To include those rights in the covenant might delay implementation of the first eighteen articles. It feared also that, the idea of such rights being a new one, the time was not yet ripe for their inclusion in a convention.

4. The Danish Government was most anxious that economic, social and cultural rights should be applied as fully as possible.

5. Believing, however, that the best way to achieve that would be a gradual and continual extension of the activities which the United Nations was already carrying on, her delegation would be in favour of reconsidering the decision taken at the fifth session of the General Assembly and of drafting two different instruments.

6. Her delegation felt that the system of periodic reports proposed in part V of the draft covenant should only apply to economic, social and cultural rights, and the provisions in part IV exclusively to civil and political rights. The representative of Denmark proposed that the Third Committee, through the Economic and Social Council, should recommend the Commission on Human Rights to revise parts IV and V accordingly. It should also be specified that the Member State submitting the report should transmit it through a specialized agency if it were a member of one, and only transmit it through the Secretary-General if it were not.

7. She noted with satisfaction that in its task of formulating economic, social and cultural rights the Commission on Human Rights was co-operating very closely with the specialized agencies, particularly the International Labour Organisation, and with nongovernmental organizations.

8. She appreciated the arguments of those who feared any delay in drafting the part of the covenant relating to economic, social and cultural rights, but felt that it was an undertaking which required lengthy preparation.
9. Mr. PAZHWAK (Afghanistan) observed that the crux of the general discussion had been the question whether to draft a single covenant or two separate covenants.

10. In his opinion, the draft covenant should be completed first and the arrangement of the articles settled afterwards. The existing draft was incomplete. Representatives were not agreed on all the articles, and some of the articles had still to be drafted. He proposed that the Third Committee should discuss it before it considered whether there should be one or more covenants. The covenant should cover all categories of human rights and be the instrument for the implementation of those rights. There was one right which his delegation was particularly anxious to have included in the covenant: the right of peoples to self-determination. He proposed to return to that point during the discussion on the joint draft resolution.

11. He then proceeded to reply to the statement made by the Belgian representative at the previous meeting. It was regrettable that the Belgian representative should have suggested that certain States wanted to teach others lessons without really being qualified to do so, and that he should have attacked the way of life, traditions and beliefs of certain countries, which he did not name, instead of keeping to the text or ideas submitted to the Third Committee. No member of the Committee was entitled to say that a delegation submitting an idea or proposal was not qualified to do so. The delegation of Afghanistan did not want to teach anyone lessons; it was history that taught them. He would point out in that connexion that under the rule of Powers which regarded themselves as qualified to teach others lessons the world had known oppression, aggression and bloodshed. The draft resolution which his delegation, together with others, was submitting to the Third Committee was directed against none of the major Powers—some major Powers had actually upheld the right of peoples to self-determination—not was it directed against the colonial Powers; its sole object was to protect a universal right.

12. The legal difficulties mentioned by the Belgian representative had been explained in 1950; if those explanations were to be repeated it would be best to repeat them when the joint resolution was discussed. Since he wished to keep within the proper limits of the general debate, he would merely point out that the law generally protected the interest of certain persons and very frequently stood in need of revision if human rights were to be protected. As the United States representative had stated at the 360th meeting, it was the United Nations function to forward the cause of human liberty and to make that liberty a reality, and that would be impossible so long as laws remained in existence which enabled one State to deprive others of their liberty.

13. Afghanistan had been deemed worthy to become a member of the League of Nations, the United Nations and a large number of specialized agencies, and it had always scrupulously fulfilled its obligations as a member State. It was a country with a very old civilization in which there was no discrimination, and its Constitution was based on respect for human rights, which were moreover guaranteed by the Mohammedan religion.

14. Turning to the joint draft resolution (A/C.3/L.186), he pointed out that it was a simple one and consistent with the United Nations Charter not only in substance but in form. The first paragraph of the preamble recalled that the General Assembly at its fifth session had decided to recognize the right of peoples and nations to self-determination. Since the Commission on Human Rights and the Economic and Social Council had been unable to carry out the General Assembly's recommendations, the sponsors of the draft resolution had tried to comply with the General Assembly's wishes by asking for an article on the right of peoples to self-determination to be included in the covenant.

15. The third paragraph of the preamble required no explanation: it was only necessary to remember recent historical events.

16. The operative part of the draft resolution was in the spirit of the Charter and quoted textually from it, in particular from Articles 1 and 51. The last paragraph was short, clear and consistent with the other articles of the draft covenant.

17. He expressed the hope that the Third Committee would approve the draft resolution unanimously.

18. Mrs. AFNAN (Iraq) said she failed to understand why the Council had asked the General Assembly to reconsider its decision to include articles on economic, social and cultural rights in the covenant.

19. Despite the difficulties pointed out by the representatives who were reluctant to include those rights in the covenant, the Assembly had recognized the close connexion between economic, social and cultural rights and human and political rights and had invited the Commission on Human Rights to include all those rights in a single covenant. Without wishing to challenge the right of the Commission, she deplored the attempt of the Commission to secure the reconsideration of an Assembly directive, which had resulted in a waste of valuable time.

20. She appreciated the fact that the Commission had not at its disposal sufficient time to complete its task, and thanked the Commission for the positive results it had achieved in formulating a set of economic, social and cultural rights, and in providing a procedure for supervising progress in implementation.

21. Her delegation found it regrettable that of all the courses the Economic and Social Council could follow when seized with the report of the Commission on Human Rights, it had elected simply to have the covenant referred back to the Commission and to have the Commission complete the task originally assigned to it, and had asked the General Assembly to reconsider its previous decision without even entering into the substance of the question—namely, the new articles for the draft covenant.
22. Whatever the difficulties might be, she felt that representatives could be expected to make a sincere effort to solve them.

23. With reference to the definition of the term individual right, she thought that the observance of individual rights depended upon the individual's relationship with the community. Her delegation could not accept a distinction among the inherent rights of the human person as between those requiring immediate implementation and those which were to be observed progressively, nor could it agree to the distinction between rights which could be implemented by legislative measures and those requiring the creation of favourable economic conditions. The exercise of any right, even of civil and political rights, required favourable conditions, created by the exercise of economic, cultural and social rights. Progress in achieving economic, social and cultural rights did not depend solely on existing resources; it was important that under conditions created by the exercise of civil and political rights, persons determined to acquire economic, social and cultural rights should not be prevented by the lack of resources.

24. She cited the examples of the United States of America and the United Kingdom to show that social and economic legislation had resulted, in both countries, in the achievement of great progress in the social and economic fields during rather dark periods of their history.

25. In connexion with the question of a single covenant, she said that for certain delegations the acceptance of the inclusion of social, economic and cultural rights would depend on the implementation of articles, and for others on the inclusion of a federal or of a colonial clause.

26. It would be absurd to draw up provisions of implementation and reservation before drafting the covenant itself. What those delegations were proposing was in fact to draft various covenants to suit their own particular ends. There was an extremely revolutionary idea underlying the international covenant on human rights which not only recognized human rights but enunciated them collectively. Having been once begun, that great enterprise should not be destroyed even before it was realized.

27. Mrs. MARSHALL (Canada) said she was pleased to note that earlier speakers had recognized the urgent need for ensuring full respect for the inherent rights and liberties of the human person. The protection of those rights assumed special importance at a time when they were being systematically violated in a large number of countries, often by governments themselves. Countries desiring to ensure respect for those rights could therefore be in disagreement only in regard to the way in which they were to be implemented. In that connexion, the most important question was whether the various human rights should be incorporated, depending upon their character, in a single instrument or in two instruments.

28. At the thirteenth session of the Economic and Social Council the Canadian delegation, concurred with the majority, had voted in favour of the resolution asking the General Assembly to reconsider its decision to include articles on economic, social and cultural rights in the same instrument with articles on civil and political rights. The difficulty of determining the methods of implementation applicable to each category of rights had indicated clearly that the two categories were different in nature and that it was not very desirable, and perhaps even impossible, to include them in a single instrument.

29. Accordingly, her delegation hoped that the General Assembly would not only reconsider but reverse its decisions. It would be a disservice to the cause of human rights, to the cause of economic, social and cultural rights in particular, to include both categories of rights in a single instrument. Admittedly, without economic, social and cultural rights civil liberties were an illusion; both categories of rights were of equal importance and inseparable from each other.

30. Still, it had to be realized that there was an essential difference between methods for implementing civil and political rights and those which would ensure the protection of economic, social and cultural rights. Civil and political rights could be implemented by the application, within a reasonable period, of legislative and administrative measures within the domestic competence of each signatory State.

31. On the other hand, the implementation of economic, social and cultural rights presented quite a different problem. Those rights represented essentially long-term aims to be achieved gradually by the community. The rate of progress towards the achievement of those aims would depend directly upon the degree of economic development, the level of education, climate, and the natural and human resources of the various countries.

32. Her delegation feared therefore that to attempt to incorporate economic and social rights as well as civil and political rights into the first covenant would prejudice the production of an excellent draft, which might otherwise materialize quite soon. She did not think general agreement on economic and social rights was likely to be reached for some time to come, since those rights were to be expressed in terms which would enable all concerned to obtain legal redress. Since a final draft of a covenant on civil and political rights might well be produced in a short time, her delegation hoped that it would not be put off until some distant date, if not indefinitely, through an attempt to reach agreement on other rights which were equally important but could not be implemented so rapidly.

33. That did not mean that the earlier efforts made in the social and economic field should be interrupted. On the contrary, they should be continued both by the United Nations and by the specialized agencies. Important work had been done and was being continued, particularly in the field of technical assistance. The non-governmental organizations were also contrib...
buting, on the national level, to that international work.

34. She said she had not wished to imply that the Canadian delegation would oppose the elaboration of a separate covenant on economic, social and cultural rights. The Commission on Human Rights might find some generally acceptable formula and her country did not wish to oppose any initiative which had met with the Commission's approval.

35. Nevertheless, she wished to reserve her Government's position on the question whether the United Nations should draft a covenant on economic, social and cultural rights as well as on the wording of such a covenant. Her delegation would support the suggestion made by the representative of Israel (360th meeting) that the Commission on Human Rights should be asked to invite all States Members of the United Nations to comment on parts III, IV and V of the draft covenant. The Commission would then be able to profit by the experience, wisdom and legal knowledge of experts from more than sixty countries.

36. The representative of Canada had been glad to note that the suggestion that the Third Committee itself should complete the drafting of the covenant had not met with much support during the general discussion. She felt that the Committee was too large for that type of work and had too little time in which to do it. In any event, that was a task for the Commission on Human Rights.

37. Her Government was most anxious that a clause relating to federal States should be inserted in the covenant. As had been stated previously, the Canadian Government could not become a party to the covenant unless that instrument contained a satisfactory federal clause, for under the Canadian Constitution the power to legislate with respect to human rights was divided between the national Parliament and the provincial legislatures. The Economic and Social Council had asked the Commission on Human Rights to pursue its studies on that subject and her delegation was convinced that the Commission would find some formula which would satisfy the great majority of Member States.

38. Mr. Altaf HUSAIN (Pakistan) said that his delegation had felt some anxiety when listening to the discussion on the draft international covenant on human rights. There seemed to be some danger that the work which was to have given concrete form to the highest ideals of human thought was being done so badly that it might not in the end have been worth all the time and effort devoted to it. Indeed, after having held out a promise of a richer life to all mankind without any discrimination on grounds of race, colour or social standing, some of the authors of the Charter seemed to have lost their initial enthusiasm and to be abandoning the aims and purposes which they had previously supported. It was that attitude which was threatening the work on the draft covenant with failure.

39. It had taken nearly three years and two regular sessions of the General Assembly before the Universal Declaration on Human Rights had been adopted. Two more years had passed and the whole work was threatened with total failure if the General Assembly was not alert and decisive in its actions.

40. The Commission on Human Rights had not carried out the decisions which the General Assembly had taken after long discussions. It had not revised the first eighteen articles of the draft covenant, nor had it examined the federal clause and the question of the right of peoples and nations to self-determination. All that had been done was to place those items on its agenda.

41. He fully realized that the Commission on Human Rights had been pressed for time; however, during the procedural discussion which had taken place before the opening of the general debate, the representative of Egypt had pointed out (358th meeting) that the Commission on Human Rights had encountered serious difficulties, because certain of its members, representing countries whose point of view had not been adopted by the majority of the Third Committee, had tried once more to make their views prevail. That was very unfortunate for it showed a tendency among certain Members of the United Nations to try to undermine the work done by a higher organ—in the case in point, the General Assembly, which was the highest organ of the United Nations.

42. As a result of that tendency, the Third Committee had to listen once more to repetitions of earlier remarks and was making no progress. If immediate and energetic steps were not taken to remedy the situation, it was highly probable that the other questions relating to the draft covenant, which had been settled previously by the General Assembly in resolutions 421 (V) and 422 (V), would be referred back to the Third Committee for further study, and those discussions, repeated year after year on the same questions, would ultimately yield a draft text that would only be an apology for a covenant.

43. If the Third Committee wished the draft international covenant on human rights to reflect the high objectives of the United Nations Charter and to be submitted for signature by Member States without unnecessary delay, it would have to take several prompt decisions. The first would be to reject the Economic and Social Council's proposal that the General Assembly should reconsider the question whether economic, social and cultural rights should be included in one single covenant, for that decision was contrary to that of the Commission and of the General Assembly itself.

44. Secondly, the Committee should request the Economic and Social Council to amend articles 1 to 18 of the draft covenant, in the light of section B, sub-paragraphs 4 (i) and 4 (ii), of General Assembly resolution 421 (V), and to submit a text for those articles to the General Assembly at its seventh session.

45. Thirdly, the Committee should request the Economic and Social Council and the Commission on Human Rights to carry out without delay the directives set forth in section C of that same resolution and in
resolution 422 (V), so as to enable the General Assembly at its seventh session to take a final decision in the matter.

46. The Third Committee should further assist the Economic and Social Council and the Commission on Human Rights by proceeding immediately to draft an article on the right of peoples to self-determination and to consider the articles relating to economic, social and cultural rights and to measures of implementation, which the Commission had drafted in accordance with sections D, E and F of resolution 421 (V).

47. He would not, at that stage in the general discussion, go into the details of the problem and reserved his right to speak again when the Third Committee came to consider the draft resolutions.

48. Mr. VALENZUELA (Chile) first expressed his delegation’s views with regard to section B of the Economic and Social Council resolution 384 (XIII).

49. There was no doubt that the Commission on Human Rights had covered a great deal of ground at its seventh session, since it had drafted all the articles on economic, social and cultural rights and measures of implementation. True, it had not been able to complete the task assigned to it by the General Assembly, but that was because it had had only five weeks in which to do so. Had the Commission been able to meet for eight weeks, as had been the case at its sixth session, it would have placed a full report before the Economic and Social Council, covering also the first eighteen articles and the federal clause.

50. For that reason his delegation had submitted a draft resolution (A/C.3/L.180) requesting the Council to allow the Commission sufficient time to complete its work.

51. He proceeded to analyze the result of the Commission’s proceedings. The Commission had drafted five articles (20 to 24 inclusive) relating to economic rights; he was surprised that they should appear so daringly worded as to jeopardize the whole draft. Articles 20 to 24 recognized the right to work, the right to just and favourable conditions of work, the right to social security, the right to adequate housing and the right to an adequate standard of living. Those were, in fact, the most elementary rights.

52. Articles 25 and 26 recognized the right to the enjoyment of the highest standard of health obtainable and the right of mothers and children to special protection; those were rights recognized under modern legislation in force in Member States. Article 27 recognized the right to form and join trade unions and it was surprising that States Members and non-members of the United Nations shrank from the idea of subscribing to a covenant that proclaimed so fundamental a right.

53. Article 28 dealt, inter alia, with the right to free and compulsory primary education; that right had been recognized for more than thirty years in almost all Member States and it was paradoxical that the countries opposing its inclusion in the covenant were precisely those that had long respected it.

54. Article 32 defined the extent to which the exercise of such rights could be limited by law; the delegations on the Commission on Human Rights which had had to make large concessions to enable the majority to accept the text, could not but be astonished at the fact that, unpretentious as the text was, it did not meet with the unanimous support of the General Assembly.

55. The effort to change the spirit of General Assembly resolution 421 (V) puzzled him; it would be better to carry on and try to obtain results. Some delegations were willing that all the rights should be included in the covenant but did not accept the inclusion of any measure of implementation. Others wished to leave themselves free to make reservations, as if they were dealing with a commercial treaty, but they, too, were prepared for the inclusion of any right in the covenant, provided they could make reservations whenever an article failed to satisfy them.

56. Fortunately, most delegations favoured the draft measures of implementation; but in that connexion there was a difficulty. His delegation, with the experience it had acquired in the Economic and Social Council and in the Commission on Human Rights, understood that the United States representative, when summing up her delegation’s point of view (360th meeting), had made large concessions. The United States, however, was still convinced that it was impossible to draft one single covenant and that measures of implementation could not be the same for economic, social and cultural rights as for civil and political rights. The United States held that civil and political rights would be more speedily implemented because they could be imposed by law, whereas the implementation of economic, social and cultural rights would involve a revision of the whole economic structure.

57. The delegation of Chile could not share that view. Taking as an example article 17, which provided that all were equal before the law, without discrimination—a civil right—he pointed out that it would be necessary, if such a right was to be respected, to amend the immigration laws in many countries and he doubted whether such a reform could be speedily effected, for it was well known that it was easier to split an atom than to eradicate a fixed idea.

58. Referring to the application of the economic, social and cultural rights, he said it had often been rightly argued that unless a State developed economically, its government could not hope to raise the standard of living or to ensure decent housing and adequate wages. He quoted article 19 of the draft covenant, which introduced the economic, social and cultural rights and linked them with the political and civil rights, to show that the Commission stressed the need for international co-operation to guarantee the full exercise of those rights. International co-operation should operate above all in favour of countries which made an effort to respect human rights.

59. He also quoted article 66 of the draft covenant in which the Commission on Human Rights had tried to indicate that all countries should practise solidarity in the application of the economic, social and cultural
rights and that the State should be the partner of the citizens so as to make those rights a reality.

60. Referring to the implementation of the civil and political rights, he said he regretted that the Commission on Human Rights had refused to allow individuals the right of petition, even through non-governmental organizations. The machinery for giving effect to the civil and political rights thus offered only the method of denunciation of one State by another, a method hardly likely to promote international understanding. The Commission on Human Rights had unfortunately rejected the Chilean amendment whereby the signatory States would have undertaken to act in such a way that the denunciation of one State by another would not prejudice their relations. He pointed out that a State could always plead article 2, paragraph 7, of the United Nations Charter and claim that the matter was one essentially within its domestic jurisdiction. Thus the entire system for the implementation of the civil rights was a dead letter.

61. His delegation felt that all rights should be embodied in a single covenant. He realized that the Council of Europe, the Organization of American States and the Arab League could sign one or more covenants covering a larger or smaller number of rights. However, the Members of the United Nations could not do that because all the rights which the United Nations recognized as human rights were contained in the Charter and the Universal Declaration of Human Rights. It would be inconsistent with the provisions of those two instruments to prepare several separate covenants and authorize Member States not to sign them all.

62. The Chilean delegation therefore opposed any reconsideration of the General Assembly's decision and urged the other delegations to reaffirm the provisions of General Assembly resolution 421 (V).

63. He had found many suggestions of great practical interest in the statement by the Iraqi representative. He realized that it was important not to fall into the error of believing that the international community was a projection to infinity of the national community. If the more advanced countries which were opposed to the inclusion of the economic, social and cultural rights were to think of the under-developed countries, they would modify their attitude. Chile was an under-developed country, but it was against development bought at the price of poverty of the people. It had no desire for industrialization obtained at the expense of cheap labour, and it would not accept economic progress unless the working class could acquire and retain all the human rights. Hence a covenant containing only the civil rights would mean nothing to Chile; either the people already possessed them, or economic conditions would not allow them to make use of them. It was not right to adopt in 1951 a covenant more suited to 1914.

64. He added that his delegation would vote in favour of the draft resolution on the right of peoples to self-determination (A/C.3/L.186), which was particularly fair and timely.

65. Mr. MUFTI (Syria) said that his delegation would gladly have confined itself to the short statement it had made at the beginning of general discussion (358th meeting) had not the Belgian representative (361st meeting) distorted the intent of certain delegations, when they had merely reiterated the principle of the right of peoples to self-determination—a principle which the General Assembly had adopted but which the Commission on Human Rights had not had time to consider. The Belgian representative had questioned the good faith of delegations which, in raising the point, had certainly not meant to give a lesson to any one of the countries represented in the Third Committee and had had no desire to give offense.

66. He agreed that the countries for which the principle of the right of self-determination was a major concern had drawn largely, whenever they had been able to set up free institutions, upon the constitutions and liberal traditions of the Powers which, wrongly, felt themselves arraigned. But that was no justification for the reproaches and accusations levelled against those same countries.

67. They were being blamed for living under what was termed an archaic régime. Without taking up the point, he felt bound to observe that it was hardly in the Third Committee's interest to hear some members representing their personal views as obvious facts.

68. If some countries were still the scene of activities incompatible with an international covenant on human rights, it was because, for reasons outside their control and mostly through the fault of foreign Powers, they could not set right the abuses with which they were taxed.

69. Those countries were being blamed for the ill-treatment of minorities within their borders. That appeared to be the pretext which had always served as justification for foreign interventions.

70. The Syrian delegation failed to see any point in the controversy that the Belgian representative had tried to start; but it felt bound to point out that it was not prepared to accept tendentious insinuations, however brilliantly made.

71. Some representatives had said that the application of the principle of self-determination of peoples would create more frontiers, lead to many declarations of independence and so destroy the foundations of international solidarity. The answer to that was that the Atlantic Charter had set forth the principle at a critical time in history, with the object of rallying all freedom-loving peoples to the cause of the great democratic Powers. That was proof of the conviction held then that international solidarity would be strengthened, not weakened, by the adoption of the principle.

72. It had been argued, against the principle of the right of free self-determination, that it belonged to the nineteenth century; apparently the object was to suggest that the principle, applicable at a time of economic liberalism, would be out of place in a world of socialism and controlled economy.
73. It had also been said that the principle was vague and that rules would be required to temper its theoretical nature. Rules were indeed required, but they must not rob the principle of its substance; that was a consideration to be borne in mind when studying ways and means to applying the principle of the right of peoples to self-determination.

74. Those members who were in favour of drafting a separate covenant on economic, social and cultural rights had not yet submitted convincing arguments in support of their stand. There was therefore no need to revise the resolution (421 (V)) adopted by the General Assembly, the more so as such a resolution would not create constitutional difficulties for a country like Syria.

75. The Syrian delegation would accordingly vote for the joint draft resolution submitted by Chile, Egypt, Pakistan and Yugoslavia (A/C.3/L.182). It would see no objection if the covenant contained special implementation provisions for each category of rights.

76. Mr. BAROODY (Saudi Arabia) said that unfortunately he had not been able to attend the 361st meeting when the Belgian representative had made his uncomplimentary remarks about inexperienced States not yet qualified to defend human rights. He had lived many years in the West and, although he had found it possible to admire its art and literature, he had frequently noted breaches of human rights. If blood was flowing in some parts of the world, it was because certain Western Powers were striving to stifle the voices of peoples claiming their freedom. He deeply regretted that the Belgian representative had not had the leisure, doubtless owing to excessive preoccupation with the social problems of Belgium, to consult the Koran and the constitutions of the Arab countries. He was not unaware of his country's imperfections, but he stressed that the West had often distorted the sense of the word democracy. Democracy was seemingly the prerogative of the West and of those who followed its way of life, just as, in ancient times, there had been two concepts of democracy, the one, actual democracy reserved for the Athenians and the other, slavery, for the barbarians.

77. The CHAIRMAN stated that, as she had to attend the session of an International Labour Organisation committee which was meeting at Geneva the following week, she would be unable to preside at the meetings of the Third Committee. In her absence the Vice-Chairman would take her place.

The meeting rose at 1.20 p.m.