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Present:

Chairman:

Mr. HALIK (Lebanon)

Members:

Australia

Mr. WHITLAM

Chile

Mr. VALENZUELA

China

Mr. YU

Denmark

Mr. SCRENSE

Egypt

AMR Bey

France

Mr. CASSIN

Greece

Mr. EUSTATHIDES

Guatemala

Mr. DUPONT-WILLEN

India

Mrs. MENA

Pakistan

Mr. WHEED

Sweden

Mrs. RÖSSEL

Ukrainian Soviet Socialist
Republic

Mr. KOVALENKO

Union of Soviet Socialist
Republics

Mr. KOROSOV

United Kingdom of Great Britain
and Northern Ireland

Miss BOWIE

United States of America

Mrs. ROOSEVELT

Uruguay

Mr. CI.SULLO

Yugoslavia

Mr. JEVREMOVIĆ

Representatives of specialized agencies:

International Labour Organisation

Mr. PICKFORD

United Nations Educational,
Scientific and Cultural
Organization

Mr. BAJMATE

Representatives of non-governmental organizations:

Category A

World Federation of Trade Unions	Mr. FISCHER
International Confederation of Free Trade Unions	Miss SENDER
International Federation of Christian Trade Unions	Mr. EGERLANN

Category B and Registrar

Agudas Israel World Organization	Chief Rabbi SHAFRIN
Caritas Internationalis	Mr. PETERKIN
Carnegie Endowment for International Peace	Mrs. CARTER
Catholic International Union for Social Service	Miss de ROMER Mrs. SHRADER
Consultative Council of Jewish Organisations	Mr. MOSKOWITZ
Co-ordinating Board of Jewish Organisations	Mr. HARBURG
International Federation of Business and Professional Women	Miss TOMLINSON
International Federation of University Women	Miss ROBB
International League for the Rights of Man	Mr. de MADAY Mr. BALDWIN
International Union of Catholic Women's Leagues	Miss de ROMER Miss ARCHINARD
Women's International League for Peace and Freedom	Miss BAER
World Jewish Congress	Mr. BIENENFELD Mr. RIEGNER

Secretariat

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

1. 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:

1. Special Provisions on the right to own property (E/CN.4/599, E/CN.4/603,
E/CN.4/614) (continued)

The CHAIRMAN invited the Commission to continue its consideration of the proposals relating to the right to own property.

Mrs. ROOSEVELT (United States of America) hoped that the Commission was convinced of the need for including in the Covenant an article on the right to own property. Her delegation's proposal (E/CN.4/599) was based on article 17 of the Universal Declaration of Human Rights, and represented a compromise. The word "arbitrary" in the phrase "protected from arbitrary deprivation of property" was meant to be broadly interpreted. Her delegation did not maintain that the right to own property was an absolute right, but considered that it would be preferable to provide for the limitation of that right in a general clause applicable to all the economic, social and cultural rights covered by the draft Covenant, along the lines of the draft which her delegation had submitted for such a clause (E/CN.4/610/Add.2).

Mr. EUSTATHIDES (Greece) said that there were two main texts before the Commission: the United States proposal (E/CN.4/599) with the Uruguayan amendment thereto (E/CN.4/603), and the Soviet Union proposal (E/CN.4/614), also in the form of an amendment. Most members of the Commission recognized that the essential problem was whether the notion of arbitrary deprivation of property should or should not be defined. The Uruguayan amendment would be acceptable to the Greek delegation, provided it was added to the United States proposal and did not restrict it in any way.

At the previous meeting, the Yugoslav representative had raised the question of deprivation of property in cases where the owner had committed a

original offence, and the Chilean representative had brought up the problem of the seizure of enemy property. It must be clearly understood that deprivation of property in such cases did not constitute a violation of the right to own property, and that would be achieved if the Uruguayan amendment were added to the last clause of the United States proposal instead of being substituted for it.

Any attempt to take in the question of the laws of the country in which property was situated, as was proposed, for example, in the Soviet Union amendment to the United States proposal, would raise the difficult problem of the rights of aliens. Ordinary international law recognized a minimum of alien rights, and it must be clearly stipulated that in the matter of expropriation, equality of treatment between nationals and aliens was inadmissible. There was ample precedent, old and new, to support that contention, with which theory too was in keeping. The principle must be recognized that in certain cases an alien had a right to preferential treatment over a national, in order, as had been quite rightly pointed out by Mr. Jessup in his "Modern Law of Nations", to encourage international relations and trade.

Since any reference to national legislation would appear to disregard the recognized rules of international law, his delegation suggested that the Commission should insert in the text to be adopted the words "without prejudice to the rules of ordinary international law in relation to aliens' rights", or, more generally and simply, "without prejudice to the rules of ordinary international law".

Mr. CIASULLO (Uruguay) felt called upon to give certain explanations in view of the statements made by the Chilean representative at the previous meeting. He had been surprised to hear the Uruguayan amendment described as "monstrous", and as defending the absolute right to property. He could not see what objection could be raised to an amendment whose only purpose was to clarify the principle laid down in the United States proposal.

Moreover, the Uruguayan delegation had put forward the amendment in accordance with instructions received from its Government. There could therefore

be no reason for surprise that the text had been borrowed from the Uruguayan Constitution. His delegation had felt that the Commission was trying to bring domestic and international legislation, which were merely two aspects of the same legal code, into line. It had not wished to oblige the Commission to adopt a clause taken from the Uruguayan Constitution; it had merely wished to put forward a text capable of commanding universal support.

The additional wording proposed by his delegation was intended as a double safeguard: to protect the individual's right to own property, and at the same time to protect the right of society by means of regulations to which the right of the individual would be subject.

With regard to the position of aliens, it was the usual practice for an alien taking up residence in a country to enjoy the rights granted to nationals, while at the same time being subject to any restrictions applying to nationals.

Deprivation of property for a criminal offence had no connexion with the principle of the right to own property. Such action was justified, in that it implied a debt due to the community. With regard to enemy property, confiscation was covered by the laws of war. The Commission should legislate for ordinary circumstances, and not trouble about exceptional cases.

Mrs. KENTA (India) was not sure whether the Commission should accept the view that the right to own property was fundamental. If by "property" was meant only such property as had been acquired by a person's own labour, then the right to own such property could be regarded as fundamental; but that might not be true of property inherited, or of property acquired illegally. As, however, the Indian Constitution recognized the right to own property, she would not contest the fundamental nature of that right. Her delegation would support the Soviet Union amendment (E/CN.4/614), since it considered that recognition should be given to the fact that the laws relating to property rights differed from country to country.

As in some countries it was customary for women to lose property rights on marrying, the Covenant should provide for protection for married women's property rights.

On the question of discrimination between the rights of aliens and the rights of nationals, she would observe that the rights of enemy aliens were automatically suspended in time of war, so that there was no need to protect them; but she considered that some provision was required to rule out any discrimination against friendly aliens.

All these points should be brought out in the Covenant.

Mr. SÖRENSEN (Denmark) noted that the United Kingdom representative had stressed the complexity of the problem and had suggested that a special conference might have to be convened for its solution. The Yugoslav representative had pointed out that in some countries the right to own property was not recognized. The Greek representative had laid emphasis on the difference in customary law between the rights of aliens and the rights of nationals, whereas the Uruguayan representative had maintained that no such difference existed. In fact, the debate had confirmed the view which he (Mr. Sörensen) had expressed earlier, namely, that the Covenant should not contain an article relating to the right to own property.

The adoption of a narrow formula might not meet with the approval of some governments, and might cause them to hesitate to ratify the Covenant on that account. In view of that possibility, it would be wiser to accept the Chilean view that the right to own property was not fundamental. Human beings could develop their personalities to the full without protection of property rights.

He agreed that in international law the rights of aliens were better protected than the rights of nationals. Nevertheless, recognition of that difference in the Covenant might be regarded as contrary to its spirit, and might be voted down, to the ultimate detriment of the status of aliens.

It was also desirable to consider the effect on the structure of the Covenant as a whole of the inclusion of an article relating to property rights. Whereas the Commission was dealing with the question under the general heading of economic, social and cultural rights, the matter had been discussed in the General Assembly within the framework of the first eighteen articles. The

measures of implementation for those articles differed considerably from the measures contemplated for the implementation of economic, social and cultural rights. In his view, the latter category of measures would be totally inapplicable to the right to own property, which should be governed by the implementation provisions relating to the first eighteen articles.

Again, in the light of modern economic developments, which involved such processes as nationalization, the question of expropriation was of so highly controversial a nature that it would be doing the cause of human rights no good to provide for the reference of such questions to an international body; some governments would certainly decline to agree to such a procedure.

In his view, the cause of human rights would best be served by the omission of all mention of the right to own property. At the end of the debate on the subject, he would move that the Commission decide, in view of the complexity of the problem, not to include in the draft Covenant a provision relating to the protection of private property.

Mrs. ROOSEVELT (United States of America) observed that the United States proposal (E/CN.4/599) both recognized the right to own property, and provided an assurance against arbitrary or unjust deprivation of property. The Uruguayan amendment could be regarded as an addition to the United States proposal, and as a strengthening of the guarantee of protection from arbitrary deprivation of property.

Whereas the Soviet Union amendment appeared to aim at the control of property, including personal property, by any legislation which a State might impose, the United States delegation considered that, as she had already made clear, the limitation of the right in question could best be effected by a general clause such as the text it had submitted in document E/CN.4/610/Add.2, and would consequently vote against the Soviet Union amendment.

In her view, the rights of women were protected by the provision already adopted on the equality of rights of men and women.

With regard to the Danish representative's remarks, she thought it could equally well be asserted that many countries would be more willing to ratify a covenant which included a provision relating to the right to own property than one which made no such provision. Whether it should be placed in the section on economic, social and cultural rights or elsewhere was a matter for decision at a later stage; its inclusion under economic, social and cultural rights for the time being would not affect that issue.

Mr. CASSIN (France) considered that the Commission must not seek to evade a difficult issue. It was bound to assert the principle of the right to own property, because the Universal Declaration itself mentioned that right. It would then devolve upon the General Assembly, if it so wished, to decide finally whether separate covenants were necessary.

It would not be fitting to ignore man's tendency to acquire worldly goods, a tendency that had existed for thousands of years, and so to pass over so fundamental a problem in silence.

The divergencies of view between delegations were, moreover, not insoluble. It was not the Commission's task to define in detail the means of protecting the right to own property, but only to recognise the principle of that right and its protection, as the Universal Declaration had done.

His delegation had no objection to the Soviet Union amendment to the United States proposal (E/CN.4/614). The Commission might, accordingly, contemplate adopting a text which would reproduce the United States proposal as its first paragraph and that of the Soviet Union in a second paragraph, finally leaving it to the State to define those categories of property in respect of which the right of ownership was reserved to the State, and those for which compensation would be paid. That final paragraph, which would embody the ideas expressed in the Uruguayan amendment, would not need to be supplemented by the ingenious formula proposed by the Greek representative with regard to aliens, which it would render redundant. The adoption of such a text by the Commission would not prejudice the solution of the problem of

defining means of protection, but would merely serve to state that where the concept of property was recognized, the right to protection against arbitrary deprivation was automatically implied.

To sum up, his delegation was of the opinion that, although the right to own property should be asserted in the Covenant, and the Commission had the necessary authority to define that right, it was in no sense an absolute right, because man took precedence over property, and were not subservient to chattels.

AZMI Bey (Egypt) thought that the Commission should first decide the question of principle, namely, whether or not the right to property should be mentioned in the Covenant. If that preliminary question were answered in the affirmative, the Commission might evolve a text including, further amended if necessary, the United States proposal, the Soviet Union amendment and the Uruguayan amendment, each of which would form a separate paragraph.

Mr. BIENEFELD (World Jewish Congress), speaking at the invitation of the CHAIRMAN, wished to emphasize the importance of the word "arbitrary" as employed in the United States proposal. In the course of the discussions in the Economic and Social Council, the World Jewish Congress had submitted a memorandum (E/C.2/259/Add.1) in which emphasis was laid on the definition of the word "law" for the purposes of the Covenant as a whole. The use of the word "arbitrary" had a bearing on that point; it had different connotations in European and in Anglo-Saxon jurisprudence. Under the latter, the law itself would be regarded as arbitrary if it contravened accepted legal principles. In continental legal practice, however, the words "lawful" and "arbitrary" were considered to be contradictory; as a result, a law could not be deemed arbitrary. If a case were not settled by law but left to a government for settlement, and the latter's decision was regarded as arbitrary, that could only mean that the decision was wrong.

In the circumstances, therefore, the adoption of an article on the right to own property including the word "arbitrary" as it was employed in the United States proposal might create an unfortunate precedent on a fundamental

issue, and its impact on article 6 of the draft Covenant, which said that "no one should be subjected to arbitrary arrest or detention", was a matter for serious consideration. The complaint against the Nazis was not that certain laws had been applied in arbitrary fashion, but that the laws themselves had constituted a crime. No one on the Continent would read into a clause dealing with the protection of property from arbitrary deprivation the prohibition of arbitrary laws.

The same comment applied to the Uruguayan amendment, which spoke of cases of public necessity or utility established by law. In his view, it was essential that the Commission should first decide what was meant by the words "law" and "arbitrary".

Mr. SANTA CRUZ (Chile), while appreciating the weight of the Uruguayan representative's remarks, said that in commenting on the amendment submitted by the Uruguayan Delegation he had merely stated that it endorsed the unrestricted right to own property, which was monstrous. At all events, that would be its effect if not its intention.

The Uruguayan representative's explanation that he was acting on instructions received from his Government displayed a misunderstanding of the structure of the functional commissions of the Economic and Social Council. For rejection of the proposal that the functional commissions should consist of experts appointed in their personal capacity by the Economic and Social Council had not implied acceptance of the opposite principle, namely, that whereby members of the functional commissions would possess the powers of representatives authorized to commit their Governments. The actual procedure adopted was a compromise under which various States were elected members of the functional commissions, and their Governments submitted nominations for actual representation for confirmation by the Economic and Social Council. It could therefore be said that the statements of members of the Commission did not commit their respective Governments.

While he himself, as a plenipotentiary, would be prepared to sign a Covenant which included the provisions concerning the right to property contained in the Uruguayan amendment, since those provisions were in conformity with the Chilean legal system and with the Chilean Constitution, he felt bound, on the other hand, as a member of a functional commission whose aim it was to conclude a Covenant of world-wide scope, to take into consideration existing legal systems in all the countries of the world. He did not therefore feel entitled to require countries whose legal system differed from that of his own country to sign a Covenant which stated that expropriation should be accompanied by fair compensation.

The sense of the word "arbitrary" was brought out clearly, although the word was not therein explicitly defined, in the Universal Declaration, and it should be understood to apply to acts-perpetrated in defiance of the general principles governing relations between men in a civilized society. That was a concept which went beyond that of mere infringement of the law, and which was related to the general concept of justice, which was of course open to various interpretations in different countries.

He agreed with the Danish and Egyptian representatives as to the inoffensive nature of the United States proposal, which merely took up a provision of the Universal Declaration. If the Commission omitted all reference to the right to own property, it would give the impression that the latter was not a fundamental right.

He hoped that the French representative would be able to propose a text capable of commanding the support of the whole Commission.

Mr. YU (China) held that the right to own property was fundamental, and that it had been included in the Universal Declaration for that reason. If it was omitted from the Covenant, the Commission would be criticised for not tackling a task, which admittedly presented considerable difficulties. He did not doubt that the matter would be raised again in the Economic and

Social Council and in the General Assembly. But his delegation would oppose the exclusion from the Covenant of an article relating to that right.

Respect for the right to own property had been sanctified by tradition, and the issue was the more important to-day, in as much as certain countries were attempting to violate that right. He conceded the difficulties involved in the concept of the arbitrary deprivation of property, but believed that it would be impossible to find a more exact formula than that of the United States proposal.

The whole question should be taken one step further than the Egyptian representative had suggested. Before considering whether or not the right to own property should be included, the Commission should decide whether in point of fact the right was an economic one. In his view, it was.

Mr. WHITLAM (Australia) said that in his country opinion would be divided on whether the right to own property was fundamental. While the answer would undoubtedly be in the affirmative in the case of movable property, there would be no clear-cut verdict with regard to immovable property. There was also the question whether that right should be included in the Covenant under the section dealing with economic rights, or under that dealing with civic rights. That consideration was of special importance, since it involved the question of implementation; and the concepts of arbitrary deprivation and just compensation would have to be carefully treated.

The representative of the World Jewish Congress had raised important issues of international law. In Australia, the term "arbitrary" had no clear juridical meaning. If the term was to be used in the Covenant, it would need to be defined in accordance with both international and national law. Considerable difficulty was also entailed by the reference to compensation. Just compensation was entirely consonant with Australian law, but there would be no inclination in his country to subject domestic acquisitions for public purposes to international supervision. His delegation

would therefore have to oppose any such provision. In fact, the only provision it could accept for inclusion in the Covenant would be Article 17 (1) of the Universal Declaration.

In order to clarify the issues involved, he would suggest that the Secretariat prepare a memorandum on the relevant aspects of international law, on the concept of 'arbitrary deprivation', and on other doubtful points brought up in the discussion.

Mr. CASIN (France) read out the following draft for the combined provision which he had suggested in his earlier intervention should be adopted:

1. The States Parties to this Covenant recognize the right of everyone to own property alone, as well as in association with others;
2. This right shall be subject to the laws of the country in which the property is;
3. No one shall be arbitrarily deprived of his property. Expropriation shall only occur in cases of public necessity or utility established by law and provided equitable compensation is made, account being taken where necessary of the origin of the property and the nature of the possessions expropriated."

Paragraphs 1 and 2 repeated the substance of the United States proposal and of the Soviet Union amendment respectively.

The first sentence and first part of the second sentence of paragraph 3 were based on the Uruguayan amendment, and stipulated the conditions under which expropriation might be carried out, while leaving it to the various States to determine by their national legislation the conditions governing the evaluation of the necessary equitable compensation. The only new addition was the last clause of paragraph 3, which stated that account should be taken, where necessary, of the origin of the property (earned, inherited and so on) or of the nature of the possessions (articles in daily use or consumer goods on the one hand, and capital goods on the other).

In view of its general character, he hoped that the text might be acceptable to all representatives.

Mr. EUSTATHIADES (Greece), replying to the observations of the representative of the World Jewish Congress, said that arbitrary action might, as had been pointed out, arise under the law; but any risk of the word "arbitrarily" being interpreted in a restrictive sense would be avoided by the adoption at a later stage of a general clause such as that proposed by the United States delegation (E/CH.4/610/Add.2), which clarified the point by defining the cases in which rights recognized in the Covenant might be subjected to limitations, and which, in particular, and in accordance with Article 29 of the Universal Declaration, took into account "the rights and freedoms of others" and the requirements of "a democratic society".

Mr. MOROSOV (Union of Soviet Socialist Republics) said that the discussion clearly showed that representatives were fully aware of the difficulties involved, and therefore reluctant to proceed further. The truth of the matter was that in the United States proposal and the Uruguayan amendment thereto (E/CH.4/599 and E/CH.4/603), the article on the right to own property was so conceived that it fell outside the framework of the Covenant. The Commission was naturally hesitant to assume responsibility for a decision which would not entirely conform to the instructions given to it by the General Assembly in resolution 421 (V).

The United States proposal was based on Article 17 of the Universal Declaration and was perfectly clear. So was the Soviet Union amendment thereto (E/CH.4/614), which had been supported by several representatives, who had described it as consistent with national legislations and practices. He therefore failed to see how the United States representative could interpret that amendment as an attempt to impose a control over the right to own property. The United States proposal itself was tacitly limitative, indeed it must inevitably be so, since every government applied certain regulations and controls. Thus, for instance, a person could take property into the United States of America, but could not take it out. The Soviet Union amendment was entirely in accordance with national legislation.

Those considerations were, however, outweighed by the difficulties of drafting a text which would clearly define in what cases and under what

conditions a government could take action with regard to the right to own property. The logical outcome of the United States proposal and the Uruguayan amendment thereto would be an exhaustive enumeration of cases of limitation. That complex task was beyond the competence of the Commission. A wide field of governmental practice was involved and, as the Danish representative had pointed out, the Commission would touch upon the delicate subject of interference in the domestic affairs of States. The only acceptable provision was that contained in Article 17 (1) of the Universal Declaration.

As to certain cognate aspects of the problem, he (Mr. Morosov) would observe that no one regarded as valid juridical practice the way in which arbitrary expropriation with a legal gloss to it had been carried out in Germany under the Nazi régime. The term "law" had a recognized meaning, as also had the violation of law, and it was generally admitted that Nazi legislation had nothing whatever to do with legality as that concept was commonly understood.

Although the first part of the United States proposal expressed the right to own property with sufficient clarity and firmness, it was impossible for the Commission to follow the course indicated by the Uruguayan amendment (E/CN.4/603) and the proposal just made by the French representative. The Commission must not stray into spheres where its decisions might come into conflict with the concept of national sovereignty. It had been called upon to draft a legal instrument which would reflect the will of the majority and would be acceptable to governments.

The CHAIRMAN ruled that the debate was closed, and recalled that the Danish and Egyptian representatives had both suggested that the Commission should take a decision on the advisability of including, in the Covenant an article on the right to own property. Such a decision, taken in the margin, as it were, of the proposals before the Commission, did not fall within the scope of any express provision in the rules of procedure, and the way in which it should be handled must therefore be left to His discretion.

In view of the importance of the issue, he would rule that the Commission first vote on the question of principle which, as formulated by the Danish representative, might be put to the Commission in the following form:

"The Commission on Human Rights decides not to include at present in the International Covenant on Human Rights an article on the right to own property".

The Danish proposal was adopted by 10 votes to 6, with 2 abstentions.

2. General Clause concerning economic, social and cultural rights (E/CN.4/574, E/CN.4/609, E/CN.4/610 and Add.1 and 2, E/CN.4/612)

The CHAIRMAN invited the Commission to consider the proposals submitted for a general clause covering economic, social and cultural rights. In declaring the general debate open, he would suggest that representatives should also consider the best way in which these proposals might be dealt with. They emanated from the delegations of Sweden (E/CN.4/574), Yugoslavia (E/CN.4/609), the United States of America (E/CN.4/610 and Add.1 and 2) and France (E/CN.4/612). Whereas the other proposals were concerned with the general clause per se, that submitted by the United States delegation bore on the principle of non-discrimination, and might affect the decisions previously taken on that principle; and the further United States proposal contained in document E/CN.4/610/Add.2 dealt with limitations to the enjoyment of economic, social and cultural rights, in accordance with Article 29 of the Universal Declaration. He would therefore suggest that representatives should first examine the general clause from the point of view of substance, and then consider the questions of non-discrimination and limitations.

Mr. MOROSOV (Union of Soviet Socialist Republics) had no objection to the procedure outlined by the Chairman, but pointed out that, in his view, the sum total of the proposals was equivalent to the inclusion of a special covenant within the Covenant itself. He would therefore wish, in his comments, to link the general clause with the proposed articles on non-discrimination and limitations.

The CHAIRMAN said that he would allow the Soviet Union representative to do so, while sticking to the procedure which he had suggested.

Mr. EUSTATHIADES (Greece) said that his delegation would play a full part in the examination of the general clause. It reserved the position of the Greek Government, however, regarding the advisability of defining economic and social rights in a separate covenant.

His delegation was in favour of the French proposal (E/CN.4/612), because that was the only one which embodied the idea of international co-operation. The others, namely, those of Sweden, Yugoslavia and the United States of America, would also have his delegation's support, subject to certain amendments.

The French draft called for only one reservation: the obligations laid on governments in the last paragraph should be restricted to the rights "acknowledged here-under", and should not embrace all economic, social and cultural rights. The Commission should not endeavour to impose on Governments commitments in respect of implementation which went further than the rights it had formulated.

The Greek delegation, as he had indicated on a previous occasion, would support the United States proposal in document E/CN.4/610/Add.2.

The CHAIRMAN asked whether the sponsors of the several proposals could not, after informal consultations, agree on a joint text.

AZKI Bey (Egypt) recalled that the possibility of drawing up separate covenants had been examined by the Third Committee of the General Assembly, and explicitly rejected by the Assembly in resolution 421 (V) (section E, paragraph 7 (a)).

His delegation preferred the French proposal, the recital of which was well presented.

With regard to the operative part, having compared the expressions used in the various drafts before the Commission, he proposed that the words "by

legislative or other methods", taken from the United States draft, be added after the words "pledge themselves" (which he preferred to the term "undertake") in the French proposal.

Mrs. RÖSSEL (Sweden) said that, in order to simplify the proceedings, she would withdraw her proposal, since it was very similar to that submitted by the United States delegation.

Mrs. KEMTA (India) recalled that she, too, at the beginning of the session had raised the question of the negotiation of a separate covenant for economic, social and cultural rights. In answer to her question whether the Commission was bound by the terms of General Assembly resolution 421 (V), the Chairman had given a general ruling to the effect that, although the Commission was morally bound to comply with the instructions of the General Assembly, it could make such recommendations as it considered appropriate on the possibility of a separate covenant for those rights. Would that point be examined by the Commission or not?

If there were only to be one Covenant, she was unable to understand the first paragraph of the French proposal, which referred to the civil, civic and political rights and liberties "acknowledged and defined above", in contrast to the economic, social and cultural rights proclaimed in the Universal Declaration.

In the main, she was in favour of the French proposal, because it referred to international co-operation, a point which was of cardinal importance to the under-developed countries, which needed help if they were to be capable of implementing economic rights.

She supported the Chairman's suggestion that the delegations of France, the United States of America and Yugoslavia should endeavour to draft an agreed text.

The CHAIRMAN said that once the Commission had carried out the task allotted to it, it could adopt a resolution recommending that the Economic and Social Council should reconsider the whole issue of whether economic, social and cultural rights should be included in the Covenant. Such a resolution would not affect the substantive decisions taken by the Commission on the articles themselves.

Mr. CASSIN (France) pointed out that the first part of his text was based on the assumption that only one Covenant would be drawn up.

He appreciated that the wording of the operative part had much in common with the texts submitted by the Yugoslav and United States delegations, in collaboration with which he was prepared to work out a joint text.

The meeting rose at 1.05 p.m.