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Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND FORTY-NINTH MEETING

held at the Palais des Nations, Geneva,
on Friday, 10 May 1951, at 3 p.m.

CONTENTS:

pages

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
provisions relating to economic, social and
cultural rights (E/CN.4/637, E/CN.4/L.19/Add.7)
(continued)

4 - 11

- (c) Consideration of provisions for the receipt and
examination of petitions from individuals and
organizations with respect to alleged violations
of the Covenant - studies of questions relating
to petitions and implementation (E/CN.4/617 and
Corr.1, E/CN.4/627/Add.1, E/CN.4/634/Rev.1)
(resumed from the 245th meeting).

11 - 37

Present:Chairman: Mr. MALIK (Lebanon)Members:

Australia	Mr. WHITLAK
Chile	Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SORENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
Guatemala	Mr. DUPONT-WILLEMEN
India	Mrs. MEHTA Sir Dhiren MITRA
Pakistan	Mr. WAHEED
Sweden	Mrs. ROSSEL
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. CL. SULLO
Yugoslavia	Mr. JEVRENOVIC

Representatives of specialised agencies:

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

Representatives of non-governmental organisations:

Category A

World Federation of Trade Unions	Mr. VONWILLER
World Federation of United Nations Associations	Mr. ENNALS

Category B and Register

Caritas Internationalis	Mr. PETERKIN
Catholic International Union for Social Service	Miss de ROMER Mrs. SCHRADER
Co-ordinating Board of Jewish Organisations	Mr. WARBURG
International Federation of Business and Professional Women	Miss TOMLINSON
International Federation of University Women	Miss ROBB Mrs. WIBLE
International League for the Rights of Man	Mr. de MADAÏ Mr. BALWIN
International Union for Child Welfare	Mrs. SMALL
International Union of Catholic Women's Leagues	Miss de ROMER Miss ARCHIMARD
Liaison Committee of Women's International Organisations	Miss ROBB
Pax Romana	Mr. HÄRICHT
World Jewish Congress	Mr. BIEMENFELD Mr. RIEGNER

Secretariat:

Mr. Humphrey
Mr. Das

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:

Draft articles on the implementation of provisions relating to economic, social and cultural rights (E/CN.4/637, E/CN.4/L.19/Add.7) (continued)

The CHAIRMAN invited the Commission to consider the note drawn up by the representative of Denmark (E/CN.4/637) concerning the relationship between articles A to I, adopted by the Commission at its 247th meeting (E/CN.4/L.19/Add.7) and the substantive provisions of the draft Covenant.

Mr. SØRENSEN (Denmark) said that the question before the Commission was whether articles A to I should apply to all the substantive provisions of the Covenant, or only to those relating to economic, social and cultural rights. The wording provisionally adopted for articles A, B, C, G and H had left some doubt as to their scope, and was not always consistent. In his note he had put forward two alternatives for each of those articles. Alternative 1 had the effect of limiting their scope to economic, social and cultural rights, whereas alternative 2 would extend their application to the whole of the substantive provisions of the Covenant.

The Commission might wish to take a general decision covering all those articles, or to consider each one separately, with a view to applying whichever of the alternatives appeared appropriate. For example, alternative 1 might not be considered appropriate for article G, or alternative 2 for article H.

The reference to "Part of this Covenant" in each "alternative 1" could be completed once it had been decided whether the implementation clauses were to be linked up with all the substantive provisions, or with only part of them.

Miss ROWE (United Kingdom) was in favour of the adoption of such drafting amendments to articles A - I as were necessary to make it clear that they applied to economic, social and cultural rights only. A system of implementation

had already been adopted for the first eighteen articles of the draft Covenant, and the successive issues of the yearbook with its new plan of work covering specific aspects of human rights would give an over-all picture of the position in the various countries. The articles at present under consideration were designed to avoid overlapping, so that reports rendered to specialised agencies could be used for reporting on the implementation of economic, social and cultural rights. It should therefore be made clear that they only related to economic, social and cultural rights.

Mr. CASJIN (France) did not agree with the United Kingdom representative that it was possible to make articles A - I applicable solely to the implementation of the provisions relating to economic, social and cultural rights. When the Commission had been studying civic, civil and political rights, it had indeed provided for the establishment of a Human Rights Committee to receive and consider complaints; but it had made absolutely no provision for keeping the United Nations informed of the progress achieved in the various countries in implementing these rights. As to the yearbook, such a publication could hardly serve any other purpose than keeping the public informed about developments in the situation with regard to civic, civil and political rights.

If the Commission decided to restrict the application of articles A - I to the implementation of the provisions relating to economic, social and cultural rights, it would be faced with a highly paradoxical situation, in that it would not be entitled to take cognizance of matters concerning civic, civil and political rights, while being at the same time vested with quite special competence in matters concerning economic, social and cultural rights, a field in which several specialized agencies, whose principal task it was to deal with such questions, were already operating.

Moreover, if articles A - I were not to apply to all human rights, they should surely contain provisions relating them specifically to economic, social and cultural rights. Yet, apart from a few quite exceptional instances, such was not the case. Article G, it was true, made provision for the submission to the Technical Assistance Board of any findings in the Commission's report

which might assist that organ in deciding as to the advisability of international measures likely to contribute to the progressive implementation of the Covenant. At the same time, however, it referred to "any appropriate international organ". If the Commission decided to limit the application of that article to economic, social and cultural rights, it would be stressing precisely what it had not wished to stress, namely, that the Technical Assistance Board would enjoy an exclusive role in the field covered by the article.

In the same way, it might be asked why the methods of international action enumerated in article H, should be specifically reserved to economic, social and cultural rights.

What was true at national level was equally true at international level. Measures of implementation might be divided into two categories: the constructive measures, based on co-operation between States, which alone were likely to yield positive results, and the procedural measures to be applied in cases of violation of rights. Though the latter were necessary, in the same way as penal law was necessary on the national scale, they should play only a subsidiary rôle; the promotion of the observance of rights was the more essential factor. In his opinion, the only question which arose was whether it was the Commission's intention to limit the constructive measures to economic, social and cultural rights, or whether, on the contrary, it desired to extend them to all rights. With the exception of some very special cases, the existence of which he was prepared to admit, he considered that articles A - I should be made to apply to all human rights without distinction.

In brief, in his opinion both methods of implementation should apply both to civic and political rights and freedoms and to economic, social and cultural rights.

Mrs. ROOSEVELT (United States of America) wondered whether the Commission could take a decision at the present stage, and thought it would be preferable to wait until the final editing of the Covenant.

Mr. WHITLAM (Australia) agreed with the United States representative. In his opinion, the Commission, when drafting articles A - I, had intended that they should apply only to economic, social and cultural rights. Against the suggestion that they might find wider application, he would point out that the Commission had not yet found a proper place for them in the Covenant.

Mrs. MEHTA (India) observed that progress reports were being called for in connexion with the implementation of economic, social and cultural rights because that implementation should be carried out by stages. She asked what sort of reports the French representative would expect to be submitted on the implementation of civil and political rights, which the contracting States would undertake to carry through on becoming parties to the Covenant.

Mr. CASSIN (France) agreed that, so far as economic, social and cultural rights were concerned, implementation could not be other than progressive. States could not hope to attain their objectives in a few days. The struggle against ignorance, for example, might last for years. The words "progressive implementation", which applied to each individual State, accordingly related to each individual right. The same was true, though on the world scale, of civic and political rights, and it was essential that the United Nations should be kept informed of the progress achieved in national legislation even in respect of those rights.

Miss BOWIE (United Kingdom) had thought that the general consensus of opinion was that, so far as the first eighteen articles of the Covenant were concerned, governments would be expected to have brought their legislation into conformity with the provisions of those articles by the time they ratified the Covenant. In that case they could only report that they had done so, and there could be no question of progress reports on the implementation of the first eighteen articles.

With regard to the point made by the United States representative, she felt that the question was much more one of principle than of drafting. The issue was whether progress reports were required in respect of economic, social and cultural rights only, or in respect of all human rights.

The CHAIRMAN, speaking as representative of Lebanon, stated that when he had put forward his proposal in connexion with measures for implementation, which had been one of the documents on which the Working Group had worked, he had had in mind economic, social and cultural rights only. In the light of the discussion, however, and having regard to the note prepared by the Danish representative he would agree that each of articles A - I should be examined individually with a view to ascertaining whether the applicability of some of the measures in question could not be extended beyond the field of economic, social and cultural rights. He had not made up his mind as to when that examination should take place.

Mr. YU (China) supported the view that the decision on the issue should be deferred. The Commission would have much to do in the way of harmonising and balancing the provisions of the draft Covenant, and its future discussions on the subject might confirm the wisdom of not taking a decision at the present stage.

Mr. SPRENGER (Denmark) considered that the question raised by the Indian representative, and the comments of the United Kingdom representative thereon, were pertinent. There had been a clear understanding that civil and political rights should be implemented, as was laid down in the first part of the draft Covenant, within a reasonable time. Therefore, if required to report on the implementation of those rights, States would be able to report either that they had fulfilled their obligations or that they had failed to do so. In the latter event, they would be avowing a breach of the Covenant. On the other hand, a State reporting that it had not yet ensured observance of one or other of the economic, social and cultural rights would not be regarded as having violated the Covenant. In view of the fact that a special committee would be set up to deal with violations of obligations under the Covenant, it might be logical to limit the scope of the articles under consideration to economic, social and cultural rights.

He felt that the French representative's point might be met under the scheme which he (Mr. Cassin) had envisaged for recommendations of the Economic and Social Council or the General Assembly addressed to all Member States and covering the whole field of human rights. For the time being, however, he, (Mr. Stronson) felt it would be advisable to limit the scope of the articles in question to economic, social and cultural rights.

With regard to the question raised by the United States representative, he thought that the Commission could take a decision forthwith, for the technical problem of drafting would not prove difficult. He understood from the rapporteur that he would be presenting a draft Covenant in which the substantive provisions relating to economic, social and cultural rights would be incorporated as part IV, and the implementation clauses relating to economic, social and cultural rights as part V.

Mr. CASSIN (France) regarded the United States proposal that no decision be taken on the question until the next session as most judicious. It was extremely difficult at the present juncture for representatives to grasp the overall pattern of the various parts of the Covenant which they had been studying. Furthermore, it would be unwise to take too hasty a decision on an issue of such moment. It was essential that governments themselves should have time to form an opinion. Accordingly, he would vote for the United States proposal if it were carried that far.

Incidentally, he would point out that the observation made by the United Kingdom representative was unjustified: not all countries applied the rule by which their legislation should be brought in line with the provisions of a treaty before they ratified it. Moreover, so far as the Covenant on Human Rights was concerned, that instrument, he submitted, would not be a treaty in the ordinary sense of the word. The wording of paragraph 2 of article 1 demonstrated that ratification could precede any changes in the national legislation of States, the understanding being that the legislation would in each case be gradually brought into harmony with the provisions of the Covenant subsequent to ratification. It was also important to remember that usage did not always coincide with the letter of the law;

and the advances made in respect of the implementation of human rights depended more on usage than on law.

The CHAIRMAN suggested that, if the Commission decided to defer taking a decision, it should indicate in its report that articles 26 - 31 were being provisionally incorporated in part V of the draft Covenant without prejudice to their final position in the Covenant, and request the Rapporteur to add a footnote to part V summarizing the position as outlined in document E/CN.4/637, and pointing out that the Commission had deferred its decision thereon until its next session.

Mr. JEVRENOVIĆ (Yugoslavia) had no objection to the Chairman's suggestion. He felt however that it would be more logical to bring in the substantive provisions on economic, social and cultural rights as part III of the Covenant, followed by the two sections on implementation.

The CHAIRMAN thought that that question could best be dealt with at the report stage.

He then put to the vote his suggestion relating to the deferment of a decision on the note prepared by the Danish representative (E/CN.4/637).

The Chairman's suggestion was adopted by 17 votes to 2 with 3 abstentions.

The CHAIRMAN requested the Commission to resume its consideration of articles 26 - 41 of the draft Covenant, and recalled that it had completed its discussion on, but had still to vote on, article 38 A (E/CN.4/617, page 9).

Mr. MDRASOV (Union of Soviet Socialist Republics) wondered whether it would not be more logical to take up the draft resolution submitted by the United Kingdom delegation (E/CN.4/638).

The CHAIRMAN thought that, since that draft resolution was linked with the draft resolution submitted by the Chilean delegation (E/CN.4/639), and the latter referred specifically to the completion of the implementation

provisions, it would be preferable to deal with the United Kingdom draft resolution at the report stage, by which time all questions of implementation would have been dealt with.

After some further discussion in which the CHAIRMAN, Miss BOWIE (United Kingdom) and Mr. MOROSOV (Union of Soviet Socialist Republics) took part, it was agreed to resume consideration of articles 26 - 41 of the draft Covenant.

(c) Consideration of provisions for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant - studies of questions relating to petitions and implementation (E/CN.4/617 and Corr.1, E/CN.4/627/Add.1, E/CN.4/634/Rev.1) (resumed from the 245th meeting);

The CHAIRMAN explained that, as the Commission had deferred further consideration of articles 26 - 41 of the draft Covenant after the debate had been closed on article 38 A, it only remained for the Guatemalan representative to introduce his revised amendment (E/CN.4/634/Rev.1) before the Commission proceeded to vote on article 38 A.

Article 38 A

Mr. DUPONT-WILLEMIN (Guatemala) said that he had withdrawn his amendment to the Indian proposal, because he thought it preferable to submit an amendment to article 38 bis, in case article 38 A should not be adopted.

He would vote in favour of article 38 A as proposed by the Indian delegation.

Mrs. MEHTA (India) accepted a suggestion made by the CHAIRMAN, that the words "shall have the power to" in the first line of her proposed new article 38 A (E/CN.4/617, page 9) should be replaced by the word "may", and also the Egyptian amendment to the effect that the words "or from groups" should be inserted after the word "individuals" in the fourth line. She also requested that the vote on her proposal be taken by roll call.

The CHAIRMAN read the following agreed text for the Indian proposal for article 38 A:

"The Committee may initiate an enquiry on receipt of complaints received either from individuals, or from groups, or from non-governmental organizations."

A vote was taken by roll call.

In favour: Chile, Egypt, Guatemala, India, Lebanon, Sweden, Uruguay.

Against: Australia, China, France, Greece, Pakistan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia.

Abstaining: Denmark.

The result of the vote was: 10 in favour, 7 against and 1 abstention.

Article 38 A was therefore rejected.

Article 37

The CHAIRMAN requested the Commission to revert to consideration of Article 37, since the Secretary-General's statement on its financial implications (E/CN.4/627/Add.1) had now been received.

AZMI Bey (Egypt) pointed out that during the previous discussion on article 37 the Commission had decided to hold over the question whether the emoluments involved should be paid by the United Nations or by the States parties to the Covenant.

He thought that in examining at that stage an estimate of expenditure prepared by the Secretary-General, the Commission would be prejudging the issue it had decided to leave in abeyance. To do so would, indeed, amount to recognizing in principle that the emoluments should be paid by the United Nations. For the same reason, he preferred the original text of article 37 to the amended text proposed jointly by the Danish and French delegations (E/CN.4/560/Rev.1 and E/CN.4/617, page 8).

The CHALLIN observed that even if the Danish-French amendment were withdrawn it would still be necessary to have financial estimates.

Mr. CASSIN (France) agreed that in the existing circumstances a vote on article 37 could only be provisional. It was, however, essential to inform the General Assembly of the Commission's view on the subject. A vote on article 37 would be significant in that respect; representatives voting against the article would indicate that in their opinion the States parties to the Covenant should form a closed society, whereas the others would signify that the Human Rights Committee should become, in some sort, an international organ.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the French representative had just expressed a personal view which was not necessarily shared by other members of the Commission and that there could be no question of political bias.

The problem was whether the United Nations should or should not bear the cost of financing the Human Rights Committee. If all States Members of the United Nations ratified the Covenant, the problem would be solved. If, however, only some of them did so, it would be wrong in principle to prescribe that expenditure which affected only certain States Members should be met out of the United Nations budget as a whole.

He therefore formally moved that the Commission defer further consideration of article 37, and take no decision on it at the present. If his motion were rejected, he reserved his delegation's right to enter a reservation to the effect that the vote on article 37 was provisional, and did not prejudice the solution of the problem of the funds from which the Committee should be financed.

The Soviet Union motion was rejected by 10 votes to 2 with 6 abstentions.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that, in view of the result of the vote on his proposal that further consideration of article 37 be deferred, he would move the following draft resolution:

The Commission on Human Rights

Decides that the vote on article 37 is of a provisional nature and that it does not prejudice the question of the sources of financing and servicing the Committee."

AZHI Bey (Egypt) saw no reason why the Commission should say that the vote on article 37 was of a provisional nature. In his opinion, it would suffice to explain that the vote was entirely without prejudice to the question as to how the expenses entailed in maintaining the Human Rights Committee were to be met.

Mr. MOROSOV (Union of Soviet Socialist Republics) accepted the Egyptian representative's argument, and accordingly agreed that the words "is of a provisional nature and that it" should be deleted from the Soviet Union draft resolution.

Mr. CASSIN (France) had no objection to a vote being taken on the draft resolution, but would vote against it, because he wished the Commission to record its views regarding the relationship between the proposed Human Rights Committee and the United Nations.

Mr. VALENZUELA (Chile) reminded the Commission that by adopting article 36 bis it had not prejudged the question of who should pay the emoluments of the Members and Secretary of the Committee.

Mr. MOROSOV (Union of Soviet Socialist Republics) observed that there was no indication in article 36 bis as to the source of the emoluments to be paid to the Members and Secretary of the Committee, or any suggestion that a financial burden would thereby be imposed upon the United Nations. He would, therefore, confine his resolution to article 37, in the case of which financial implications were involved.

The Soviet Union draft resolution was rejected by 6 votes to 6 with 5 abstentions.

It was agreed by 9 votes to 3 with 5 abstentions that the word "services" should be replaced by the word "staff" in the original text (E/1681) of article 37.

Article 37, as amended, was adopted by 11 votes to 2 with 4 abstentions.

AZMI Bey (Egypt) wished to explain why he had voted in favour of article 37 after having voted for the Soviet Union draft resolution, which had to some extent been prompted by his own remarks. Those remarks in turn had been prompted only by considerations of logic, but in principle he entirely approved of article 37.

Article 38 bis.

The CHAIRMAN drew attention to the amendments submitted by the Guatemalan and United Kingdom delegations (E/CN.4/634/Rev.1 and E/CN.4/620 respectively) to the Danish-French text for article 38 bis (E/CN.4/617, page 9 and 10).

Miss BOWIE (United Kingdom) pointed out that in her delegation's amendment no reference was made to regional organizations, with the result that the occasions on which the Human Rights Committee would not be competent to take action would be limited to those when other organs of the United Nations or specialized agencies were competent to do so under procedures already established.

Furthermore, her delegation took the view that the International Court of Justice should not deal with a matter which was already before the Committee unless it were seized of it by virtue of special provisions. Her delegation would be submitting a proposal for an appropriate article to cover the last point. The purpose of the United Kingdom amendment was to counter the tendency of the Danish-French proposal to limit unduly the scope of the Committee's activities.

Mr. DUPONT-WILLEMEN (Guatemala) pointed out that the amendment proposed by his delegation recognized the right of individual petition. Moreover, by using the word "etc." after the words "individuals, non-governmental organizations" enclosed in brackets, his delegation had taken account of the Egyptian representative's suggestion that that right should be granted not only to individuals and non-governmental organizations, but also to groups of persons. Finally, in order to meet the criticism levelled against the use of the word "protocol" in its amendment to article 38 (E/CN.4/633), his delegation had reproduced the words "other international instruments" which appeared in the Danish-French text.

Mr. SØRENSEN (Denmark) explained that the purpose of the Danish-French proposal was to provide a clear definition of the Human Rights Committee's competence, having regard to the fact that certain procedures for dealing with complaints had already been established. The French representative and himself had on several occasions stressed the importance of safeguarding the procedure applied by the Fact-Finding and Conciliation Commission set up by the International Labour Organization under Economic and Social Council resolutions for investigating alleged violations of trade union rights.

Another motive underlying the proposal was the necessity for safeguarding the procedures of regional organizations. For instance, the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November, 1950, under the auspices of the Council of Europe, laid down an analogous procedure for dealing with complaints, including a commission of inquiry and a European court of human rights. It also contained an optional clause relating to the right of individual petition. That machinery might very soon be set in motion, since a number of ratifications had been, or were about to be, deposited with the Council of Europe.

He would draw special attention to article 62 of the Rome Convention, which read:

"The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose of submitting,

by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention"

It would appear from that clause that the States signatories had undertaken to give precedence to the procedure laid down in the Rome Convention. From the point of view of the United Nations, that raised a serious problem: was it desirable that the activities of a United Nations organ should be circumscribed for the benefit of a regional organization?

He must admit that his views on the subject were not altogether unbiassed. It was common knowledge that the Council of Europe had been set up in order to achieve a greater measure of unity among European countries, with the integration of Europe into a single unit as its ultimate aim. Some members of the Council of Europe favoured a federal solution; others, among them, the United Kingdom and the Scandinavian countries, did not. But all were agreed that it was in the interests of the whole world that Europe should put its house in order and cease to be, as it had been for centuries, the locus belli.

If the problem were considered in its manifold, far-reaching implications, everyone must concede that the United Nations should view that process of European integration with favour. It was a process that would take many years, but of which clear indications existed in certain projects such as that for the pooling of the coal and steel industries of Western Europe. The creation of European organs concerned with the observance of human rights was yet another example of the same trend. If States Members of the United Nations considered that the political integration of Europe was desirable, they must logically acknowledge the precedence of European procedures. The principle of human rights was one of the strongest links forged in the concept of West-European unity, and failure to recognize it as such would be to render a disservice to international relations.

Turning from general considerations to the texts before the Commission, he would say that the Guatemalan amendment was superior to the original proposal in its expression of the idea that so far as the States signatories of the Covenant were concerned, the Committee should deal with individual

petitions. That amendment was therefore acceptable to his delegation.

As to the United Kingdom amendment, he had already dealt with the regional issue. For himself, he would be able to accept sub-paragraph (c), which restricted the Committee's competence in respect of matters of which the International Court of Justice had been seized. That proposal, however, was by implication closely linked to the new article proposed jointly by his delegation and the French delegation (wrongly numbered article 43 in document E/CN.4/617), whereby the jurisdiction of the Court was excluded in matters within the competence of the Human Rights Committee, except by virtue of a special agreement between the States Parties to the Covenant. While therefore accepting sub-paragraph (b) of the United Kingdom amendment, he must reserve his position in respect of the new article mentioned.

The purport of sub-paragraph (a) of the United Kingdom amendment being the same as that of the Danish-French proposal, he would be prepared to accept the amendment on condition that it was not to be regarded as replacing the original draft of article 38 bis, since it omitted any reference to the right of individual petition or to regional organizations.

AMRI Bey (Egypt) thanked the Guatemalan representative for having taken his suggestion into account, but regretted that he had not incorporated it word for word in his text. In his (Amri Bey's) opinion, it would be preferable to insert the word "groups" between the words "individuals" and "non-governmental organizations", and to delete the term "etc.", which could hardly be included in a Covenant that, when ratified, would have, in a manner of speaking, the force of law.

Mr. DUPONT-WJ'LEMIN (Guatemala) agreed to include the word "groups" in his text, but hoped that the Egyptian representative would be able to see his way to the retention of the term "etc.", since it was a covenant that was involved, and not a legislative text.

Mr. CASSIN (France) thanked the Guatemalan representative for having withdrawn his amendment to the Indian proposal, as it would have raised a very difficult problem. The new amendment submitted by the Guatemalan delegation was entirely acceptable from the legal point of view. There was, in fact, nothing to prevent States parties to the Covenant stating in advance that they agreed that the competence of the Committee they had in view might be extended under the terms of a protocol, which would, presumably, be signed by the States parties to the Covenant. He accordingly supported the new Guatemalan amendment.

Furthermore, he could see no objection to the use of the term "etc.". The States signing the Covenant would incur no liability thereby in respect of the ultimate form of the suggested protocol. The details of the framework of the protocol should be left to those who drew it up at some future date. Accordingly, the use of the term "etc.", which would admittedly be reprehensible in a final provision, was in order at the present juncture.

Though he was not opposed to the Egyptian amendment, he thought it would be wiser not to lay down too rigid rules for the future signatories of the protocol at the present early stage.

He shared the Danish representative's view of the United Kingdom amendment. The wording of sub-paragraph (a) of that amendment was better than that of the Danish-French text. Sub-paragraph (b), on the other hand, was not indispensable. He had nothing to add to or to modify in the extremely sensible comments of the Danish representative on the subject of regional organizations.

The CHAIRMAN assumed that, since sub-paragraph (c) of the Guatemalan amendment explicitly referred to individuals, groups and non-governmental organizations, the term "etc." could only refer to governmental organizations.

Mr. CASSIN (France) thought that the term "etc." might also cover, for example, the United Nations or a specialized agency, or the Attorney General whose appointment had been suggested earlier in the session by the Uruguayan delegation.

AZMI Bey (Egypt) agreed that the term "etc." should be retained.

Mrs. ROOSEVELT (United States of America) considered that the Danish-French proposal for article 38 bis was more restrictive than the United Kingdom amendment thereto since it precluded action by the Committee in spheres where regional organizations had, or might in future have, jurisdiction as well as in those where the United Nations and the specialized agencies had already established procedures. That meant in effect that the Human Rights Committee would have very little to do.

She would like to propose the following amendments to sub-paragraph (a) of the United Kingdom amendment: the word "with" should be substituted for the word "for" in the first line, and the words "is dealing under" should be substituted for the words "competent to do so has established" in the second line. The purpose of that amendment was to provide against excessive restriction of the Committee's sphere of competence. It might be that an organization or a specialized agency, though competent to deal with a matter, would fail to take it up. The way must then be left open for the Committee to do so. At the same time, the United States amendment would ensure that the Committee did not deal with a matter which was actually being handled by another organization.

She noted that according to sub-paragraph (b) of the United Kingdom amendment the machinery of the International Court of Justice would come into play only after the latter had been seized of a complaint.

The CHAIRMAN intervened to point out that the hour was getting late, and that he still had a number of speakers on his list. Since it was essential to devote the whole of the next day's meetings to consideration of the Commission's report to the Economic and Social Council, he would like to know how representatives wished to proceed.

Mr. CLASULLO (Uruguay) proposed that the meeting rise at 6 p.m. and resume at 8.30 p.m., with the object of completing consideration of articles 20 - 41, which it was essential that the Commission should do.

Mr. YU (China) proposed that speakers should be limited to three minutes, and that the meeting the following morning should start at 8 or 9 a.m.

Miss DOWLE (United Kingdom) considered that it was essential that the whole of the next day should be devoted to the examination of the Commission's report. The Commission must take its work seriously, and show some consideration for the Rapporteur and the Secretariat.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that so much would in any event be left undecided at the end of the session that it did not really matter how far the Commission got with its work in the short time remaining to it. Articles 1-18 of the draft Covenant had not been taken up again, nor had the new articles on civic and civil liberties been dealt with. He would not dwell on the reasons for that state of affairs, but, supporting the United Kingdom representative's observations, would remind the Secretariat that before he could discuss the report he would have to have an opportunity of examining it in Russian.

The CHAIRMAN said that the Commission's predicament was serious, since, although the Commission could not fail to adopt its report to the Economic and Social Council, the Soviet Union representative was none the less perfectly free to invoke rule 51 of the rules of procedure, under which members could request twenty-four hours grace in which to study newly-introduced documents.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that his delegation, being, as always, anxious to co-operate loyally with the Commission, would endeavour not to hold up the adoption of the report; but he must insist on an opportunity of reading the report, even if only in English, before the next meeting. That would not be possible if the Commission held a meeting that same evening.

Mr. CASSIN (France) announced that his delegation, too, would be helpful, and would not invoke the rules of procedure, even if it did not receive a complete French translation of the report. He agreed that it was out of the question to hold a night meeting, in view of the paramount importance of preparing and examining the report with the utmost care.

The CHAIRMAN announced on behalf of the Secretariat that the English, French and Russian texts of the report, or a substantial portion thereof, would be in the hands of representatives by 9 a.m. at latest the following morning. He was grateful to the French and Soviet Union representatives for the forbearance they had shown and the assurances they had given.

Mrs. ROOSEVELT (United States of America) proposed that the present meeting be prolonged until 7 p.m., each speaker being limited to three minutes.

Mr. CUSULLO (Uruguay) withdrew his proposal.

Mr. MOROSOV (Union of Soviet Socialist Republics) pointed out that he had not yet commented on article 38 bis, and would be unable to do so in the space of three minutes.

The CHAIRMAN asked the United States representative whether she would be prepared to amend her motion so as to grant five minutes to speakers on article 38 bis, the three-minute limit being imposed in the case of the remaining articles.

Mrs. ROOSEVELT (United States of America) assented.

The United States motion, as modified by the Chairman, was carried unanimously.

Mr. JERJECVIĆ (Yugoslavia), having stressed the importance of the proposed article 36 bis, said that his delegation was perfectly aware of the undesirability of prescribing any procedure capable of hampering the work of the International Court of Justice or that of the specialized agencies,

but considered that that consideration must not be allowed to weaken the powers of the Human Rights Committee. The latter should not be relegated to last place in the series of organs concerned with the implementation of human rights. The Committee would have to deal with violations, a matter that was all the more serious in that the infringement of human rights could well endanger peace. Starting from that premise, the Yugoslav delegation was opposed to all the proposals before the Commission, and would vote against them.

Mr. PICKFORD (International Labour Organisation), speaking at the invitation of the CHAIRMAN, recalled that a Fact-finding and Conciliation Commission on the Freedom of Association had been set up pursuant to resolutions adopted by the Economic and Social Council and after close consultation between the United Nations and the International Labour Organisation. The proposed article should be so drafted as to safeguard that existing machinery.

He must say, with all due respect, that he had certain misgivings about the United States amendment to sub-paragraph (a) of the United Kingdom amendment. If adopted, it might lead to the setting up within the United Nations and the specialized agencies of alternative procedures for dealing with one and the same subject.

Mr. SØRENSEN (Denmark) was obliged to maintain his attitude, since, unless the Commission adopted the wording of the original Danish-French proposal or of the United Kingdom amendment thereto, there would be a risk of undermining the established procedures of the Trusteeship Council and the International Labour Organisation, not only in the case of trade union rights, but in the implementation of all the conventions adopted by the International Labour Conference.

As to the problem of regional organizations, it seemed hardly logical for non-European countries to urge European countries to unite and at the same time to put obstacles in the way of their closer integration.

He would ask that the following voting procedure be adopted. The opening words in all three drafts were identical, and could therefore be disposed of by a single vote. A vote should then be taken on sub-paragraph (c) of the Guatemalan Amendment (E/CN.4/634/Rev.1), against which the United Kingdom representative could vote if she was unable to accept it. The third vote should be on sub-paragraph (a) of the United Kingdom Amendment. However, the words "save that" might be deleted from the introductory clause of the United Kingdom Amendment, and a new sentence started with the words: "It shall have no power to deal." He would also move that sub-paragraph (a) be further amended by the insertion of the following words after the word "or" in the third line: "for which a regional organization has established a special procedure to which the States concerned are subject; or ...". Sub-paragraph (b) of the United Kingdom Amendment should be put to the vote last.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that the discussion indicated that the advocates of so-called implementation were contradicting each other in respect of the articles which had already been adopted by the Commission. Since he was opposed to article 38 bis and to all the preceding articles relating to the Human Rights Committee, he would confine himself to drawing attention to the restrictive character of one of the proposals moved by the partisans of implementation. That proposal showed even more clearly how apposite were the arguments advanced by the Soviet Union delegation concerning the illegality of the proposed Committee and on the necessity for respecting the principle of national sovereignty.

What was the true meaning of the Danish-French proposal? Simply that a new organ outside the general framework of the United Nations, and a new procedure, would be set up in order to prevent implementation from being carried out. Oft-repeated arguments about the integration of Europe could not disguise that intention. Surely it would be simpler to admit frankly that the whole system of implementation was defective, and that restrictive provisions had to be introduced in order to allow governments to evade it.

The Guatemalan amendment, too, was unacceptable to the Soviet Union delegation, because it was impossible to provide for institutions, the nature of which was an unknown quantity.

Miss BOWIE (United Kingdom) was unable to accept the United States amendments to sub-paragraph (a) of the United Kingdom amendment, since she felt that it was essential to avoid the overlapping of jurisdictions and the institution of a kind of competitive system between the various organs and agencies authorized to receive and deal with complaints.

She was prepared to accept the Danish representative's suggestions concerning the order of voting, but doubted whether the last clause of the Danish-French text was really necessary. States participating in a regional organization would be bound by that organization's procedures so far as its own members were concerned, but complaints emanating from outside the region would have to be submitted to the Human Rights Committee.

She opposed the Guatemalan amendment, which sought to anticipate future decisions.

Mr. VALENZUELA (Chile), referring to the statement by the representative of the International Labour Organisation, observed that the procedure in respect of infringement of the freedom of association, provided within that Organisation's competence, in pursuance of Economic and Social Council resolutions 237(IX) and 239 (IX), was not binding upon States, since the consent of the State accused was required before the procedure could be set in motion. The procedure contemplated in the Covenant was entirely different. Hence there would be neither duplication nor difficulty.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) said that the proposals before the Commission and the discussion on article 38 bis merely served to emphasize how right those representatives had been who had maintained that implementation should be conceived, not as a series of measures or as

a system for bringing pressure to bear, but as a positive undertaking entered into by Governments and designed to ensure the application of the Covenant by the parties to it.

The sponsors and supporters of article 38 bis seemed to have forgotten that at an earlier stage they had themselves advocated unrestricted implementation. Now, however, they were putting forward a series of restrictive provisions for that part of the Covenant.

Earlier in the meeting the Commission had rejected the Indian draft resolution on the right of petition of individuals and non-governmental organizations. The Guatemalan amendment to article 38 bis revived that issue, though in a somewhat different and more restrictive form. His delegation would therefore vote against that amendment.

The CHAIRMAN said that he would take the United Kingdom amendment (E/CN.4/620) as the basic text for voting purposes.

He would accordingly put to the vote the first sentence of that amendment reading: "The Committee shall deal with any matter referred to it under article 38."

The first sentence of the United Kingdom amendment was adopted by 14 votes to 2 with 1 abstention.

The CHAIRMAN then put to the vote the Guatemalan amendment in subparagraph (c) of document E/CN.4/634/Rev.1.

The Guatemalan amendment was rejected by 9 votes to 7 with 1 abstention.

The CHAIRMAN then put to the vote the United States amendment to subparagraph (a) of the United Kingdom amendment, namely, the substitution of the word "with" for the word "for" in the first line, and the substitution of the words "is dealing under" for the words "competent to do so has established" in the second line.

The United States amendment was rejected by 9 votes to 2 with 6 abstentions.

Sub-paragraph (a) of the United Kingdom amendment, and the words "save that it shall have no power to deal with any matter", in the introductory clause were adopted by 11 votes to 4 with 3 abstentions.

The Danish proposal that the words "for which a regional organization has established a special procedure to which the States concerned are subject; or" be inserted after the word "or" in the third line of sub-paragraph (a), was rejected by 9 votes to 5 with 3 abstentions.

Mr. EUSTATHIADES (Greece) proposed that the words "is seized" be replaced by the words "may be seized" in sub-paragraph (b) of the United Kingdom amendment.

Mr. CASSIN (France) thought "is seized" was better. The fact was that the proposed procedure was completely unlike the customary types, such as those practised by the International Labour Organisation. The International Court of Justice could not be seized except in very grave cases. The amendment proposed by the Greek representative would lend substance to the objections raised by the Soviet Union representative.

Mr. EUSTATHIADES (Greece) agreed that neither his suggested wording nor that of the United Kingdom amendment was entirely satisfactory. It was not clear who was to seize the International Court of a case. Should the author of the United Kingdom amendment be unable to accept his suggestion, he would vote in favour of the original text of that amendment.

The CHAIRMAN put to the vote sub-paragraph (b) of the United Kingdom amendment, together with the conjunction "or" at the end of sub-paragraph (a).

Sub-paragraph (b) of the United Kingdom amendment was adopted by 10 votes to 3 with 5 abstentions.

Mr. SØRENSEN (Denmark) said that he had not asked for a separate vote on the words "except by separate agreement" in the original Danish-French proposal to article 38 bis, but would wish to take up the point involved therein at a later stage.

The United Kingdom amendment to article 38 bis (E/CN.4/620, page 2) as a whole was adopted by 9 votes to 4 with 4 abstentions.

Article 39

Article 39 was adopted by 15 votes to 2 with 1 abstention.

Article 40

Sir Dhiren MITRA (India) withdrew the Indian amendment to article 40.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the provision made in article 40 was clearly contrary to the Charter; if it were adopted, it would confer on the Human Rights Committee powers of a kind which, under the Charter, were granted to the Security Council alone. The powers which had been granted, with good reason, to the Security Council were clearly defined in that Council's rules of procedure; but the scope of article 40 was practically unlimited, and its adoption would convert the Human Rights Committee into an organ which would be able to dictate to sovereign States, Members of the United Nations, on matters which fell exclusively within their national jurisdiction.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) said that the only United Nations body which was empowered by the Charter to call upon States to furnish information was the Security Council; and even the Security Council's powers in that respect were limited. Article 40 did not even contain a clause to the effect that in certain circumstances a State might refuse to supply the information requested by the Committee, or appeal against the Committee's request on the grounds that it was unjustified. Practically no limitation whatever was placed on the information which the Committee would be able to

request. The adoption of the article would lead to unjustified intervention in matters which were the domestic concern of Member States, and would thus be a violation of the provisions of Article 2, paragraph 7, of the Charter.

Article 40 was adopted by 14 votes to 2 with 2 abstentions.

New article proposed by the United Kingdom delegation.

The CHAIRMAN invited comments on the revised new article proposed by the United Kingdom delegation for insertion in the draft Covenant after article 40 (E/CN.4/558/Rcv.1),

Mr. DUPONT-WILMOTIN (Guatemala) pointed out that under paragraph 2 of Article 96 of the Charter the Economic and Social Council had no general authority to address a direct request for advisory opinions to the International Court of Justice. Accordingly, he felt that the United Kingdom amendment would be more correctly worded as follows:

"The Committee may request the General Assembly, through the Economic and Social Council, to lay before, etc."

Mr. CASSIN (France) agreed that the Guatemalan representative was quite right from the constitutional point of view. He would point out, however, that if a request had to be made to the Economic and Social Council to request, in turn, special authority from the General Assembly, there was a danger of a very long interval elapsing before the International Court of Justice could be seized. It would be better to word the United Kingdom text as follows:

"The Committee may request the Economic and Social Council, authorized by the General Assembly, to lay before, etc."

In that way the General Assembly could give the Economic and Social Council permanent authorization,

The CHAIRMAN pointed out that, as recorded in the Secretary-General's report (E/1732), the General Assembly had already authorized the Economic and Social Council and the Trusteeship Council to request from the International Court advisory opinions on all legal questions coming within their competence.

Miss BOWIE (United Kingdom) explained that the United Kingdom proposal was based precisely on that fact. Since the Human Rights Committee was to be a fact-finding and conciliation organ, it should be enabled to obtain legal advice from other bodies.

Mr. MOROSOV (Union of Soviet Socialist Republics) was not convinced of the need for the proposed new article. Its adoption would add to the confusion already existing as a result of the form in which the draft Covenant had been adopted at the Commission's sixth session, so much so that it would be completely impossible to find any trace of logical, organic structure in the Covenant. If it was already legal for the Economic and Social Council to ask for advisory opinions from the International Court of Justice, the insertion of the new article would be pointless. The article in fact represented an underhand attempt to confer the sanction of an international agreement - the Covenant, which would be binding on a large number of States - to the General Assembly decision to which the Chairman had just referred.

Mr. KOVALENKO (Union of Soviet Socialist Republics) said that, whereas the General Assembly had authorized the Economic and Social Council to request the International Court for advisory opinions on legal questions within the Council's competence, the adoption of the article under discussion would enable the Human Rights Committee to request the Council to ask the Court for advice on practically any matter. At the sixth session, a United Kingdom proposal, similar to that now under discussion, had been rejected; it had been said on that occasion that the proposal had not been in accordance either with the decision of the General Assembly or with the Charter.

Miss BOWIE (United Kingdom) pointed out that the words "any question" in the draft article under discussion were qualified by the words "arising within the competence of the Committee", and that matters within the competence of the Committee would automatically be within the competence of the Economic and Social Council. The main reason why the proposal made by the United Kingdom delegation at the Commission's sixth session had been rejected, had been the doubt felt about a clause providing that advisory opinions should be obtained through the Secretary-General. The Secretary-General was not mentioned in the present text.

Mr. CASSEZ (France) thought that the remarks of the Ukrainian representative were to some extent justified, owing to the drafting defects in the United Kingdom text. He therefore proposed that the end of that text be amended to read as follows:

".....for an advisory opinion on any legal questions connected with a matter brought before the Committee and within its competence".

The CHAIRMAN could see no point in using the words "and within its competence" in addition to the words "with a matter brought before the Committee".

Mr. GILDI (France) observed that litigants frequently applied to courts which were not competent to handle their case, and that that fact was only established during the investigation of the case.

Mr. EUSTATHIADES (Greece) wondered whether the new text proposed for the United Kingdom article would not prevent the Human Rights Committee from asking the International Court of Justice for an advisory opinion on the question whether it was competent to examine a particular matter or not. It would certainly be desirable for the Committee to be able to request an advisory opinion on that preliminary issue.

Mr. CASSIN (France) agreed that, in order to meet the Greek representative's objection, the words "... and within its competence" might be deleted.

Miss BOWIE (United Kingdom) accepted the amendment proposed by the French representative. There would probably be cases in which only the International Court of Justice would be in a position to prevent the Committee's taking action which it was not competent to take.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the French amendment had clarified a section of the article, which had previously been somewhat vague. The amended text was clearly contrary to the General Assembly's decision that the Council might request the International Court for advice on questions under consideration by the Council, since the adoption of the new article, as amended, would give the Committee the right to ask the Council to secure from the Court advisory opinions on matters other than those under consideration by the Council.

The CHAIRMAN put to the vote the revised additional article (E/CN.4/558/Rev.1) proposed by the United Kingdom delegation for insertion in the draft Covenant after article 40, as amended by the French representative.

The additional article, as amended, was adopted by 11 votes to 2 with 5 abstentions.

Article 41

The CHAIRMAN invited comments on article 41 and the amendments thereto proposed by the delegations of India and Uruguay (E/CN.4/556 and E/CN.4/565) respectively.

Mrs. ROOSEVELT (United States of America) said it appeared that the Uruguayan representative had not realized that it was laid down in paragraph 2 of article 41 that the Human Rights Committee should submit a report within 18 months, not exactly 18 months after, the receipt of the notice provided for in article 38. She asked whether he would therefore agree to amend his text to read:

"The Committee shall complete its report as promptly as possible, particularly when requested to do so by one of the States Parties when human life is in danger."

Mr. CLASULLO (Uruguay) accepted the United States amendment.

Mr. CASSIN (France) pointed out that the French version of article 41, paragraph 1, contained the words "...fondée en même temps que sur le respect..."; the passage should read: "... fondée en même temps sur le respect". He also drew attention to the observations regarding the words "en même temps" contained in the Secretariat's report.

The CHAIRMAN put paragraph 1 of article 41 to the vote.

Paragraph 1 was adopted by 16 votes to 2.

The CHAIRMAN put to the vote the Uruguayan amendment to article 41, as just amended by the United States representative.

The Uruguayan amendment (E/CN.4/565), as itself amended, was adopted by 16 votes to none with 2 abstentions.

Paragraph 2, as amended, was adopted by 16 votes to none with 2 abstentions.

Sir Dhiren MITRA (India) said that the reason for the Indian amendment to paragraph 3 was that his delegation felt that it was more important to have a full report of the facts of a case on which no solution was reached, than of those of a case on which a solution was reached.

The CHAIRMAN put to the vote the Indian amendment to paragraph 3 of article 41.

The Indian amendment was adopted by 11 votes to 4 with 3 abstentions.

Paragraph 3, as amended, was adopted by 16 votes to 2.

Article 41, as a whole and as amended, was adopted by 16 votes to 2.

New article 42 proposed by the Indian delegation.

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the adoption of the new article 42 would create even worse confusion than that which already existed. It was proposed that the Human Rights Committee should report direct to the General Assembly. Was it then intended that it should become an organ of the General Assembly, or perhaps even supplant the Security Council? Surely it would be most improper for the Committee to report direct to the General Assembly?

Sir Dhiren MITRA (India) was aware of no justifiable objection to the Committee's reporting direct to the General Assembly, supposing that the proposed article 42 was adopted.

Mr. EUSTATHIDES (Greece) opposed article 42, since it failed to define the competence of the General Assembly in the matter; it was not made clear whether the reports of the Committee would be transmitted to the General Assembly for information or for examination.

The new article 42, proposed by the Indian delegation, was adopted by 6 votes to 5 with 7 abstentions.

New article 43 proposed jointly by the Danish and French delegations. ...

The CHAIRMAN invited comments on the revised new article 43 proposed jointly by the Danish and French delegations (E/CN.4/560/Rev.1/Corr.1), and on the amendment thereto proposed by the United Kingdom delegation (E/CN.4/620).

Miss DONNE (United Kingdom) withdrew the United Kingdom amendment, explaining that it did not apply to the revised text of article 43.

Mrs. ROOSEVELT (United States of America) suggested that the words "by way of petition" and the words "in a matter within the competence of the Committee" might be deleted, since they did not appear to add anything of importance to the text.

Mr. SØRENSEN (Denmark) asked leave to explain the purpose of the joint proposal. During the discussions on implementation it had been accepted as a basic principle that States parties to the Covenant should not be required to submit to judicial decisions as having binding force with regard to matters covered by the Covenant. It had been agreed that the international organs concerned should have only fact-finding and conciliatory powers. Since many States which might become parties to the Covenant had already made declarations under the optional clause of article 36 of the Statute of the International Court of Justice to the effect that they accepted in advance the decisions of the Court as binding, he and the French representative had considered it necessary, in order to maintain the basic principle to which he had referred, to lay down that the International Court of Justice should not be competent under that optional clause to deal with the matters in question at the request of only one of the parties immediately concerned. However, the adoption of the proposed article 43 would leave those parties free to refer the matter to the Court by agreement.

With regard to the United States representative's suggestion, he would point out that in his opinion the words "by way of petition" made it clearer that the purpose of the draft article was to preclude unilateral requests to the International Court concerning matters within the competence of the Committee. He did not, however, think that their deletion would affect the meaning of the text.

The second suggestion of the United States representative related to an important issue. The Commission should remember that it had left in abeyance the question whether the Committee should be competent to deal with matters concerning economic, social and cultural rights. If the draft article were adopted without the words "in a matter within the competence of the Committee", every question relating to any article in the Covenant would come outside the scope of a unilateral declaration made under the optional clause. The joint sponsors of the draft article, however, had had a less far-reaching aim in view; they had merely wanted to bring the implementation provisions concerning economic, social and cultural rights into harmony with the other rights laid

down in the Covenant. It would therefore be better to leave the wording of the draft article as it was for the time being, and to return later to the question of the inter-relationship of the different parts of the Covenant.

Replying to the CHAIRMAN, Mrs. ROOSEVELT (United States of America) said she would not press her proposed amendments to a vote.

Mrs. ROSSEL (Sweden) explained that she had abstained from voting on the new article proposed by the United Kingdom delegation for insertion after article 40, because it had made no clear distinction between the responsibilities of the International Court of Justice and the responsibilities it was proposed to give to the Human Rights Committee. She would abstain from voting on the new article 43 for the same reason.

Mr. EUSTATHIDES (Greece) was in entire agreement with the Swedish representative.

The CHAIRMAN put to the vote the new article 43 proposed jointly by the Danish and French delegations.

Article 43 was adopted by 6 votes to 3 with 9 abstentions.

The CHAIRMAN pointed out that the Commission had still to take a decision on the general proposal concerning measures of implementation submitted by the Yugoslav delegation (E/CN.4/551).

Mr. JEVRKNOVIĆ (Yugoslavia) said that it was not desirable that the Commission should take a decision on his proposal before it had taken its final decision on article 19 of the draft Covenant. It would be remembered that the Danish representative had raised an objection to the first paragraph of article 19.

Mr. SÖRENSEN (Denmark) said that the problem mentioned by the Yugoslav representative, namely, whether article 19 and the following articles on implementation should apply only to articles 1 to 18 of the draft Covenant, required very careful consideration before the Commission took a final decision on the subject. In the circumstances, the Commission should not attempt to take such a decision at the present session.

Mr. JEVREKOVIC (Yugoslavia) said that in those circumstances he would have no objection to discussion of the Yugoslav proposal being deferred until the next session, but if that was done, the fact should be recorded in the Commission's report on the present session.

The meeting rose at 7.15 p.m.