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COMMISSION ON HUMAN RIGHTS

Seventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND FIFTY-FIRST MEETING

held at the Palais des Nations, Geneva,  
on Saturday, 19 May 1951, at 3 p.m.

CONTENTS:

Pages

- |    |  |       |
|----|--|-------|
| 1. | Consideration of the draft report of the seventh session of the Commission on Human Rights to the Economic and Social Council (item 16 of the agenda) (E/CN.4/635 and Add.1, Add.1/Corr.1 and Add.2-5) (continued) | 4-31  |
| 2. | Closure of the seventh session.  | 31-32 |

Present:

Chairman:

Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAM
Chile	Mr. SANTA CRUZ Mr. VALENZUELA
China	Mr. YU
Denmark	Mr. SÖRENSEN
Egypt	AZMI Bey
France	Mr. CASSIN Mr. LEROY-BEAULIEU
Greece	Mr. EUSTATHIADES
Guatemala	Mr. DUPONT-WILLEMEN
India	Sir Dhiren MITRA
Pakistan	Mr. WAHSED
Sweden	Mrs. RÖSSEL Mr. HICHENS-BERGSTRÖM
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 Mr. SIMSARLAN
Uruguay	Mr. CLASULIO
Yugoslavia	Mr. JEVREMOVIĆ

Representatives of specialized agencies:

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

Representatives of non-governmental organizations:Category A

Inter-Parliamentary Union	Mr. ROBINET de CLERY
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 Organizations	Mr. WARBURG
International Council of Women	Miss GIROD
International Federation of Business and Professional Women	Miss TOLLINSON
International Federation of University Women	Miss ROBB
International League for the Rights of Man	Mr. BILDWIN Mr. de MIDDY
International Union for Child Welfare	Mrs SMALL
International Union of Catholic Women's Leagues	Miss de KOKER Miss LACHINARD
Liaison Committee of Women's International Organizations	Miss ROBB

Secretariat:

Mr. Humphrey

Mr. Das

Representing the Secretary-General

Secretary to the Commission

1. CONSIDERATION OF THE DRAFT REPORT OF THE SEVENTH SESSION OF THE COMMISSION ON HUMAN RIGHTS TO THE ECONOMIC AND SOCIAL COUNCIL (item 16 of the agenda) (E/CN.4/635 and Add.1, Add.1/Corr.1 and Add.2-5) (continued)

Chapter III: Draft International Covenant on Human Rights and Measures of Implementation (continued)

The CHAIRMAN invited representatives to continue the examination of the draft Report and recalled that the Soviet Union representative had submitted a text for insertion at the end of paragraph 4 of chapter III (E/CN.4/635/Add.1, page 4). That text read as follows:

"The following questions were thoroughly studied: the obligations of States to implement effectively the economic, social and cultural rights enunciated in the Covenant; specific ways and means of implementing the rights to work, to social security, to education, and other rights proclaimed in the Declaration and the Covenant; the principle that the implementation of the provisions of the Covenant in respect of their own citizens was an obligation laid on the governments of signatory States. In the last connexion there was a discussion as to whether each of the articles relating to economic, social and cultural rights had to mention the definite measures to be adopted for the implementation of these rights."

He (the Chairman) wished to make the following provisional comment on that text, namely, that it was not strictly in accordance with the facts to state that the Commission had actually studied the obligations of States to implement the economic, social and cultural rights enunciated in the Covenant, or specific ways and means of implementing certain of those rights. It would be more in keeping with the trend and character of the discussion to say: "the question of the obligations of States ..... and the problem of specific ways and means ....".

Mr. GROSSOV (Union of Soviet Socialist Republics) said that in his view the Chairman's point was met by the introductory phrase: "The following questions were thoroughly studied". He had indicated at the preceding meeting that the structure of paragraph 4 as a whole was not very satisfactory, but in submitting his text he had endeavoured to conform to it.

The CHAIRMAN drew attention to the fact that the substance of paragraph 4 was covered by the introductory formula: "The following main points were raised and discussed: ". He suggested, therefore, that the Soviet Union representative's text be appended at the end of the paragraph, the introductory formula being omitted, and the Soviet Union text beginning with the words "the question of the obligations of States .....".

Mr. MOROSOV (Union of Soviet Socialist Republics) accepted the Chairman's suggestion.

The CHAIRMAN further suggested that the word "concrete" be used instead of the word "specific" to describe the "ways and means of implementing the rights to work etc."

Miss BOWIE (United Kingdom), supporting the Chairman's suggestion, said she considered that the discussion would be more accurately rendered if the reference to the ways and means of implementing the various rights were introduced by the words "the possibility of including .....".

She was also concerned about the next clause which referred to the principle that the implementation of the Covenant in respect of their own citizens was an obligation laid on the governments of signatory States. As drafted, it suggested that the Commission had discussed the possibility that there was no such obligation.

The CHAIRMAN maintained that the whole text was acceptable, since it was governed by its opening words. The points referred to therein had been discussed by the Commission.

Miss BOWIE (United Kingdom) said that the issue had not been discussed by the Commission in the form in which it was referred to in the Soviet Union text. The Commission had indeed discussed possibilities of implementation, but the Soviet Union text suggested that States acceding to the Covenant would be under no obligation to implement it.

The CHAIRMAN pointed out that the text clearly stated the fundamental Soviet Union thesis, namely, that no international machinery was needed for implementation. That thesis had been under discussion by the Commission for the past five years.

Miss BONIE (United Kingdom) suggested that the clause in question might be amended to read:

"the principle that the implementation of the provisions of the Covenant in respect of their own citizens was an obligation laid on the Governments of the signatory States."

Mr. MOROSOV (Union of Soviet Socialist Republics) thought that it was surely for him to formulate his own position and define the proposals he had made. He, for his part, would refrain from attempting to formulate the views of the United Kingdom Government.

He was unable to accept the United Kingdom amendment. Reference to the summary records would show that he had defined his attitude on many different occasions. His thesis was clearly expressed in the text as he had drafted it, and he could not be party to any distortion of it. If the United Kingdom amendment was accepted, he would be obliged to vote against the adoption of the report as a whole.

Miss BONIE (United Kingdom) said that she was perfectly aware of the Soviet Union position, and had never had any intention of questioning it. Her point was that in English the text did not adequately reflect that position, but suggested that the Commission had discussed the possibility that States signatories would not be under any obligation to implement the Covenant. She considered that her wording rendered the Soviet Union position exactly, and requested that her interpretation be included in the summary record.

The CHAIRMAN asked if there were any objections to the following version: "the principle that the implementation of the provisions of the Covenant in respect of their own citizens was an obligation laid on the Governments of signatory States".

Mr. WHITLAM (Australia), Rapporteur, suggested the deletion of the full stop after the words "signatory States", the last clause of the text then being linked with the preceding clauses by a comma, followed by the word "and". The text would therefore read: "signatory States, and in the last connexion there was a discussion....."

Mr. MOROSOV (Union of Soviet Socialist Republics) accepted the Rapporteur's suggestion.

The Soviet Union text as amended, was adopted.

Paragraph 4 of Chapter III of the draft report (E/CN.4/635/Add.1, pages 3-4) was adopted as amended.

Chapter I: Organization of the Session (resumed from the previous meeting).

The CHAIRMAN invited representatives to revert to paragraph 7 of Chapter I of the draft Report (E/CN.4/635, page 5), consideration of which had been deferred at the preceding meeting.

Mr. MOROSOV (Union of Soviet Socialist Republics) moved the deletion from paragraph 7 of the words: "and representatives from Italy" on the grounds that no discussion had been held during the session about the presence of any observers except those representing States Members of the United Nations. Representatives of governments Members of the United Nations and of the Commission had at the beginning of the session presented their credentials in accordance with the usual procedure; the presence of representatives of governments Members of the United Nations but not members of the Commission had been duly notified and announced. They were correctly named in paragraph 7 as Belgium, Israel, Mexico and the Netherlands. It was now too late to consider in principle the question whether representatives of the Italian Government could or could not attend meetings of the Commission.

Reference had been made to a letter addressed to the Secretariat by the Italian Consul-General in Geneva. The Secretariat had, however, not communicated that letter to the Commission, and no discussion had been held upon it.

His proposal was in no way aimed against the Italian Government, and in similar circumstances he would take precisely the same position with regard to any other government.

If there were any objections to his proposal, he would reserve the right to make a detailed and substantive statement on the question, which he had raised as a matter of form.

Mr. CIASULLO (Uruguay) opposed the Soviet Union proposal. On the one hand, the Secretariat had been informed by a letter from the Italian Consul-General in Geneva that representatives of the Italian Government would attend the Commission's discussions in the capacity of observers; on the other, the Commission had given its Chairman general authority to permit Governments, whether Members or not of the United Nations, to send observers to the seventh session of the Commission on Human Rights. In the last resort, it was a question of simple courtesy. The Italian representatives had attended meetings of the Commission; that fact should be mentioned in the Report, if it was desired that the latter should reflect exactly what had happened at the session.

The CHAIRMAN explained that the facts were as follows: The Commission had never given the Chairman authority to use his discretion in allowing observers to be present. The attendance of observers at meetings was governed by regulations which the Secretariat applied. When the Commission had decided to sit as a Working Group several States Members of the United Nations had addressed communications to him. He had submitted them to the Commission, which had permitted him to allow those States Members to send observers to attend the closed meetings.

He wished to make it absolutely clear that the Chairman could never exercise such a general authority as the Uruguayan representative had implied.



Mr. VALENZUELA (Chile) also opposed the Soviet Union proposal, for the same reasons as the Uruguayan representative. In the event, the Secretariat had done no more than put into practice the general principles of the United Nations concerning the recognition of the credentials of government representatives.

Mr. YU (China) said that the Commission was now engaged in examining its draft report, which was no more and no less than a record of facts. It was impossible to discuss at the present stage the correctness of any decisions previously taken.

He was opposed to the deletion of the reference to the Italian observers, and agreed with the interpretation of the Uruguayan representative. The Chairman had stated at the 242nd meeting that he would, with the Commission's permission, exercise his discretion. The question of membership of the United Nations had not then been raised.

The CHAIRMAN said that when the Commission had considered meeting in private as a working group, he had explicitly stated that the invitation to attend those meetings would be addressed only to those Status Members of the United Nations who wished to send observers. It was not true, as the Chinese and Uruguayan representatives had suggested, that the Commission had given him a blanket authority. The question of the attendance of observers had only arisen in connexion with the closed meetings of the Working Group. In point of fact, no Italian representative had ever attended any of those meetings. He (the Chairman) had been told informally that the Italian Government would request him to ask the Commission whether an Italian representative might be allowed to attend the meetings of the Working Group. But in fact no such request had been forthcoming. The point had consequently not been raised in the Commission.

As to the Commission's public meetings, the usual United Nations procedure applied to observers and he (the Chairman) was not concerned with it at all.

Mr. MOROSOV (Union of Soviet Socialist Republics) thought that the best way out of the difficulty would be for him formally to put some definite questions to the representative of the Secretary-General.

Could the status of representatives or observers to any organ of the United Nations be granted without discussion and decision by the organ concerned? Had the representative of the Secretary-General raised in the Commission on Human Rights the question of the Italian Government's wish to send a representative or an observer to attend the Commission's meetings? Had the correspondence exchanged between the Secretariat and the Italian authorities been officially published? Lastly, what was the date of the letter from the Italian Consul-General to which reference had been made at the preceding meeting?

Mr. HUMPHREY, representing the Secretary-General, replied that the Secretary-General had never invited any State, whether a Member of the United Nations or not, to attend a session of the Commission. It was, however, the usual practice for States, whether Members of the United Nations or not, to send observers to attend the proceedings of various United Nations Bodies. The appropriate authorities generally informed the Secretariat that they proposed to send observers; they did so in order that certain facilities might be granted to their observers, to wit, admission to the room where the meeting was being held and the supply of the necessary documentation. No other facilities were granted to observers, and he would recall that members of the public were free to attend any public meeting. That was the answer to the Soviet Union representative's first question.

As to the second question, the Secretariat had not brought the matter to the attention of the Commission because it had considered it to be of a purely administrative character.

No correspondence had been published. The letter to which reference had been made at the preceding meeting was dated 20 April 1951, and had emanated from the Italian Consul-General in Geneva. It was stated therein that Mr. Calles

and Mr. Ferrara would attend meetings of the Commission as observers ("assisteront en qualité d'observateurs").

Viewing the whole question within the framework of the Report, he thought the matter primarily concerned the Rapporteur and the Commission. The Secretariat had certainly helped the Rapporteur to draft the Report, but he assumed that responsibility for it lay with the Rapporteur himself. In order to assist the Rapporteur he would recall that a precedent for the attendance of observers of States non-members of the United Nations did in fact exist. Paragraph 7 of the Commission's Report to the Economic and Social Council on its second session held in December 1947 read as follows:

- "7. Observers representing the Governments of Greece, Poland, Rumania and Turkey, and the Holy See, attended divers meetings of the Session." (E/600)

Mr. SORENSEN (Denmark) said that the issue would seem to be very simple, since observers had the same status as members of the public, except that they were provided with documents, which presumably the public could also get hold of. No distinction was made between observers acting on behalf of States Members of the United Nations and those acting on behalf of non-member States. The statement in the Report merely noted the fact that certain persons had attended meetings as members of the public, but in addition had had access to documents. If courtesy were invoked as a guiding principle, then surely certain faithful members of the public should also be mentioned by name. He would recall that no reference to observers had been made in the Commission's report on its sixth session, although a number had, in point of fact, attended. For instance, an observer from the Swiss Government had been present at a number of meetings.

In the circumstances, he would propose that paragraph 7 be deleted in its entirety, and assumed that the observers from the Member States, Belgium, Israel, Mexico, and the Netherlands, would raise no objection.

Mrs. ROOSEVELT (United States of America) supported the Danish proposal, and expressed surprise at the attitude taken by the Soviet Union representative.

Mr. MOROSOV (Union of Soviet Socialist Republics) recalled that, in raising the issue, he had made it clear that he did not wish to go into the substantive aspects of the question. The very first time he had heard of representatives of the Italian Government had been when he had read the draft Report the night before. A bad precedent must not be set. A certain government which had not been invited officially and which happened not to belong to the United Nations, had sent an observer who had attended meetings in the public gallery, after which, without any previous discussion or notice, the Commission was being asked to recognize his status as a government representative. He must re-iterate that he had nothing against the particular government concerned, but was strongly opposed to a procedure which was more akin to sleight-of-hand than to the logical ordering of the Commission's work. No official recognition had been granted to any representative of any non-member State, consequently no reference to such a representative could be included in the Report.

He was prepared to accept the Danish representative's proposal.

Mr. YU (China) pointed out that the names of the Italian observers appeared in the provisional list of representatives to the seventh session of the Commission on Human Rights (HRC/7/51). In those circumstances, it would surely be inconsistent to omit a reference to them in the report.

AZMI Bey (Egypt), speaking to a point of order, moved that the discussion be closed and the Danish proposal put to the vote. He would vote for that proposal because, after listening to the explanations of the Chairman and the representative of the Secretary-General, he considered that the problem was a purely administrative one. It was not, therefore, in his opinion, necessary to make any mention of the subject in the Commission's Report.

Mr. WHITLAM (Australia), Rapporteur, said that the Soviet Union representative might technically be right, but that he (the Rapporteur) had included a list of observers for the sake of courtesy. He would, however, withdraw the paragraph in question.

Paragraph 7 of Chapter I was accordingly deleted.

Chapter I was adopted as amended.

Chapter III: Draft International Covenant on Human Rights and Measures of Implementation (resumed)

Paragraphs 13 to 18 inclusive were adopted without comment.

Miss BOWIE (United Kingdom), referring to paragraph 19, pointed out that the United Kingdom amendment mentioned in the tenth line on page 12 of document E/CN.4/635/Add.1 had been submitted as an amendment to a Danish, and not to an Egyptian, proposal.

Mr. MOROSOV (Union of Soviet Socialist Republics) drew attention to the fact that the Soviet Union amendment referred to in paragraph 19 (in the last two lines of page 12 and the first line of page 13) had been included in the Egyptian proposal. The first line on page 13 should therefore be amended to read "[which was withdrawn] was incorporated in the proposal of Egypt....".

AZMI Bey (Egypt) confirmed that the Soviet Union representative's point was correct and acceptable to him.

Paragraph 19 was adopted, subject to the amendments indicated above.

Mr. MOROSOV (Union of Soviet Socialist Republics) drew attention to the fact that paragraph 20 listed a series of votes taken on a Soviet Union proposal. In all other cases in the Report the votes were recorded together with the texts of proposals concerned. He would therefore ask the Rapporteur to quote the various paragraphs of the Soviet Union proposal in the present context.

Mr. WHITLAM (Australia) undertook to do so in the final text of the report.

Paragraph 20 was adopted on that understanding.

Mr. CASSIN (France) proposed the insertion after the words "...Chile (E/CN.4/613/Rev.1)," in the second line of the second sub-paragraph of paragraph 21 (page 15, line 15), of the words "supported by France, Lebanon and Uruguay,".

Mr. SANTA CRUZ (Chile) accepted the French representative's proposal.

Mr. SÖRENSEN (Denmark), drew attention to the third sub-paragraph of paragraph 21 (page 16, line 16) in which reference was made to the adoption of a Chilean proposal. Would the Chilean representative object if mention were made of the fact that the proposal had been based on an amendment submitted by the Danish delegation (E/CN.4/600)?

Mr. SANTA CRUZ (Chile) acceded to the Danish representative's request.

Paragraph 21 was adopted subject to the modifications indicated.

Miss BOWIE (United Kingdom) recalled that the Lebanese proposal (E/CN.4/592) mentioned in the first sentence of paragraph 22 had been submitted in pursuance of paragraph 7(a) in section E of General Assembly resolution 421 (V), which recorded the decision to include in the Covenant an explicit recognition of equality of men and women in related rights, as set forth in the Charter of the United Nations. Reference should be made to that resolution, and she would also ask the Rapporteur to add a few words to the effect that the United Kingdom delegation had advocated the exclusion of a reference to the recognition of equality, on the grounds that the issue had been settled once and for all in Articles 1 and 55 of the Charter. The continued re-iteration of accepted principles could only serve to weaken the Charter.

Mr. SANTA CRUZ (Chile) suggested that the United Kingdom representative's statement should also be reported in the summary record.

Mrs. ROOSEVELT (United States of America) asked that the United States amendment to the Lebanese proposal (lines 10 et seq. of paragraph 22) should be quoted in the report in the form in which it had been reproduced in the summary record of the 230th meeting of the Commission.

Mr. WHITLAM (Australia), Rapporteur, accepted the United States representative's suggestion.

Paragraph 22 was adopted subject to the modifications indicated.

Mrs. ROOSEVELT (United States of America), referring to paragraph 23, asked that the initial United States proposal be quoted accurately and that the initial Uruguayan proposal also be quoted. On page 18, line 5, before the sentence beginning "The representative of France", the following passage should also be inserted: "After consultation with the Uruguayan representative, the United States amended its proposal to read as follows:

'The States Parties to the Covenant recognize the right of everyone to own property alone as well as in association with others and to be protected from arbitrary deprivation of property. Private property shall not be taken for public use without just compensation.'

The Uruguayan proposal was thereupon withdrawn."

Mr. WHITLAM (Australia), Rapporteur, stated that the passage read out by Mrs. Roosevelt was acceptable in substance, and assumed that the Commission would leave it to him to include it in the report.

It was so agreed.

Mr. SANTI CRUZ (Chile) thought that it should be explained in paragraph 23 that the various proposals submitted in connexion with the right to own property had not been put to the vote owing to the divergent views expressed within the Commission about that right. He thought some reference should also be included to the explanation of votes on the resolution adopted, and to the main points of view expressed.

The CHAIRMAN said that any reference to majority and minority attitudes immediately implied a decision. The only decision taken by the

Commission was that recorded in the draft Report. The issue was a very delicate one, and it would be preferable for interested persons to read the summary records of the discussions and to draw their own conclusions from them.

Mr. WHITLAM (Australia), Rapporteur, concurred with the Chairman and suggested that the Economic and Social Council would be best helped in its work by the simple reference to the meetings at which the discussion had taken place. He did not wish to take on the invidious task of assessing or deciding between various attitudes and feelings.

Mr. MOROSOV (Union of Soviet Socialist Republics) supported the Chairman and the Rapporteur. He had from the outset accepted the Rapporteur's method of assembling the Report, and was against any modification of its structure.

Mr. CASSIN (France) agreed that it would be inadvisable to deal with the substance of the discussion, since that would affect the nature of the Report, and that it would be preferable to refer the reader to the summary records of the meetings at which the question had been discussed, as had, invariably been done in the past in similar cases.

Mr. SANTA CRUZ (Chile) said that in the light of the comments just made he would withdraw his request.

Paragraph 23 was adopted unchanged.

Miss BOWIE (United Kingdom) suggested that in the fourth line of paragraph 24 the word "special" be replaced by the word "separate".

It was so agreed.

Paragraph 24, as amended, was adopted.

Paragraph 25 was adopted without comment.

Miss BOWIE (United Kingdom) suggested that in paragraph 26 the words



"without reference therein to the draft Covenant" should be replaced by the phrase "in connection with the articles on economic and social rights, without prejudice to the question of whether or not these articles should be included in the present draft Covenant".

It was so agreed.

Mr. DUPONT-WILLEMEN (Guatemala) suggested that the word "resolution" be substituted for the word "proposal" in the ninth line of paragraph 26.

It was so agreed.

Paragraph 26 was adopted as amended.

Paragraphs 27 to 29 inclusive were adopted without comment.

Mr. JEVREKOVIC (Yugoslavia) considered that the title on page 22 of document E/CN.4/635/Add.1 should be amended to read "Measures of Implementation covered in Part V of the Covenant", since the question of the scope of those measures of implementation had been left open.

The CHAIRMAN observed that the title as it stood reflected what the Commission had had in mind during the early part of the debate on that subject. In view of the turn the discussion had subsequently taken, however, he proposed that a sentence should be added to the effect that a question had arisen as to whether there should be measures of implementation exclusively for economic, social and cultural rights, or whether such measures of implementation should cover all human rights.

It was so agreed.

Paragraph 30 was adopted, subject to appropriate amplification.

Paragraphs 31 to 37 inclusive were adopted without comment.

Mr. CASSIN (France) thought it would be desirable to indicate in paragraph 38 that no decision had been taken as to the final position to be

allotted to article J in the draft Covenant.

It was so agreed.

Paragraph 38 was adopted as amended.

Paragraph 39 was adopted without comment.

Mr. SÖRENSEN (Denmark) suggested the substitution of the words "alternatives presented by" for the words "suggestions of" in the penultimate line of paragraph 40.

It was so agreed.

Paragraph 40 was adopted as amended.

Paragraph 41 was adopted without comment.

Chapter III-B. Measures of Implementation (E/CN.4/635/Add.2 and 4)

Mr. JEVREKOVIĆ (Yugoslavia) recalled his earlier proposal with regard to the logical sequence of the Parts of the draft Covenant.

The CHAIRMAN felt, and Mr. JEVREKOVIĆ (Yugoslavia) agreed, that that point would be better raised at a later stage in the discussion.

Paragraphs 1 and 2 were adopted without comment.

The CHAIRMAN suggested that, in order to meet the point made by the Yugoslav representative, mention should be made in paragraph 3 of the question of whether there should be one or two systems of implementation in the draft Covenant.

It was so agreed.

Paragraph 3 was adopted, subject to appropriate amplification.

Paragraph 4 was adopted without comment.

Mr. MOROSOV (Union of Soviet Socialist Republics) suggested the deletion of the word "considerable" from the first line of paragraph 5.

It was so agreed.

Paragraph 5 was adopted as amended.

Paragraph 6 was adopted without comment.

Mr. CASSIN (France) suggested that the last seven lines of paragraph 7 beginning "that the election of the Committee" and ending "(Article 24, paragraph 2, ten votes to none with 8 abstentions)" should be amended to read:

"that the International Court of Justice shall be requested to carry out the election of the Committee from the nominations made by States Parties to the Covenant (Article 23, paragraph 1, 12 votes to 2, with 4 abstentions), and that the Court shall be requested to give consideration in the election of the Committee to equitable geographical distribution of membership and to the representation of the main forms of civilization (Article 24, paragraph 2, 10 votes to none with 8 abstentions)".

It was not for the Commission to use mandatory language with regard to the International Court of Justice.

It was so agreed!

Mr. DUPONT MILENIN (Guatemala) thought that, in paragraph 7, as in the others, it would be desirable to quote the symbol of the document on which the final vote was taken, as on several occasions a single question had given rise to several proposals and amendments, involving a series of votes.

Mr. WHITLIE (Australia), Rapporteur, explained that as economic, social and cultural rights had been under consideration for the first time at the present session, he had considered it desirable to quote the symbols of all documents containing proposals and amendments relating to such rights. That consideration did not apply to paragraph 7.

Mr. DUPONT-JILLETIN (Guatemala) expressed his satisfaction with the Rapporteur's explanation.

Paragraph 7 was adopted as amended.

Paragraphs 8 and 9 were adopted without comment.

Mr. CASSIN (France) pointed out that the whole of the second part of paragraph 10 was devoted to a summary of the various points of view put forward during the discussion. He considered that that was tantamount to going into the substance of the discussion, and that it would be preferable to delete the second part of the paragraph and merely refer to the summary records of the relevant meetings, as had been done in other cases.

Mr. WHITLIE (Australia), Rapporteur, believed it would be advisable to follow precedent by explaining the reasons for the deletion of an article that had been adopted previously.

Mr. CASSIN (France) agreed, and withdrew his suggestion.

Paragraph 10 was adopted.

Paragraphs 11 to 16 inclusive were adopted without comment.

Mr. CASSIN (France), referring to paragraph 17, pointed out that the amendment submitted by the representative of Guatemala had not been rejected as such. It had been incorporated in the Danish-French text, which had then been rejected. The paragraph should be corrected accordingly.

Paragraph 17 was adopted.

Paragraph 17 was adopted, subject to appropriate correction.

Paragraphs 18 to 23 inclusive were adopted without comment.

Referring to paragraph 24, Miss BONIE (United Kingdom) said her delegation wished to record at that stage that it did not consider the article drafted by the General Assembly on the territorial application of the Covenant to be satisfactory. It took no account of the number of colonial territories which enjoyed a large measure of self-government. Under it, the United Kingdom, for example, would not be able to ratify the Covenant until such colonies had themselves agreed to ratify it in accordance with their own constitutional processes. Moreover, the text of the territorial application clause in General Assembly resolution 422 (V) would not cover a number of Non-Self-Governing Territories which were neither governed nor entirely administered by the United Kingdom, but by their own legislative councils.

AMR Bey (Egypt) recalled that the same arguments had been put forward by the United Kingdom delegation and other delegations during the fairly lengthy discussion to which the issue just mentioned by the United Kingdom representative had given rise in the General Assembly. Those arguments had been given close consideration by the Third Committee of the General Assembly, and the Assembly itself had adopted a clear and precise resolution on the subject. It was not for the Commission to dispute the actual terms of that resolution.

Mr. CASSIN (France) said he had no reservation, in the proper sense of the term, to make with regard to the General Assembly text, in the present state of the draft Covenant. He wished to add, however, that, should other rights (such as those concerning personal status and the family), be included in the Covenant at some future date, he might take up a different attitude. He accordingly wished to reserve the position of his country on the question.

Mr. WHITLIE (Australia) supported the position taken by the United Kingdom delegation in connexion with the territorial application clause.

Paragraph 24 was adopted.

Annex I: Parts III, IV and V of the draft Covenant (E/CN.4/635/Add.5)

The CHAIRMAN suggested that the Commission consider document E/CN.4/635/Add.5 as a whole.

It was so agreed.

Mr. SØRENSEN (Denmark) suggested that specific reference be made in the footnotes on pages 15 and 16 to the respective words in the texts of the articles to which the footnotes referred.

It was so agreed.

Mr. JEVREMOVIĆ (Yugoslavia) proposed that the Parts of the draft Covenant dealing with procedural questions should follow those parts that covered substantive provisions. Thus Part V should become Part III, Part III should become Part IV, and Part IV should become Part V.

The CHAIRMAN pointed out that, if the Yugoslav proposal were adopted, it would be necessary to delete the footnote on page 1 of document E/CN.4/635/Add.5, which stated that the order in which the various Parts of the draft Covenant were presented should be considered as tentative.

AMRI Bey (Egypt) strongly supported the Yugoslav proposal. It would undoubtedly be inadvisable to separate rights which had been recognized to be closely inter-related in General Assembly resolution 421 (V).

Mrs. ROOSEVELT (United States of America) was under the impression that the Commission had agreed to leave it to the Economic and Social Council to decide the relative positions of the provisions relating to rights and those relating to implementation. She therefore preferred that the footnote on page 1 of document E/CN.4/635/Add.5 should be retained.

Mr. CISSIN (France) also supported the Yugoslav proposal. He thought, however, that the footnote on page 1 should be retained.

Mr. JEVREHOVIĆ (Yugoslavia) had no objection to the procedure suggested by the French representative. His proposal did not seek to pre-judge the question of how the articles on implementation were to be arranged; the order he proposed did, however, follow logically from the General Assembly's instructions that all human rights should be placed on an equal footing.

Mr. SØRENSEN (Denmark) had no objection to the proposed re-arrangement of the several Parts of the draft Covenant, but contended that, if the Yugoslav proposal were adopted, it should be made clear that article 19 had not been finally voted on, because the Commission had left in abeyance the question whether there should be measures of implementation exclusively applicable to economic, social and cultural rights.

The Commission agreed to adopt the Yugoslav proposal with regard to the tentative order of the several Parts of the draft Covenant, to retain the footnote on page 1 of document E/CN.4/635/Add.5, and to add an explanation as to why article 19 had not been voted on.

ASZI Bey (Egypt) thought that article 47 should be placed in Part III of the draft Covenant, and that Part IV should begin with article 48.

Mr. SØRENSEN (Denmark) pointed out that article 47 related to the limitation of economic, social and cultural rights, and should therefore be left in Part IV.

Mr. WHITLICK (Australia), Rapporteur, agreed with the Danish representative that article 47 should remain in Part IV, but suggested that it should be placed after article 48.

Mr. CASSIN (France) agreed with the Rapporteur that article 47 was not properly placed. But it could come only at the beginning or at the end of Part IV, since it concerned all the rights dealt with in that Part.

M. I. Bey (Egypt) thought that article 47 should be re-numbered article 60, and placed at the end of Part IV, which should become Part III.

It was agreed that article 47 should be placed at the end of Part IV, which should become Part III.

The Chairman requested the Rapporteur to outline the additions he proposed to make to the draft report, in order that members would know exactly to what they would be committing their Governments in voting on the report as a whole.

Mr. WHITLAM (Australia), Rapporteur, said that Chapter III of the report would be completed in accordance with the decisions taken at the present and preceding meetings. Chapter V would contain a list of all the items on the Commission's agenda that had not been taken up.

An annex to the report would contain amendments submitted at the present session in connexion with the first eighteen articles of the Draft Covenant (E/CN.4/563/Rev.1, E/CN.4/573, E/CN.4/626 and E/CN.4/628), as well as the comments of members on these articles as set forth in annex II of the report of the sixth session of the Commission (E/1681). Another annex would contain the proposals on the Federal State clause set out in the report of the sixth session, together with the Danish proposal on that subject (E/CN.4/636) and the amendment to the last part of the draft Covenant submitted by the Indian delegation (E/CN.4/563/Rev.1). A separate annex would contain the proposals and amendments submitted in connexion with the protocol on petitions. The proposals for additional articles not dealing with economic, social and cultural rights, as set forth in annex III of document E/1681, and proposals made at the present session of the Commission and those forwarded by the General Assembly, would comprise a separate annex. He would also attach to



the report General Assembly resolution 421(V) and resolutions 303(XI)I and 349(XII) of the Economic and Social Council, and a list of the documents before the Commission which were not covered by the main Report.

Replying to the CHAIRMAN, Mr. D.S (Secretary to the Commission) explained that the list of documents in question would include those submitted in connexion with items of the agenda which the Commission had not taken up, and which might therefore again come before it at its next session, as well as such documents as the memorandum prepared by the Secretariat giving information received from States, specialized agencies, United Nations information centres and non-governmental organizations concerning celebrations on the occasion of the second anniversary of the proclamation of the Universal Declaration on Human Rights (E/CN.4/531).

The Social Commission was in the habit of attaching to its report a list of all the documents before it at a particular session, and the Rapporteur had thought it desirable to follow that precedent.

The CHAIRMAN submitted that the documentation relating to items of the agenda which had not been taken up should be enumerated in the section dealing specifically with such items.

Mr. SANTI CHUZ (Chile) admitted the force of the Chairman's objection. The Commission could not take a decision without knowing the exact contents of the list of documents to be annexed to the report. In his opinion, the Commission should confine itself to the communication drafted by the Secretary-General regarding the anniversary of the Universal Declaration on Human Rights, to the documents submitted by governments, and to those submitted by non-governmental organizations in consultative status with the Economic and Social Council.

Mr. GLISULLO (Uruguay) asked the Rapporteur to ensure that the draft article on the establishment of an office to be known as the "Office of the United Nations Attorney General for Human Rights", submitted by the Uruguayan

delegation (E/CN.4/549 and Corr.1), was included in a separate annex to the Report.

Mr. WHITLAM (Australia), Rapporteur, agreed that the Uruguayan proposal constituted a distinctive and constructive contribution to the debate and should consequently find a place in the annex to the Report.

It was so agreed.

Mr. CASSIN (France) said that the results of the Commission's work should be presented in a properly drafted text. The French drafting of the texts adopted at meetings had, however, sometimes been hasty. The competent services of the Secretariat had therefore approached the French delegation regarding that matter, and suggested certain corrections relating, of course, to the style, not the substance of the texts adopted. In his opinion, it was desirable that those corrections should be incorporated in the text of the draft Covenant included in the Report. Nevertheless, as the Commission had already voted on the articles in question and a further reading of the corrected text would take some time, he hesitated to ask the Commission to give him a free hand to make the desired corrections. However, he would be grateful if the Commission could settle the matter.

He also wished to know whether, as in previous years, a brief period of one or two days would be allowed for delegations to submit comments on different points in the Report, for insertion in an appropriate annex.

The CHAIRMAN said, in reply to the French representative's first question, that since the same difficulty applied to the English text, any drafting modifications that representatives might care to suggest could be attached in an annex or incorporated in footnotes. The Commission could only adopt the text that had been officially agreed upon.

Mr. CASSIN (France) thought that the Chairman's proposal was open to very serious objection. Many of the articles had, in fact, been voted on only in the English text. He could not accept as final the French texts of

articles which had only been put to a formal vote in English. He had wished to raise that question in any event, for he did not want it to be said that he had proposed, as an afterthought, amendments to texts which had been adopted in English.

Mr. SANTA CRUZ (Chile) emphasized that an important question of principle was involved. Two methods were practised in the United Nations, as circumstances required: either a text was adopted at a meeting in the two working languages, namely English and French, or it was adopted in one of those languages only. In the latter case, the United Nations Secretariat was responsible for the work of translation and could no doubt enlist the assistance of any delegations it thought might be able to help although it took full and final responsibility. No other solution could be contemplated, and it was important that there should be no departure from that principle.

Mr. CASSIN (France) recognized the pertinence of the Chilean representative's comment. He would therefore get in touch with the competent services of the Secretariat, which would however assume full and final responsibility for the French text of the draft Covenant as adopted at the present session.

The CHAIRMAN believed that all would agree that the Secretariat was responsible for the concordance of the English and French texts, and that it would be well advised to enlist the assistance of the French representative in respect of the French text.

He also proposed that the Commission should adopt the Rapporteur's suggestions as to the additions to be made to the draft Report.

It was so agreed.

Replying to the French representative's second question, the CHAIRMAN proposed 6 p.m. on Tuesday, 22 May, 1951, as the deadline for the receipt of observations by delegations for annexation to the Report.

It was so agreed.

The CHAIRMAN put to the vote the draft report of the seventh session of the Commission on Human Rights, as amended, subject to the addition of the items listed by the Rapporteur and such further observations as representatives might submit by 6 p.m. on Tuesday, 22 May, 1951.

The draft report of the seventh session of the Commission on Human Rights to the Economic and Social Council, as amended, was adopted by 15 votes to none with 3 abstentions.

Mrs. ROOSEVELT (United States of America) said she had voted in favour of the adoption of the draft report, subject to an express reservation in respect of the provisions on economic, social and cultural rights. The United States delegation was convinced that those provisions should be carefully reconsidered. However, that should not be interpreted as indicating any lessening of United States interest in, or efforts for, the promotion of economic, social and cultural rights through the United Nations or through the interested specialized agencies. The United States delegation had participated in the Commission's endeavours to carry out the General Assembly's instructions to draft provisions concerning economic, social and cultural rights with a view to their inclusion in the Covenant, despite the fact that from the beginning it had been of the opinion that such rights should not be covered by the same Covenant as civil and political rights. The course of events at the present session of the Commission had convinced her delegation, however, that the provisions in that part of the Covenant dealing with economic, social and cultural rights, since they were loosely drafted and not expressed in terms of legal rights, and since they called for different methods of implementation and different undertakings on the part of governments, should be dealt with in a separate instrument.

Mr. HOKOSOV (Union of Soviet Socialist Republics) said that he had abstained from the vote on the draft report as a whole, because he considered that many of the decisions taken during the session had been unsatisfactory or improper for the reasons he had given in detail during the discussion of the individual articles of the draft Covenant.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) said that he too had abstained from the vote on the draft report as a whole for reasons which were identical with those given by the Soviet Union representative.

The CHAIRMAN, speaking as representative of Lebanon, said that he had voted in favour of the adoption of the draft report because he considered the Commission had done good work during the session.

Mr. CHIRIN (France) said that the reason why he had voted in favour of the draft report was that he felt that the Commission had made considerable headway with the study of certain problems which had never before been seriously tackled. No doubt a great deal still remained to be done. Among other things, for example, the French Delegation was most anxious that the constructive implementation measures proposed in connexion with economic, social and cultural rights should be extended to all the other rights as well. However, the study of the draft Covenant had by no means been completed, and he thought there were two serious possible mistakes that must be avoided. In the first place, the Covenant must not be whittled down to a trivial affair; secondly, care must be taken to see that it did not impose undue obligations on States, in order to make sure that a large number of States could see their way clear to ratify it.

It was in the hope that the various States would endeavour to promote ever-increasing respect for human rights, even before ratifying the Covenant, that he had voted in favour of the report.

Mr. ANTON GARCIA (Chile) said he had voted for the draft report on the grounds that it faithfully reflected the discussions which had taken place in the Commission. He himself, of course, agreed with everything the report contained but he felt that on the whole the Commission had done a good job, and had carried out the directives it had been given by the General Assembly of the Economic and Social Council. It was a pity, however, that the Commission had not been able to complete its agenda.

Miss BOWIE (United Kingdom) said that she had voted in favour of the adoption of the draft report as a factual record of the proceedings of the session. The United Kingdom Delegation had taken part in the work on economic, social and cultural rights following the Chairman's ruling that the directive by the General Assembly was mandatory, but the work of the session had confirmed its view that the Covenant should not contain provisions relating to those rights, since they could not be laid down in as precise a manner as was necessary for their effective inclusion in the Covenant.

M. ZIL Bey (Egypt) said that, in voting for the draft report, he had hoped that all the gaps left in the draft Covenant would be filled by the Economic and Social Council and General Assembly. He trusted that all human rights without exception would find a place in the final text of the Covenant.

He would like the Commission to know what pleasure it had given him to take part in its work for the first time, under the able chairmanship of the Lebanese representative.

Mr. JEVRENOVIC (Yugoslavia) said that he had voted in favour of the adoption of the draft report for the same reasons as those given by the representative of Chile; the report reflected as accurately as was possible the different views of the members of the Commission at the present stage.

Mr. YU (China) said that he had voted in favour of the adoption of the draft report because it gave an accurate picture of the proceedings of the session. The Commission had taken a step forward in the right direction, although perhaps not so far as some members would have wished; but an attempt to go much further at the present session might have had unfortunate results. The texts adopted would provide an excellent basis for future work on the subject. In particular, it would be necessary to adapt mutually the length of many of the articles on different rights, so that they would bear the right proportion to one another, and thus make it possible for the Covenant as a whole to be seen in the right perspective.

Mr. MITLH (Australia) said that he had voted in favour of the draft report, since it recorded substantial progress on economic, social and cultural rights; however, the provisions drafted during the session with regard to those rights needed careful revision, particularly so far as their lay-out was concerned.

## 2. CLOSURE OF THE SEVENTH SESSION

The CHAIRMAN wished to congratulate the Rapporteur and to express his thanks to all members of the Staff of the Division of Human Rights and of the European Office of the United Nations who had helped the Commission in its labours.

He wished to take the present opportunity of conveying his best wishes to Mr. Laurier, who had been widely known as a staunch supporter of human rights long before he had assumed his responsibilities as Assistant Secretary-General in charge of the Department of Social Affairs, and who, since his retirement, was still following the Commission's work with deep interest. He was sure that the Commission as a whole would wish to be associated with that message of good will.

He was confident that the spirit of co-operation and understanding which, despite differences of opinion, had prevailed throughout the session would eventually help to bring about lasting peace.

Mr. SJAELEN (Denmark) said that it had been a great privilege to work under the chairmanship of the Latvian representative, whose disarming sense of good humour and wonderful knowledge of the rules of procedure had greatly contributed to the progress made during the session. He wished to associate himself very warmly with the Chairman's expression of gratitude to all members of the Secretariat who had helped the Commission in its work.

Mr. SANTA CRUZ (Chile) also associated himself with the tributes paid to the Chairman of the Commission and to the Secretariat.

92

Mr. KOSOLOV (Union of Soviet Socialist Republics) also wished to express his appreciation of the Chairman's impartial conduct of the proceedings. He would thank, too, the Secretariat and, in particular, the interpreters and translators, especially those who had worked into and from Russian; they had maintained a very high standard.

Miss WILKINSON (International Federation of Business and Professional Women), speaking on behalf of all the representatives of non-governmental organizations who had attended the session, wished to thank the members of the Commission for their consideration. Mutual advice and consultation were vital to the success both of the Commission and of the non-governmental organizations. All the latter looked forward to the continuance of their harmonious relations with the Commission, which could rely on them for support, particularly in regard to the plans for the celebration of Human Rights Day on 10 December.

Mrs. ROOSEVELT (United States of America) thanked the Chairman and all the officers of the Commission, and also all members of the Secretariat concerned, for what they had done during the session, and wished all members of the Commission success in their work in the cause of human rights, which she knew they would prosecute unrelentingly on return to their home countries.

The CHAIRMAN, avowing that whatever contribution he had been able to make as Chairman to the success of the Commission's work had been largely due to the tradition, precept and example provided by his predecessor, Mrs. Roosevelt, declared closed the seventh session of the Commission on Human Rights.

The meeting rose at 7.15 p.m.