreover, in making that suggestion the Governing Body had had in mind the necessity of avoiding overlapping and duplication of effort, a principle to which both the General Assembly and the Economic and Social Council rightly attached much importance. Care was also necessary to make sure that the inclusion of certain provisions in the Covenant would not weaken the authority of the Charter, the constitutions of the specialized agencies or the agreements between the United Nations and the specialized agencies on the division of responsibilities.

In view of those considerations, the Governing Body welcomed the resolution adopted by the Economic and Social Council on 23 February 1951 (E/1927) whereby the Commission was called upon to consider the setting up of one or more joint working groups consisting of representatives of the Commission and of the interested specialized agencies. The Governing Body had already appointed representatives, selected on the usual tripartite basis; if, in the Commission's view, those representatives could be of assistance, they would be available to attend a joint working group at a few days' notice.

Mr. JEVREMOVIC (Yugoslavia) said that the question before the Commission was far from new, and had been discussed a number of times, not only in the Commission, but in other organs of the United Nations, including the General Assembly, too. His delegation's position in the matter was well known, and did



not require to be restated. The General Assembly had by its resolution 421 (V) decided in favour of the inclusion within the draft International Covenant of articles concerning economic, social and cultural rights. There was no need to discuss that issue again. Indeed, the Commission had no right to do so, since it was charged with the task of working out the terms of the resolution adopted by the General Assembly and of deciding what measures of implementation should be taken. Moreover, the Commission itself had decided two years previously that such articles should be included, and as nothing positive had been done since, further deferment would hardly be to the Commission's credit.

He entirely agreed with those representatives who had said that the issue must be treated realistically, but would submit that realism was not the same thing as concern for the difficulties which States might encounter in implementing economic, social and cultural rights. All people were equal, all people needed a livelihood and food and shelter for themselves and their families. Indeed, realism demanded the immediate recognition of those fundamental rights.

Turning to the question of the rôle which might be played by the specialized agencies, he must state that in his view the approach of the United Kingdom representative was wholly wrong. The Commission was concerned with defining the economic, social and cultural rights in accordance with the General Assembly's instructions. The specialized agencies could certainly help in working out the problem in practical terms, but only on a solid foundation of principle laid down by the Commission.

His delegation had at the preceding meeting made a proposal, the text of which would shortly be available. Briefly, it re-affirmed each man's right to a livelihood for himself and his family, called for the establishment of favourable conditions of employment, particularly for women and young people, and provided a safeguard for those cultural rights to which explicit reference had already been made in the Universal Declaration of Human Rights. He would speak in detail on his proposal at a later stage. Economic, social and cultural rights were an integral part of life itself, and each day bore witness to the fact that millions of working people in all parts of the world were calling for their practical application. The Commission must keep that point in mind.

Mr. SORENSEN (Denmark) supported the Indian representative in her request for elucidation as to whether the Commission was bound by the policy adopted by the General Assembly and transmitted to the Commission by the Economic and Social Council in its last resolution on the subject (E/1927). His Government had throughout taken the position that economic, social and cultural rights should not be included in the draft international Covenant, for the same reasons as those adduced by the representatives of the United Kingdom and the International Labour Organisation. His Government did not fail to recognize the importance of those rights, but felt that a different approach was needed.

If the Commission was bound to follow the policy laid down by the General Assembly, a policy against which his delegation had voted at the time, he must reserve his Government's right also to vote against similar decisions taken by the Commission when they were in due course submitted to the General Assembly again. But, as the Chairman had pointed out, the Commission might consider that it had been given a certain latitude in carrying out its work, and that it was free to adopt such provisions as would in its opinion best fit into the general framework of a Covenant.

The Chairman had said that there was no need for a clear-cut decision on this point at the present stage. He (Mr. Sørensen) must submit that the same difficulty would arise with all the issues included under item 3 of the agenda, whether it was the question of the revision of the substantive provisions of the draft Covenant, or of the study of a federal state article, or of measures for implementation. Taking it for granted that the Commission was in fact bound by the General Assembly's decisions, he must say that, while unable to agree with the United Kingdom representative's attitude, he believed that the proper procedure would be to take advantage of the offer made by the International Labour Organisation and set up a working group on which representatives of the latter would serve. In order that the services of those representatives might be made available as far as possible, the decision to set up such a joint working group should be taken forthwith.

Mr. WAHEED (Pakistan) said that the draft international Covenant would reflect the great humanitarian ideals of the present time. For countries like his own, which had recently won their recognition, economic, social and cultural rights represented the struggle for emancipation and freedom.

He believed that, on the whole, the Commission was agreed in principle that those rights should be included in the Covenant, but that since national structures and systems differed, the rhythm of implementation must inevitably vary, especially in the under-developed countries. The best procedure would be to incorporate those provisions in separate protocols, thus enabling governments to implement them according to their possibilities. But the rights themselves should be clearly defined in a juridical instrument. The United Nations and the specialized agencies were the appropriate organs to undertake the task of defining the rights, in accordance with the resolutions already adopted by the General Assembly and Economic and Social Council. He was in favour of the inclusion of such provisions in the draft international Covenant.

Dr. DOROLLE (World Health Organization), speaking at the invitation of the CHAIRMAN, pointed out that the constitution of his Organization, signed by 76 nations, defined the enjoyment of the highest obtainable standard of health as one of the fundamental rights of every human being; it also recognized that unequal development in different countries in the promotion of health and the control of disease was a common danger.

Since its inception, the World Health Organization (WHO) had endeavoured to give effect to that affirmation of the right to health. Its Constitution authorized the World Health Assembly to adopt conventions and recommendations on international health questions. Consequently, the inclusion of that principle in the International Covenant on Human Rights could only strengthen and stimulate the work of WHO.

The problem of implementation was much more difficult, since allowance had to be made for the varying degrees of economic and cultural development of the nations, and the rôle of WHO was to assist governments in organizing the best possible health services.

In drafting the clauses of the Covenant dealing with that subject, it would be well for the Commission on Human Rights to remember that the World Health Assembly, in which the best medical experts of the world took part each year, was better qualified than any other international body to formulate specific recommendations in the field of health. WHO was at the Commission's disposal for any technical advice which might be requested of it. Its Constitution gave it directing and co-ordinating authority in matters of health, and it was resolved not to fail in its task.

The CHAIRMAN drew the attention of the representatives of the World Health Organization to the fact that, although the Universal Declaration of Human Rights did not specifically refer to the right to health, the principle was clearly implied therein: Article 25 referred to the right to a standard of living adequate for health, and to the right to security in the event of sickness.

Mr. WHITLAM (Australia) regretted that he was unable to accept the United Kingdom representative's conclusions, since in the Australian Government's view the Commission was definitely committed to the inclusion in the Covenant of economic, social and cultural rights. The only issue was how those rights should be formulated and subsequently implemented. He regretted that difference of opinion the more, in that Australia had been greatly influenced by the lead given by the United Kingdom in securing those very rights to its own people.

Regarding the problem within the United Nations framework, he considered that the initiative should not come from the specialized agencies. It was for the Commission to attempt to draft the provisions. Indeed, it had started on that task at its last session. Generally speaking, his Government believed that a statement should be made of fundamental economic and social rights, namely, the right to employment, the right to just and favourable conditions of work, the right to protection against want and the right to education.

He agreed with the United States representative that a middle way must be found between highly detailed provisions and a statement so general as to be a mere repetition of the corresponding articles of the Universal Declaration of Human Rights. But his Government stuck firmly to the view that even a first

Covenant, if shorn of those provisions, would be unrealistic. In view of the wide publicity given to the Universal Declaration of Human Rights and the general feeling that economic, social and cultural rights must receive the same attention as civil liberties, he was convinced that the exclusion of those rights from the Covenant would cause the latter to be regarded as a mockery. The Australian Government was not prepared to envisage such a possibility.

As to implementation, clearly the financial, economic and social implications of those rights called for a different form of implementation. The stage of development and the circumstances of each country must certainly be taken into account.

Mr. VALENZUELA (Chile) observed that the delegations which opposed the inclusion of economic and social rights in the Covenant could certainly not be accused of opposing the interests of the workers by doing so, since they represented countries the constant concern of whose governments it was to improve labour conditions.

But economic, social and cultural rights must not be confused with the rights of the workers, which already came within the competence of the specialized agencies.

It was not a question of crystallizing in a text, as it were, the conquests already won by the working classes; the Commission had to draft a Covenant in which economic, social and cultural rights would have the same importance as civil rights, and would therefore be respected by all countries, whether rich or poor.

The Chilean delegation rejected the view that it would be difficult to expect the under-developed countries to implement economic and social provisions. It was of the greatest importance for those countries that economic development should go hand in hand with the improvement of the well-being of the workers. Otherwise, the result would be the exploitation of natural resources at the expense of the working classes, which would make the poverty of the under-developed countries a commodity for export.

Moreover, he considered that although the specialized agencies should collaborate in solving those problems, final responsibility for establishing a plan of action for the recognition of economic, social and cultural rights lay with the United Nations.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) said that two different approaches had been manifested in the Commission. The first was that of the Soviet Union, which favoured the inclusion of economic, social and cultural rights in the Covenant in accordance with the decisions taken by the General Assembly and the Economic and Social Council; the second was opposed to such inclusion, and was therefore tantamount to a refusal to carry out the decisions and policies of the supreme organs of the United Nations. The representatives of Denmark and the United Kingdom, for instance, had argued that it would not be possible for all countries to implement those rights at once. But the rights were surely fundamental. It was surely the first duty of any government to see that its people did not live under the threat of hunger and acute want. What, to take another instance, were the difficulties preventing the United Kingdom Government from giving women the right of equal pay for equal work? The United Kingdom representative in her statement had claimed that almost all economic, social and cultural rights were applied in her country. What could then be said against the proposal that they should be included in the first International Covenant?

So timorous an approach clearly showed a desire to avoid coming to grips with the problem and taking positive decisions on it. Without those provisions, the Covenant would be a hollow instrument which, even if it proved acceptable to governments, would not be approved by the common people. Moreover, without them the first eighteen articles of the first International Covenant would lose all significance. A man's very right to life was challenged if he were deprived of work and pay. What would be the value to him of the first eighteen articles without social security, without health services, without education, without leisure? These fundamental rights must be included in the Covenant if the latter was intended adequately to meet the minimum needs of the people.

His own country's experience showed that those rights could be applied. The Ukrainian Constitution guaranteed every man the right to work. Indeed, work was considered a noble thing, and the title "Hero of Socialist Labour" was bestowed on those who merited it. His country provided a universal seven-year education and free medical services, and allotted considerable sums for social and cultural amenities. If a government were genuinely interested in the welfare of its people, it could certainly apply economic, social and cultural rights and so ensure that the purposes of the Covenant were fulfilled. He supported the Soviet Union proposal.

He was opposed to the suggestion that the work should be done by a joint working group. Past experience showed that that involved waste of time, since the articles would first have to be examined by the working group, and then by the Commission itself. In his view, it would be best immediately to discuss the positive proposals which had been submitted to the Commission.

Miss BOWIE (United Kingdom) asked the Chairman to give a ruling on whether the Commission must draft economic, social and cultural articles, or whether it was free to study the matter and make recommendations on such lines as it saw fit to adopt.

If the Chairman ruled that the Commission had no choice, she would not challenge his ruling; if, on the other hand, he were to give the Commission latitude, she would submit a resolution directed against the inclusion of those rights in the Covenant.

The CHAIRMAN said that he had considered the possibility of giving a ruling, but preferred for the time being to let the discussion take a free course.

Mr. CASSIN (France) said that although, in the circumstances, he was in favour of implementing it, the General Assembly's decision recommending that economic, social and cultural rights be included in the Covenant was not binding on the Commission. Like all political bodies, the United Nations General Assembly laid down the general policy, but it was for the advisory organs, such as the Commission on Human Rights, to choose the best course to adopt.

With regard to the respective competence of the United Nations and the specialized agencies, he pointed out that the two types of organization were both dedicated to the service of humanity, and that it was only a matter of ensuring the best co-ordination of their work. It was certainly the Commission's duty to consult the competent specialized agencies, but it could not for one moment admit that there were any human rights with which it need not concern itself because they came within the competence of one of those agencies.

In conclusion, he thought that the Commission would be well advised to make a serious attempt to include economic, social and cultural rights in the first International Covenant as far as possible, and to set up working groups for the purpose as soon as possible.

The meeting rose at 5.45 p.m.