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COMMISSION ON HUMAN RIGHTS

Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND FORTY-SEVENTH MEETING

held at the Palais des Nations, Geneva,  
on Thursday, 17 May 1951, at 3 p.m.

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(E/CN.4/629, E/CN.4/630, E/CN.4/631/Rev.2)  
(resumed from the 246th meeting)

Present:Chairman:

Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAW
Chile	Mr. SANTA CRUZ Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SÖRENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
Guatemala	Mr. DUPONT-WILLEMIN
India	Mrs. MEHTA
Pakistan	Mr. WAHEED
Sweden	Mrs. RÖSSZL
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
Uruguay	Mr. CLASULLO
Yugoslavia	Mr. JEVREMOVIĆ

Representatives of specialized agencies:

International Labour Organisation	Mr. PICKFORD
United Nations Educational, Scientific and Cultural Organisation	Mr. BARMATE

Representatives of non-governmental organizations:Category A

International Confederation of Free Trade Unions	Miss SENDER
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Representatives of non-governmental organizations (continued):Category A (continued)

International Federation of Christian Trade Unions	Mr. EGGERHJHN
World Federation of United Nations Associations	Mr. EINHALS

Category B and Register

Caritas Internationalis	Mr. PETERKIN
Catholic International Union for Social Service	Miss de ROMER Mrs. SCHRADER
Commission of the Churches on International Affairs	Mr. NOLDE
Consultative Council of Jewish Organizations	Mr. MOSKOWITZ
Co-ordinating Board of Jewish Organizations	Mr. WARBURG
International Federation of Business and Professional Women	Miss TOMLINSON
International Federation of University Women	Miss DUBOIS
International League for the Rights of Man	Mr. de MADAY Mr. BALDWIN Mr. GLANT
International Union of Catholic Women's Leagues	Miss de ROMER Miss ARCHIMARD
Liaison Committee of Women's International Organizations	Miss ROEB
Pax Romana	Mr. HABICHT
World Jewish Congress	Mr. BIENENFELD Mr. RIEGNER

Secretariat

Mr. Humphrey	Representing the Secretary-General
Mr. Das	Secretary to the Commission



1. CONSIDERATION OF THE PROGRAMME OF WORK FOR THE REMAINDER OF THE SESSION

The CHAIRMAN invited observations from representatives on the programme of work for the remainder of the session. The only proposal that he had to make after consultation with the Secretariat, and in the absence of any definite proposals from representatives, was that the Commission should continue its work on measures of implementation, concluding it at the end of the meeting to be held on the morning of Saturday, 17 May. In the afternoon of that day it should consider its report to the Economic and Social Council, the session being closed as soon as the report had been adopted. He had no doubt that members would do their utmost to see that the work on measures of implementation relating to the draft International Covenant and to economic, social and cultural rights was completed by midday on Saturday.

Mr. SANTA CRUZ (Chile) observed that, if the Commission decided to continue to sit during the following week, it would not be the first time that a session of a United Nations organ had been extended beyond the appointed date, or that the allotted appropriations had been exceeded.

Before a decision was taken on the question of prolonging the session, he wished to ask the Chairman whether he thought that the Commission could complete the essential part of its work by Saturday, 19 May, apart from the revision of the first 18 articles of the draft Covenant.

The CHAIRMAN replied that items 3(c) - consideration of provisions for the receipt and examination of petitions etc. - 3(d) - study of a federal state article - and 3(e) - the territorial application of the Covenant - were on the agenda of the present session. As he had previously indicated, item 3(a) lay outside the scope of the Commission's work at the present stage.

Mr. SANTA CRUZ (Chile) formally proposed that the seventh session be prolonged for one week, so that the Commission could re-examine the first 18 articles of the Covenant (item 3(a) of the agenda). That was not, however, an absolutely essential task. The Commission had in fact already done the main

part of the work, so that the Economic and Social Council and the General Assembly could use the first text of those articles as their basic working document. Moreover, the chief reason why the General Assembly had considered that the first 18 articles were inadequate was that they made no mention of economic, social and cultural rights. That deficiency had now been made good, as the Commission had drafted special provisions relating to those rights during the present session. If certain delegations found it absolutely impossible to continue to take part in the Commission's work after 19 May, he would withdraw his proposal.

The CHAIRMAN assured that the Chilean representative's proposal constituted an amendment to his own.

Mr. WAHEED (Pakistan) said that he would be unable to support a proposal that the session be prolonged, as he had other commitments, and had no alternate who could take his place at meetings of the Commission.

He would, however, like to amend the Chairman's proposal by moving that the Commission conclude its substantive work by the evening of Friday, 18 May, thus leaving the whole of Saturday for the consideration of its report.

Miss BOWIE (United Kingdom) supported the Pakistani amendment, and would oppose any proposal to prolong the session beyond May 19.

Mr. CASSIN (France) also supported the Pakistani proposal.

AZKI Bey (Egypt) also supported that proposal, and added that he did not share the Chairman's opinion as to the amount of work that could be accomplished before the end of the session.

Mr. SANTA CRUZ (Chile) withdrew his proposal, and said that he would not oppose the Pakistani proposal. He pointed out, however, that the convening of an extraordinary session would cause more trouble and expense than a simple extension of the current session.



Moreover, he earnestly hoped that, when the questions relating to the draft International Covenant came before the Economic and Social Council and the General Assembly, none of the delegations which were now pressing for the session to close on the scheduled date would oppose consideration of the draft Covenant on any pretext that it had not been sufficiently studied by the Commission, since that was not the case.

Mr. YU (China) said that he would have been in favour of prolonging the session for one or two weeks if that would have enabled the Commission to complete its work. He feared, however, that a short extension would not be enough. Representatives should carefully consider whether it would not be expedient for the Commission to hold an extra session later in the year.

He supported the Pakistani proposal.

The CHAIRMAN put to the vote the Pakistani proposal, which had been submitted as an amendment to his own.

The Pakistani representative's motion that the Commission complete its substantive work by the evening of 18 May was carried by 14 votes to none with 4 abstentions.

2. 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.

Draft articles on the implementation of the provisions relating to economic, social and cultural rights

(E/CN.4/629, E/CN.4/630, E/CN.4/631/Rev.2) (resumed from the 246th meeting).

Article C (continued)

The CHAIRMAN invited the Commission to resume its consideration of article C of the draft articles in the Working Group's report on the implementation of economic, social and cultural rights (E/CN.4/629, page 2).

AZHI Bey (Egypt) submitted that the Commission should accept and support the opinion expressed at the previous meeting by the Chairman as representative of Lebanon concerning the Economic and Social Council's responsibilities under the Charter in the field of human rights.

He had revised his amendment to article C, paragraph 2, in the light of that opinion, so that it now read (E/CN.4/631/Rev.2):

"Pursuant to its responsibilities under the Charter in the field of human rights, the Economic and Social Council shall make special arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the implementation of human rights falling within their competence and in particular those rights set forth in this Covenant. These reports shall include particulars of decisions and recommendations on such implementation adopted by their competent organs."

The CHAIRMAN, speaking as the representative of Lebanon, said that he would be prepared to vote for the revised Egyptian amendment, provided that by so doing he would not be prejudging his vote in favour of the United States amendment to paragraph 2.

Mr. YU (China) said that he had already pointed out that reports should be addressed by States parties to the Covenant to the United Nations, and not to the Secretary-General. He regretted that in drafting its proposals the Working Group had not taken that view into consideration. Furthermore, it would be incorrect to request States to address reports to specialized agencies, which were organs affiliated to the United Nations. It was usual for States undertaking treaty obligations to communicate only with higher authorities. His delegation would press that point in the Economic and Social Council and General Assembly, and would therefore be unable to vote in favour of paragraph 1 of article C. On the other hand, he was prepared to support the revised Egyptian version of paragraph 2.

The Egyptian proposal (E/CN.4/631/Rev.2) that the words "at the same time as to the Secretary-General" be inserted before the words "in respect of matters" in paragraph 1 was adopted by 8 votes to 7 with 3 abstentions.



Paragraph 1, as amended, was rejected by 8 votes to 7 with 3 abstentions.

The United States amendment to paragraph 2 (E/CN.4/629, page 3) was adopted by 10 votes to 4 with 4 abstentions.

Paragraph 2, and the United States amendment thereto, were adopted by 13 votes to 2 with 2 abstentions.

AMR Boy (Egypt) proposed that the word "observance" be substituted for the word "implementation" in the eighth line of the Egyptian amendment to paragraph 2.

It was so agreed.

The Egyptian proposal (E/CN.4/631/Rev.2) that a sentence reading: "These reports shall include particulars of decisions and recommendations on such observance adopted by their competent organs", be added at the end of paragraph 2 was adopted by 11 votes to 2 with 5 abstentions.

Article C, as amended, was adopted by 14 votes to none with 4 abstentions.

As adopted, it read:

"Pursuant to its responsibilities under the Charter in the field of human rights, the Economic and Social Council shall make special arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of this part of the Covenant falling within their competence. These reports shall include particulars of decisions and recommendations on such observance adopted by their competent organs."

Mr. SØRENSEN (Denmark) said that he had abstained from voting on article C because, in his view, it was incomplete without paragraph 1. He had voted against the Egyptian amendment to the first paragraph on the ground that it would entail unnecessary duplication. Since, however, it had been adopted by the Commission, he had been obliged to vote against paragraph 1 in its entirety. It was regrettable that the majority by which the amendment had been carried had not been forthcoming for paragraph 1 itself. As a result, the whole question would have to be reconsidered.



Miss BOWIE (United Kingdom) said that she had voted against the Egyptian amendment to paragraph 2 because she felt that it was unwise to give instructions to people as to how they should do their work. The Egyptian amendment to paragraph 1 involved duplication, and had caused the rejection of the paragraph as a whole.

Article C should be added to article B; that would give a complete and sensible text.

Mr. CLASULLO (Uruguay) asked the Chairman whether the Commission could, under its rules of procedure, reconsider the decision it had just taken on article C, paragraph 1, as in his opinion the article as adopted was not satisfactory.

Mr. CASSIN (France) stated that he had abstained from voting on article C as a whole, precisely because in his opinion the rejection of the very important paragraph 1 left a very serious gap. Furthermore, paragraph 2 was much too restrictive in respect of the reports to be submitted to the Economic and Social Council by the specialized agencies.

He therefore supported the Uruguayan proposal.

The CHAIRMAN, speaking as representative of Lebanon, considered that the texts adopted under articles B and C laid down a complete system of reporting. In his view, paragraph 1 of article C could easily be dispensed with.

Mr. YU (China) agreed with the Chairman. Moreover, he was not in favour of the Commission re-considering a decision. Articles B and C were satisfactory, and would provide an initial system which could be improved on later.

The CHAIRMAN, pointing out that the Uruguayan representative could reserve his Government's position, asked him whether he wished to press his proposal to a vote.

Mr. CIASULLO (Uruguay) said he was not pressing for the re-opening of the discussion on paragraph 1 of article C, but simply asking the Commission to decide whether a second vote could be taken on that paragraph.

Mr. CASSIN (France) stated that the arguments put forward by the Chairman as representative of Lebanon and by the Chinese representative led him to agree that, as matters stood, paragraph 2 of article C could appropriately be translated to form paragraph 4 of article B.

Mr. MOROSOV (Union of Soviet Socialist Republics) expressed great concern at the procedure now contemplated, which was inimical to the orderly conduct of business. He had stated at the preceding meeting that he was not particularly concerned about the text of article C, but he must express the gravest anxiety about a flagrant infringement of the rules of procedure. The Commission could not vote twice on the same text. It was open to the Chairman to give a ruling, but it was impossible for him to put the Uruguayan proposal to the vote. The Commission, which had been entrusted with the task of defending human rights, must not wreak havoc with its own rules of procedure. Could the Secretariat quote any precedent for the same text being voted on twice? He did not believe it could, and therefore considered that the Uruguayan proposal was out of order.

The CHAIRMAN asked the Soviet Union representative to specify which rule, or rules, he had in mind.

Mr. MOROSOV (Union of Soviet Socialist Republics) replied that, even if the rules of procedure of the functional commissions did not provide for the specific issue he had raised, he would point out that any departure from the customary procedure or innovation was covered by rule 77, which stipulated that amendments to the rules of procedure could be made only by the Economic and Social Council. He had time and again urged that the rules of procedure must be strictly observed, otherwise the Commission's sessions would degenerate into something like the building of the Tower of Babel.

The CHAIRMAN noted that the Soviet Union representative had conceded that there was no rule which forbade the reconsideration of a rejected text. But whereas Mr. Morosov interpreted that omission as an interdict, he (the Chairman) held that the Commission was master of its own procedure.



Under rule 44, a member could make a point of order, and could also challenge the Chairman's ruling on that point of order. That was a simple device which, as he had said, made the Commission master in its own house.

Mr. MOROSOV (Union of Soviet Socialist Republics) was unable to agree with the Chairman's interpretation of the position, and recalled that he had asked whether there were any precedents for two votes on one and the same text.

Mr. CIASULLO (Uruguay) said he would withdraw his proposal.

#### Article D

The CHAIRMAN drew attention to the Indian amendment (E/CN.4/630) to article D.

Mrs. ROOSEVELT (United States of America) said that her delegation was opposed to the Indian amendment to articles D and F, because the addition of the words proposed therein would result in the Council having to transmit to the Commission on Human Rights any reports from any source whatever. Such a procedure might have the effect of discouraging States from ratifying the Covenant, because it would allow non-signatory States to bring complaints against signatory States, and so invoke the machinery for the implementation of economic, social and cultural rights. Signatory States, it should be noted, would not enjoy the reciprocal right of setting that machinery in motion in order to bring complaints against non-signatory States. A further consequence of the Indian amendment might be the transmission to the Commission by the Council of an inordinate number of communications from individuals without preliminary screening for content.

Her delegation, which had opposed the adoption of articles D and E in the Working Group, would vote against them again in the Commission. There was nothing to prevent the Economic and Social Council from referring reports to any organ it might select, and the implementation machinery would be made unnecessarily cumbersome by the reference to the Commission on Human Rights.

Miss BOVIE (United Kingdom) said that her delegation would vote against article D, as well as against article E, because it considered that the issue in question should be left to the Economic and Social Council and to the specialized agencies. The former was competent to set up any body it wished and to transmit reports to it.

Mr. WAHEED (Pakistan) stated, in prior explanation of his vote, that the system of reporting adopted at the preceding meeting would only prove fruitful if the appreciation and analysis of the data was carried out by some authority conversant with the significance of the facts it would have to study. The work of examining the reports and of making recommendations upon them would be highly technical, and he failed to see how the Commission on Human Rights could possibly deal with the mass of material which would undoubtedly be submitted to it.

Article C, as just adopted, acknowledged the wide supervisory and coordinating functions of the Economic and Social Council, which would call upon the specialized agencies to submit comments and recommendations in the manner which it thought fit and proper for the implementation of the particular rights concerned. The Commission would be attempting an impossible task in seeking to study and comment on those reports. The specialized agencies possessed both the appropriate machinery and the experts needed to carry out that task on behalf of the Economic and Social Council.

His delegation would therefore be unable to vote for article D.

Mr. CASSIN (France) questioned the validity of the arguments advanced against the text drafted by the Working Group. If those arguments had force, that would amount to saying that the Commission did not consider itself capable of studying certain questions, such as those relating to housing, food and standard of living. Yet it had examined all those questions at length for several weeks. Moreover, the same argument might be used to cast doubt on the Commission's competence in respect of other rights, for instance, civic rights.

It should be remembered that the drafting of covenants or conventions was not the Commission's only task. It had been set up by the United Nations Charter, and charged with the promotion of human rights. In those circumstances, it was hardly open to the Commission to tender its own resignation.

He could have understood the objections raised had it been laid down that only States Parties to the Covenant would have the right to supervise the manner of its observance, but since it had been agreed that organs of the United Nations-



membership of which was open to all States, whether signatories of the Covenant or not - should examine the reports, the argument was invalid.

It had also been said that the reports would be very numerous. That was not true either. In practice, States Members of specialized agencies would report to those agencies, which in turn would report to the Commission. Thus, the latter would receive only three or four reports, together with those sent to it direct by States which were not members of any or all of those specialized agencies. It could not therefore be said that the Commission would be faced with an overwhelming task. Moreover, the Commission could request the Council to attach experts to it, and the Council was hardly likely to refuse to do so.

In his opinion, after having proclaimed the responsibility of the United Nations in the realm of human rights, the Commission could not refuse to state which organ it considered should be made responsible for examining the reports.

The CHAIRMAN, speaking as representative of Lebanon, supported the French representative. The point was a crucial one, and the arguments advanced pro and contra would undoubtedly be re-iterated during the years to come until the issue had finally been solved.

If article D were dropped from the articles dealing with measures of implementation, he would be obliged to submit his own text (E/CN.4/570/Rev.2) for consideration by the Economic and Social Council and the General Assembly.

In his view, the Indian amendment went beyond the scope of an article dealing with the system of reporting. The Council could itself judge what documents it wished, and needed, to transmit to the Commission. He would regretfully have to vote against the Indian amendment, but would vote in favour of article D, which was a very important provision.

Mr. SANTA CRUZ (Chile) supported the text proposed by the Working Group for article D, and endorsed the views expressed by the French representative and the Chairman as representative of Lebanon.

He considered the article not only necessary and useful, but also most opportune in the prevailing circumstances. It so happened that the Economic and Social Council was at present engaged in examining its own organization and structure, as well as the organization and terms of reference of its functional commissions. A month ago, at a meeting of the committee expressly set up for that purpose, it had been decided to keep the Commission on Human Rights in being, on the ground that it had been set up by the Charter. The general view had been that the Commission could carry out two specific and very special functions: to study and formulate texts of international scope designed to promote respect for human rights and fundamental freedoms; and to ensure the observance, on the international plane, of national legislation relating to human rights. Accordingly, the committee had decided to leave the structure of the Commission on Human Rights unchanged until it had completed the final text of the draft International Covenant on Human Rights. When that stage was reached, the committee would examine the Commission's organization to ensure that its composition was the most suitable one for the proper accomplishment of the second function entrusted to it.

By approving article D in its present form, the Commission would provide the Council with an indication of the form its future activity might take. It was for that reason that he pressed for the adoption of the article.

The wording of the Indian amendment struck him as being far too vague, and he felt that it called for some clarification by its sponsor.

Mrs. MEHTA (India) said that in submitting her amendment (E/CN.4/630) she had had in mind any non-governmental organization that might wish to submit a report on the implementation of economic, social and cultural rights. She would, however, withdraw it, in the light of the criticism it had provoked.

Article D was adopted by 10 votes to 6 with 2 abstentions.



#### Article E

Mrs. ROOSEVELT (United States of America) considered that article E was redundant, in view of paragraph (2) of rule 77 of the rules of procedure of the Economic and Social Council.

Mr. YU (China) considered that article E was somewhat complicated, since it provided that the specialized agencies should submit comments on the reports to the Council, and that the latter should then transmit them to the Commission. He would vote against it.

Mr. PICKFORD (International Labour Organization), speaking at the invitation of the CHAIRMAN, said that as the United States representative had implied, the International Labour Organization and other specialized agencies already had the right to participate in certain circumstances in the Council's deliberations. The right existed and required no mention.

Article E was adopted by 10 votes to 7 with 1 abstention.

#### Article F

Mrs. MEHTA (India) withdrew her amendment to article F (E/CN.4/630).

Miss BOWIE (United Kingdom) said that her delegation would vote against article F, which it regarded as redundant. The Economic and Social Council would automatically take the action suggested, and there was no need to tell it what it should do with the reports in question.

Mr. SØRENSEN (Denmark) thought it might be helpful if he reviewed the discussion that had taken place in the Working Group on article F. It had been pointed out that the article entailed the establishment of new machinery for reporting, and that States would be required to give more information to the United Nations than they had had to give in the past. Both article F and article I contained provisions concerning action to be taken on the reports received by the United Nations, but if no such provisions were included in the

Covenant, the Economic and Social Council would be in a position to deal with those reports as it pleased, subject, of course, to the rules governing its business. It had then been argued that articles F and I would limit the Council's action to some extent, since under article F it would only be able to submit summaries of reports to the General Assembly, and, moreover, under article I those States which had supplied information would be able to request that only certain parts of it should be made public. The underlying idea had been that those two articles would re-assure States providing information that the use made thereof would not exceed what they themselves desired. Some members of the Working Group had voted against the articles on the ground that it was undesirable to limit the Council's action in that way, whereas others had voted in favour because they had felt that such limitation might make certain States less reluctant to provide the necessary information. He himself had voted in favour of the articles and would do so again.

Mr. SANTA CRUZ (Chile) believed that the argument advanced by the United Kingdom representative was based on a mistaken conception of the Commission's work. If the Commission's task was to frame final texts having the force of law, her argument would hold good, but that was not the case, since the articles it was drafting would be reviewed first by the Economic and Social Council and then by the General Assembly. That being so, should article F be adopted, it would not be the Commission that was giving instructions to the Economic and Social Council, but the General Assembly itself, which was fully entitled to do so. He could not therefore see how the proposal could be regarded as in any way detracting from the Council's powers. Accordingly he pressed for its adoption.

Article F was adopted by 14 votes to 2 with 2 abstentions



## Article G

The CHAIRMAN felt it was obvious that in the English text the words "deciding on" should be added after the word "in" at the end of the third line.

Mr. DUPONT-WILLEMEN (Guatemala) said that, if the Technical Assistance Board was an administrative organ of the United Nations, he wondered whether it was wise to provide for findings to be referred to a body which might undergo structural change at some later date.

Mr. WAHEED (Pakistan), in prior explanation of his vote, submitted that, since, under paragraph 2 of article B, it had been agreed that reports might indicate factors and difficulties affecting the degree of fulfilment of obligations, any further particularization of functions in that respect would lead to gratuitous encroachment upon the functions of bodies such as the Technical Assistance Board. His delegation wished to avoid duplication of effort, which might give rise to unfortunate complications, and would therefore be unable to vote for article G.

Mr. SANTA CRUZ (Chile), in reply to the Guatemalan representative, pointed out that the Technical Assistance Board had been set up by the Economic and Social Council to carry out the technical assistance programmes, adopted by the General Assembly, for the economic development of under-developed countries.

Article G contained a very valuable new idea which should be retained. The article should, however, specify what the Commission expected the Technical Assistance Board to do. There could be no question of asking that body to provide assistance outside its terms of reference.

The CHAIRMAN suggested that the Chilean representative's point might be met by inserting the words ", each within its competence," after the word "deciding" in the phrase "in deciding on the advisability of international measures".

Mr. YU (China) feared that the phrase "any other competent international organ" might prove too comprehensive, and that, if the intention was to limit the scope of the article to the economic field with which technical assistance was particularly concerned, it might be better to say "any similar competent international organ".

Mr. SANTA CRUZ (Chile) understood the formula proposed by the Chairman to apply, without reservation or limitation, to all competent international organs and, in particular, to the Technical Assistance Board.

Mrs. ROOSEVELT (United States of America) considered that the Covenant was not a suitable place for prescribing technical assistance procedure, and that the question should be left to the Economic and Social Council. The technical assistance machinery, aiming as it did at assistance for economic development, had been laid down after much careful thought, and both the Technical Assistance Board and the Technical Assistance Committee of the Economic and Social Council were in existence and operating satisfactorily. She felt therefore that the Council should be trusted to do what was right for the safeguarding of human rights through such machinery, and that it was accordingly neither necessary nor wise to provide for procedures with regard to technical assistance, even in the form of a reminder, as some might argue article G to be.

Mr. CASSIN (France) said that he accepted the text proposed by the Working Group as amended by the Chairman.

Article G, it would be recalled, was actually based on a Lebanese proposal. The Working Group had seen fit to broaden the proposal to include all competent international organs, since it had felt that the Economic and Social Council's attention should be drawn to the existence of competent United Nations organs which might assist States in implementing economic, social and cultural rights.

The CHAIRMAN observed that ever since the early days at San Francisco the United Nations had been confronted with the problem of technical assistance to under-developed countries. Progress had been slow, but it was important



to note that the United Nations' activities in that field were awakening Member States to the possibilities open to economically advanced countries of taking part in such activities. A United Nations report, drawn up by a panel of five international experts, had only recently been issued on the problem of technical assistance to under-developed countries. In his view, it was one of the most important documents ever issued by the United Nations, and would play a most important part in the development of technical assistance. It should also be noted that in many of the economically advanced countries special groups had been closely studying the problem and its important bearing on the peace of the world. In those circumstances it would, he felt, be strange if the Commission's work on economic, social and cultural rights failed to take technical assistance into account. Mention of that subject in article C was merely an attempt to point to what was taking place in the field of technical assistance, and to suggest that the Council should relate that problem to the question of the implementation of human rights. That seemed to him the least that could be done.

Mr. SANTA CRUZ (Chile) supported the view expressed by the Chairman and the French representative. Moreover, he thought that the effect of article C might be considerable. Indeed, if the Commission noted in its report that the position in some countries was such that they could not ensure the implementation of economic, social and cultural rights without outside assistance, and if those observations were brought to the notice of the competent organs, the latter would undoubtedly take account of them in reaching their decisions.

Mr. YU (China) suggested that, in order to narrow the field so as to bring the text into line with the special competence of the Economic and Social Council, it might be advisable to add the words "in the economic or social fields" after the phrase "any other competent international organ".

The CHAIRMAN felt that the word "competent" already covered the Chinese representative's point.

Mr. CASSIN (France) agreed with the Chairman that "competent" was

certainly the word required. The formula proposed by the Chinese representative might give rise to difficulties of interpretation.

Mr. WHITLAM (Australia) thought that the word "competent" in the phrase "any other competent international organ" might be deleted if, as had been proposed by the Chairman, the words "each within its competence" were inserted after the word "deciding".

Mr. MOROSOV (Union of Soviet Socialist Republics) said that his delegation could not accept article G, which represented an attempt to exercise control, with the framework of the Covenant, over matters which lay outside the scope of the Covenant and the competence of the Commission. His delegation's attitude to the article under consideration would be self-explanatory in the light of the position it had taken with regard to all the articles relating to the implementation of economic, social and cultural rights. Moreover, there was no need to embody in the Covenant measures relating to technical problems for which such bodies as the Technical Assistance Board were responsible. In any event, such an article would add nothing to the regulations governing technical assistance. Another reason for opposing article G was that it was not within the Commission's terms of reference to make any such suggestion. Finally, he would once more repeat that all the draft articles submitted in the report of the Working Group (E/CN.4/629) violated certain articles of the Charter, since the question of the implementation of economic, social and cultural rights was an aspect of the domestic affairs of States.

Mr. EUSTATHIADES (Greece) wondered whether, by mentioning the Technical Assistance Board first, too much emphasis was not being placed on the under-developed countries. It might well turn out in practice that other countries too required assistance in implementing economic, social and cultural rights. He therefore proposed the following wording:

"The Economic and Social Council may submit to any competent international organ, such as the Technical Assistance Board ...."



Mr. SANTA CRUZ (Chile) supported the Greek proposal. In the majority of cases, the difficulties met with by States would be of a financial nature. In those circumstances, the assistance of the International Bank for Reconstruction and Development or similar international bodies might prove as effective as that of the Technical Assistance Board, if not more so.

The CHAIRMAN, speaking as representative of Lebanon, said that he would agree to the amendment proposed by the Greek representative, if that would help some members of the Commission to accept the article; otherwise, it would be better to leave article G as it stood.

Mr. YU (China) supported the Australian proposal that the word "competent" be deleted from the phrase "any other competent international organ."

Mr. CASSIN (France) thought it preferable to leave article G as it stood, since the Greek amendment was hardly calculated to allay the fears of certain delegations.

For himself, he would suggest that the word "competent" in the second line be replaced by the word "appropriate"; that would eliminate the repetition to which the Australian representative had drawn attention, and provide a possible inducement to the Chinese representative to withdraw his amendment.

The CHAIRMAN, speaking as representative of Lebanon, supported the French proposal.

Mr. EUSTATHIDES (Greece) withdrew his proposal.

Mr. YU (China) withdrew his proposal that the words "in the economic or social field" be added.

It was agreed by 7 votes to none with 11 abstentions that the word "appropriate" should be substituted for the word "competent" in the phrase "any other competent international organ".

It was agreed by 11 votes to none with 7 abstentions, that the words "deciding, each within its competence, on" should be inserted after the word "in" at the end of the third line.

Article G, as thus amended, was adopted by 10 votes to 3 with 5 abstentions.

#### Article H

The CHAIRMAN recalled that article H had been unanimously adopted by the Working Group.

Article F was adopted by 13 votes to 2 with 3 abstentions.

Mr. MOROSOV (Union of Soviet Socialist Republics) explained that he had voted against the inclusion of article H in the draft Covenant because his delegation felt that all the articles on implementation were unsatisfactory, for reasons which he had already developed at length. Moreover, article H added nothing to the significance of the Covenant. Had it been moved in the form of a draft resolution, his delegation might have been able to vote for it.

#### Article I

Mr. FICKFORD (International Labour Organisation), speaking at the invitation of the CHAIRMAN, enquired why the phrase "reports presented to the Council by specialized agencies" had been inserted. The intention would appear to be that the specialized agencies should prepare reports and submit them to the Council, which in turn would send them to the Commission, and that finally they should again be returned to the Council. The normal procedure was for the specialized agencies to send published reports to the Economic and Social Council. In the circumstances it might be desirable for the time being to delete the phrase he had mentioned.

The CHAIRMAN pointed out that article I was a protective provision, in that it would enable States to express their wish that certain information be treated as confidential. The implementation of the Covenant would be a novel experiment in the field of international co-operation, and some States might not wish certain material submitted under the reporting system to be published.



Mr. PICKFORD (International Labour Organisation) thanked the Chairman for his explanation. It was, however, with that very thought in mind that he had made his suggestion, for it might be advisable for the governing bodies of the specialized agencies to go into the matter with Member States before such a provision was finally adopted.

Mr. SANTA CRUZ (Chile) pointed out that the action provided for in article I concerned the Secretary-General, not the specialized agencies.

Replying to Mr. PICKFORD (International Labour Organisation), the CHAIRMAN confirmed that article I laid no obligation whatsoever upon the specialized agencies with regard to the publication of their reports.

Article I was adopted by 10 votes to 4 with 4 abstentions.

Article J.

The CHAIRMAN said that article J had been unanimously adopted by the Working Group on the understanding that its decision did not prejudice the position of the article in the Covenant.

Mr. MOROSOV (Union of Soviet Socialist Republics) felt that article J. was not at all clear. However, the Soviet-Union delegation took into account the fact that the article had no connexion with the question of implementation, and consequently could support its first part, reading: "Nothing in this Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations". He could not grasp the purpose of the remainder of the article. Neither its scope nor its meaning was at all clear. Even if the Commission was competent to consider the Constitutions of the specialized agencies, it would still have to pay regard to the fact that the latter's respective responsibilities might be modified in the future. Apart from that consideration, he felt that there was no need to mention those Constitutions or to dwell on the inter-relationship between the specialized agencies and the United Nations, which had nothing to do with the Covenant. At any rate, he would ask that separate votes be taken on the first part of the article and on the remainder, followed by a vote on the article as a whole.

The CHAIRMAN thought that there was a certain lack of balance in article J, for there seemed to be no reason for amplifying the reference to the Constitutions of the specialized agencies without doing the same in respect of the Charter of the United Nations. To restore the balance, he proposed that the article should end at the word "agencies" in the third line.

Mr. SÖRENSEN (Denmark) thought that the qualifying phrase beginning "which define" and ending "this Covenant" was intended to apply both to the Charter of the United Nations and to the constitutions of the specialized agencies.

Mr. CASSIN (France) said that in the French text, the relative pronoun "qui" certainly referred to the word "dispositions" ("provisions"), the provisions in question being both those of the Charter of the United Nations and those of the Constitutions of the specialized agencies.

Mr. HOWARD (United Kingdom) agreed with the Chairman that the purpose of the article would be achieved without the retention of the qualifying clause. There appeared to be some disadvantage in the limitation introduced by the words "in regard to the matters dealt with in this Covenant", and he suggested that that phrase should also be voted upon separately.

It was unanimously agreed that the words "Nothing in this Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations" should be retained.

It was agreed by 14 votes to 2 with 2 abstentions that the words "and of the Constitutions of the specialized agencies" should be retained.

Mr. CASSIN (France) asked that, to eliminate all ambiguity, a comma be inserted in the French text after the word "spécialisées".

It was agreed by 11 votes to 2 with 5 abstentions that the phrase "which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies" should be retained.



It was agreed by 11 votes to 1 with 6 abstentions that the phrase "in regard to the matters dealt with in this Covenant" should be retained.

Article J, subject to the insertion of a comma between the word "agencies" and the word "which" in the third line (after the word "spécialisées" in the French text) was adopted by 14 votes to 2 with 2 abstentions.

Mr. JEVREMOVIC (Yugoslavia) said that he had abstained from voting on all the draft articles on implementation set out in the report of the Working Group (E/CN.4/629) for the reasons he had given at the preceding meeting. He would merely add that he reserved his delegation's right to raise the whole question again, and to make further proposals if necessary, at later stages in the discussion on the item in question.

The CHAIRMAN said that the Commission should begin its next meeting with the consideration of the revised Indian draft resolution on the inclusion of economic, social and cultural rights in the draft Covenant (E/CN.4/619/Rev.1), then proceed to complete its work on the implementation clauses relating to the first 18 articles of the draft Covenant, and continue with consideration of the question of the protocol on petitions. The idea would be to complete as much of that work as possible in the time remaining at its disposal the following day.

Mr. CASSIN (France) asked the Chairman when he thought the question whether the articles just adopted related to certain rights only, or to the whole body of rights set forth in the draft Covenant, might be discussed.

In reply to a question by the CHAIRMAN, Mr. SØRENSEN (Denmark) said that he would endeavour to have ready for the next meeting of the Commission a statement on the implications arising out of his suggestions for the bracketing of articles and out of the Indian proposal on the same subject.

Mr. MOROSOV (Union of Soviet Socialist Republics) stated that his delegation had voted against all the articles on the implementation of economic, social and cultural rights, for reasons which he had frequently stated. He

considered that the articles just adopted by the Commission bore no relation whatever to the genuine implementation of economic, social and cultural rights. Each State Party to the Covenant must, within its territorial jurisdiction, take measures to implement the rights laid down in the Covenant; and such measures were solely matters of domestic concern for each State.

With regard to the Commission's work for the following day, he hoped that there was no question of construing the Chairman's decision to mean that there would be no time-limit to the discussion on the three topics he had mentioned, and that the task would be completed at not too late an hour.

The CHAIRMAN said he would have no objection if the Commission wished to fix a time-limit, but he thought it would be enough to say that the Commission should endeavour to finish as much of that work as possible, without being unreasonable with regard to the number and length of interventions or the time of closing meetings. It would always be open to any member to move the adjournment.

The meeting rose at 6.10 p.m.